

LAWPRO®

social media:

- Why, what and how to do it right
- Pitfalls to avoid
- In the courts

ALSO

Supervision: You are responsible

Enhanced counterfeit cheque coverage





The facts on overdraft protection

Our plan was to have this column focus on social media and its applicability to law practices. And although this column now will tackle a very different subject, I encourage you to spend some time over the coming holidays with this issue of LAWPRO magazine, and consider how social media could be put to work for your practice.

Certainly we at LAWPRO are walking the talk: On pages 15 to 16 you'll learn about our new Avoid A Claims blog, our e-newsletters, and our Twitter presence. You'll hear more on how to use social media to improve your practice through a new social media column that we'll be launching in 2010.

This column focuses instead on an issue that is of concern to many of you and consequently to us – the expanded protection against counterfeit bank instruments that we announced in October. From your calls and emails, it is clear that some clarification is needed.

1. This is an enhanced protection

As is explained in the E&O coverage article on page 26, the Law Society **insurance program has generally provided protection in situations where funds of legitimate clients were inadvertently paid out to fraudsters** prior to the lawyer discovering that he or she was dealing with a fraudulent instrument. **This protection for innocent clients will not change – and you do not need to make any changes to your practice for this protection to be in effect.**

However, in situations where the shortfall was strictly between the lawyer and the bank – i.e. no legitimate client funds were affected – there was no coverage under the program in LAWPRO's view. This approach is consistent with the intent of a professional liability policy, simply stated: To provide a defence and/or indemnify a lawyer where a client brings a claim for negligence.

LAWPRO's commitment to stand behind client funds, as described above, may exceed the coverage generally provided by professional liability programs; in other words, some programs would not necessarily cover the loss of client funds from a trust account when a fraudulent instrument is reversed.

But in keeping with our commitment to be responsive to the concerns of lawyers and the evolving nature of the legal landscape, we are now going one step further: As of January 1, 2010, in specified circumstances lawyers will have certain coverage in situations where the lawyer is liable at law under his or her contract with the bank due to an overdraft caused by reversal of a fraudulent instrument.

2. Responsible underwriting requires "best practice" conditions on this enhanced coverage

Coverage enhancements do not exist in a vacuum: They potentially increase claims costs – which generally are passed on to insureds through increased premiums. Lawyers are already feeling the strains of a weakened economy, and the Law Society program base premium needed to be increased by \$500 per lawyer to address other cost pressures. So, we at LAWPRO felt we had to do the best we

could to expand coverage without creating the need for a further immediate premium increase, from an actuarial perspective.

We are mandated by the Law Society to operate in a commercially reasonable manner and to risk rate the program. Responsible underwriting is part of that equation: The "best practice" limitations that are attached to this enhanced protection moderate the risk to which the program is exposed and strive to equalize the likely impact on the insurance program arising from the different practice areas of the bar. What the best practices do not do is equalize fraud risk for lawyers as business people across all different practice areas and types of retainers. That would likely require specific risk-rating of the coverage per area of law and/or law firm.

3. It may not be possible to do "business as usual"

Some lawyers tell us that the limitations put on the enhanced overdraft coverage (the eight-day wait before drawing on funds, or verification from the drawee or lawyer's own financial institution, confirmed in writing, that the instrument is valid) are impractical or unmanageable. Again we reiterate that these limitations apply only to those wanting to avail themselves of the enhanced coverage.

We also recognize that, for those wanting to limit their exposure to certain forms of fraud, certain practice realities may need to change. One risk mitigation strategy we encourage lawyers to consider is wire transfers through the Large Value Transfer System (LVTS) which provide a real value assurance according to the by-laws of the Canadian Payments Association. You may also want to lay the foundation for a new approach to funds handling in your retainer letters by, for example, requiring that your client wire you funds for the cash portion of the transaction and give you notice of who the lender is some time before closing, so you can satisfy yourself as to how funds will be delivered by the lender.

LAWPRO will, over the coming weeks, continue to work with practitioners to address these and other concerns. Look for further practice tips and ideas in our December LAWPRO Webzine (our new web-based newsletter). The fight against fraud is a journey that will continue throughout our professional lives. Failing to adopt strategies to fight fraud is saying to the fraudsters, "please, take our money", whether you hand it over directly or via LAWPRO indemnifying you. Remember that every \$1 million in costs for LAWPRO equals another \$50, more or less, on the base premium. It doesn't take many frauds to hit \$1 million of loss these days.

In the magazine last winter, I hoped for a new year with fewer challenges. I am not sure any of us got that in our work lives during 2009. But on a personal note, I wish you and yours the very best of the coming holiday season, with an opportunity to re-charge and re-connect with what matters most to you.

Kathleen A. Waters
President & CEO

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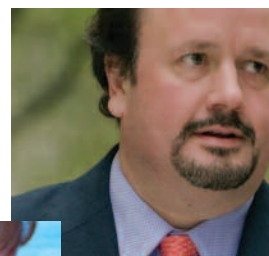
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Publications Mail Agreement No. 40026252
Return undeliverable Canadian addresses to:
LawPRO
250 Yonge Street
Suite 3101, P.O. Box 3
Toronto, ON M5B 2L7

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Social media: why



This is not another article about how social media is going to be the next big thing, because it already is.

Nor is it another article about how social media is changing the web and the way we communicate, because it already has.

This article, however, is about the fascinating new landscape developing online, and the tangible ways you can leverage social media.

Contrary to some beliefs, social media isn't only for Internet marketers and teenagers. It's for anyone looking to engage, connect and network with others online. The tools themselves are simple to use and easily adapt to suit the user. Think of the different social media services as food ingredients – depending on who's doing the cooking, you're bound to get different results.

And results are what it's all about. Never before have there been so many options that offer such a variety of results. You can use social networks to learn, exchange ideas and collaborate on projects. You can use them as a human search engine – “crowd-sourcing” the answers to very specific questions. Or you can turn those same social media services into an exceptional marketing tool – growing your business and connecting with potential clients in a way you never could before.

Yes, the possibilities seem endless.

Take marketing for instance. As little as 15 or 20 years ago, the options for self-promotion were limited: newspaper ads, the yellow pages, a radio or TV ad (if you were really willing to spend).

twitter Search

Wonder if someone's talking about you or your firm on Twitter? Interested in connecting with potential clients? Try looking through people's tweets.

Twitter search (search.twitter.com) works like a web search, but restricts its search to Twitter posts. Typing in a few key words, say – “legal advice” or the name of your practice – generates hits featuring those words.

This is ideal for finding out what people are saying about you or for getting in touch with someone who might be looking for someone with a specific expertise.

You've been served

Political blogger Donal Blaney recently was the victim of an online impersonator. Someone started a Twitter account in his name and started posting. Blaney filed a suit against the imposter, but with limited options for tracking down the imposter, the law firm was allowed to serve the injunction via Twitter. A tweet was sent to the user with a link to the full court order. The tweeter complied with the order and is discussing damages with Blaney who apparently is thinking about letting this individual impersonate him one more time – and donate the settlement to charity. (For more on social media and the courts, see *Casebook* on page 19.)

Now, your choices have multiplied and, amazingly, cost less than ever. Through a blog you can promote your knowledge and background, plus interact with readers in the comments section. Twitter lets you talk in real time with followers and share key information. As well, a simple keyword search connects you to people who might be looking for specific information or resources that you possess (see Twitter Search). And while social networks are a great way to gain exposure and profile your achievements, they're also a good place to advertise. Facebook, for example, allows you to create localized advertising, targeting only people in your area.

But where to start?

An easy first step is to investigate the different services and start signing up. If you don't already have a LinkedIn (www.linkedin.com) profile, now would be the time to get one. A social network geared toward professionals, LinkedIn allows you to connect with business associates and "meet" with other people in your profession.

As you'll see in the rest of the magazine, lawyers are also using another social network – the popular Facebook (www.facebook.com) – in some truly enterprising ways to connect with potential clients by engaging in discussions and groups. Sites such as LinkedIn and Facebook also serve as public bios, making them an excellent way to profile your background and accomplishments. And they make it easy for prospective clients to find out about you and enlist your services.

Twitter is another tool that's hitting its stride in the legal community. Lawyers around the world are now sharing blog postings (their own or others) or posting links to important legal information that they think their followers will find interesting (in 140 characters or less). There's even a site devoted to lawyers on Twitter (www.twitter.com) called lawtweet.ca that connects tweeting lawyers.

But there's still more. Through sites such as Gigapark (www.gigapark.com) people turn to their online community of friends to suggest services and professionals with whom they've had good experiences (or to recommend one).

On Yelp (www.yelp.ca) people are writing reviews of experiences they've had (good and bad) at restaurants, stores or even law firms.

Sharing with others is second nature to our technology-skewed generation, whether it's pictures (Flickr, Picasa, SmugMug), social bookmarking websites (Delicious, Digg), Books (Shelfari, Scribd) or opinions (blogs and Twitter). (Corresponding websites are as follows: flickr.com, picasa.google.ca, www.smugmug.com, delicious.com, digg.com, www.shelfari.com, www.scribd.com)

However, the social media world is not without its perils. There have been instances of online imposters (see You've Been Served) and issues surrounding privacy. The same questions keep cropping up: How much of my real-life persona should I share online? How many people are seeing the things I post? And does the information I put online still legally belong to me? (See Pitfalls To Avoid on page 16 for more on some of the dangers of using social media – and how to mitigate them).

The one thing social media **is not** is a passing fad. It is fundamentally changing the ways we interact and communicate. The time to dive in – with both feet first – is now.

Gary Edgar is LAWPRO's communications advisor and co-ordinator of our social media programs. He can be reached at gary.edgar@lawpro.



Women rule

Did you know that women outnumber men in the social media landscape?

Breaking down the statistical data of the most popular social networks showed women users outnumbered men in almost every case. Sites such as Facebook, Twitter, Flickr and MySpace all saw more traffic from female users, while Linked In and Youtube were basically an even split between the two.

Statistics courtesy of PR 2.0 – <http://bit.ly/6mv4S>

Social media: what



The latest statistics indicate that close to 700 million computers are connected on the Internet around the world. Millions of those users are connecting with each other using social media or networking tools: Ideas, information, expertise and (sometimes) trivia are moving from smartphone to desktop or laptop and back faster than anyone could ever have imagined. And all indications are that social media use is growing exponentially.

For those who are not familiar with social media, here is a quick primer on the social media tools that are most useful to lawyers, and some examples of how lawyers are already using them.

Blogs

A blog (short for weblog) is essentially a self-published online journal. Law blogs (sometimes called “blawgs”) focus on matters of interest to the legal community, such as case law, legislative developments, legal technology, law office management, and practice trends.

Any lawyer with a computer and Internet access can write a blog, using free and easy-to-use tools, such as Blogger (www.blogger.com) or WordPress (wordpress.org). No particular technical knowledge or skill is required.

A blog can be incorporated into your firm's website, thereby enriching the site with a constantly changing source of fresh content and attracting more visitors. Text, graphics and video all work well on blogs.

Lawyers have traditionally marketed their expertise by writing articles for client newsletters, continuing legal education programs, legal periodicals, community newspapers, etc., so writing a blog should come naturally to lawyers. But a blog can potentially reach far more readers than the traditional media. And like traditional client newsletters, blogs can be used to strengthen existing client relationships by providing a steady stream of information to clients.

Readers may initially discover a blog while researching a particular legal topic by “googling” relevant keywords. Alternatively, readers can use search engine tools, such as Google Blogs, to find blogs on their favourite topics.

Over time, if a blog reliably serves up timely and relevant content, it will attract regular readers, including other lawyers and potential clients. And, as prolific blogger Garry Wise observes, “typical readers include other bloggers and traditional journalists, who often write about topics addressed by law blogs, with credit and link-backs typically provided. The result of this exchange is more readers and a higher online profile.”

Blogs also offer readers the opportunity to respond and comment, thus starting an online discussion. (Of course, this has its risks: Readers' comments must be monitored to ensure that offensive or defamatory material is not published on your blog.) For more on social media risks, see Pitfalls To Avoid on page 16.

Some notable Canadian law blogs include slaw (www.slaw.ca), “a Canadian co-operative weblog about any and all things legal” and Law 21: Dispatches From A Legal Profession On The Brink (www.law21.ca) by Jordan Furlong, former editor-in-chief of the Canadian Bar Association's National Magazine.

Good examples of blogs by practising lawyers include Garry Wise's Wise Law Blog (<http://wiselaw.blogspot.com/>) and the Hull & Hull Estate Law Blog (<http://estatelaw.hullandhull.com>).

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A one-stop business tool

One look at Michele Allinotte's website tells you this is a lawyer who's "connected."

Prominently displayed on her firm's home page (www.yourcornwalllawyer.com) is a "Follow Michele" box that lets visitors follow her on Twitter, Facebook, LinkedIn or through an RSS (really simple syndication) feed. The site also features a blog and a sign-up box for Allinotte's weekly Wealth Secrets e-newsletter.

Allinotte, who practises business, real estate and estates law, opened her solo practice in Cornwall, Ont., on October 1 after working with firms in Cornwall (her home town) and North Bay for several years.

She uses social media to market her services, build connections with other lawyers and potential clients, and gather and share information.

It takes a little time to figure out what you want to accomplish with the social media and how to do it, says Allinotte. But once you have it set up, it doesn't take a huge time commitment. Content from her blog or e-newsletter can be posted simultaneously to Twitter and Facebook.

She uses Facebook primarily for personal reasons, but also finds it useful as a marketing tool.

"I already know most of the people on Facebook in some other way, but it helps to keep me in their minds so that when they do need legal services they think of me." About a dozen of her clients originally contacted her through Facebook. "Because we were friends on Facebook, they emailed me when they were buying a home or making a will." And showing her personal side is not necessarily a problem. "If a referral source learns that I'm worrying about what kind of mittens my kids are going to wear, that's not going to hurt."

Allinotte uses LinkedIn to connect with business people in the Cornwall area. Using the "Advanced Search" function in LinkedIn lets her restrict her search by geographical area, resulting in links to people around Cornwall she might know and network with.

Her blog helps her to establish credibility as someone who is knowledgeable in a particular area of law. "Sometimes when I post my blog post on Facebook, people will email me almost immediately and say 'Omigosh, I need to do that' – so I can say 'you know me, so call me at work and we'll discuss it.'"

The social media "are a pretty effective way for people to get information from a lawyer that they might not know that they



Michele Allinotte, photo by ROY STUDIO

need – or that they know that they need but might not want to ask for!" says Allinotte.

There are, she admits, risks to using social media. A useful resource, she says (one that prompted her to make changes to her own social media practices) is the Canadian Bar Association's new Guidelines for Ethical Marketing Practices Using New Information Technologies (www.cba.org/CBA/activities/pdf/ethicsguidelines-eng.pdf).

Fittingly, she first learned about the CBA guidelines through a tweet from a friend in New York state – a good illustration of how Twitter facilitates the flow of information.

Allinotte follows many people on Twitter. Some, she says, consistently provide useful information. Some have made personal connections. For example, she connected with estates lawyer Donna Neff of Neff Law Office Professional Corporation (www.nefflawoffice.com) in Ottawa through Twitter, and "we now have a great friendship/mentor-mentee relationship."

"I don't really expect that I'll get any clients through Twitter, but it's a valuable source of information on legal marketing and on building the type of practice that you want to build."

Through Twitter she learned about the Personal Family Lawyer® program (www.personalfamilylawyer.com), a U.S. program for lawyers who do estate planning and work with small business.

Twitter is also what prompted her to go solo: It helped her find and connect with others who had set up their own law practices. "That's why I give valuable information – because I get valuable information."



Twitter (<http://twitter.com>) is a free micro-blogging service that enables its users to send and read brief messages known as “tweets” – text-based posts of up to 140 characters in length. The tweets are displayed on the author’s personal Twitter page and delivered to other users, known as “followers,” who have signed up to receive them.

When you join Twitter, you get a personal page and a dedicated Twitter address (www.twitter.com/yourusername). Your personal page shows your latest tweets and the tweets of the people you have chosen to follow. You can choose to follow anyone on Twitter, including friends, business associates and clients.

The 140-character limit on message length was originally set for compatibility with Short Message Service messaging, which allows the interchange of short text messages between mobile phones. Tweets can be sent from a computer, a cellphone or any web-enabled smartphone.

Although Twitter had a reputation as a time waster (users’ detailed responses to the “What are you doing?” question posted at the top of the Twitter page range from the mundane to the inane), it is now coming into its own.

Many lawyers are now using Twitter to quickly and easily share content posted on a blog or website, an interesting news story on a media website, a government announcement or an important new court decision.

You can also “retweet” (i.e., forward) an interesting tweet originally posted by someone else.

Most useful tweets contain links. To fit within the 140-character constraint, tweeters use free URL-shortening tools, such as Tiny URL (<http://tinyurl.com>) or bit.ly (<http://bit.ly>). Several free Twitter management applications, such as TweetDeck, have built-in “automatic” URL shorteners.

General social networking sites



YouTube (www.youtube.com) is a free video-sharing website. Anyone can upload and share or view videos. Lawyers can market their expertise to clients and potential clients by posting informational videos about topical legal issues on YouTube. The videos can also be integrated into websites and blogs and imported directly to Facebook.



Social networking websites, such as Facebook and MySpace, focus on building online communities of people who share interests and activities. Until recently these tools were almost entirely for personal networking. They are now also being used for commercial networking.

These sites, which are free to join, all have a similar structure. Users set up their own profile page, where they provide the information they want to share with their network. When members discover their friends, they connect to each other by adding each other as friends on their profile page. As these groups of friends grow, the members can create extensive networks. The members of these networks communicate with each other and share photos, links, videos, web links, blog posts and other information.

Facebook (www.facebook.com) is the world’s largest social networking website with more than 300 million active users. MySpace (www.myspace.com) is similar in structure, but today much less popular than Facebook.

Facebook features include the Wall, a space on every user’s profile page that allows friends to post messages for the user to see and Status, which allows users to inform their friends of their whereabouts and activities. A News Feed appears on every user’s home page with messages, status updates, profile changes and blog posts from the user’s friends.

Facebook users can also create communities of people interested in a particular topic or issue by setting up or joining public or private groups. These groups let their members interact with discussion boards and other tools.

Facebook allows you to establish customized privacy levels and restrict the content that is publicly accessible.

An effective marketing tool, Facebook can bring you referrals and clients by helping you to reconnect with old classmates, colleagues, and friends. A Facebook page tends to rank high in Google searches for an individual’s name.

For an example of how Facebook has been used in the legal arena, see our Casebook article on page 19.

Professional networking sites



LinkedIn is a social networking site for business professionals with over 50 million members in more than 200 countries. Its basic services are free.

Underlying LinkedIn is the notion of six degrees of separation. Each of us knows people who know other people, and we are usually within just a few clicks of knowing someone who can introduce us to someone we want to know better.

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Prolific blogger loves to write



Garry Wise

It all began with a penchant for writing. It's led to a reputation as a prolific, respected online communicator.

"I began blogging because I wanted to write – with absolutely no business purpose at all," says Garry Wise of Wise Law Office (www.wiselaw.net), a four-person firm in mid-town Toronto. Wise practises primarily family law, employment law and civil litigation.

Wise Law Blog (www.wiselaw.blogspot.com), launched in April 2005, features commentary on legal developments and politics in Canada and the United States, technology and current affairs.

The blog nevertheless supports the approach that Wise took when he built his firm website in 1999, which was "it's all about getting information out there, providing good backgrounders on the key areas of our practice. The rule of thumb I developed is that if I would have provided a certain amount of information during an initial consultation without fee, I just put all of that information online.

"As a result, when people come to see me, they're unbelievably well-informed and we can get into the real substance of their issues right away."

His blog is another means of "getting the information out there" – in a variety of formats. He often includes video clips, for example, and has just added a video series called OMG! Law Talk, which features "informal, but often emphatic conversations on legal issues, politics, technology and social media" between

Wise and fellow law bloggers Michael Carabash and Omar Ha-Redeye.

Facebook represents yet another opportunity to put information out there.

But lawyers should first think about whether they want to make Facebook a personal or professional site, says Wise. They may not want to share with their clients and professional colleagues what they share with their family and friends.

He suggests that lawyers consider having two Facebook sites – a professional one and a personal one – something he is now in the process of doing.

A problem for lawyers is that "Facebook does not currently offer adequate archiving systems to ensure that all communications are saved and retrievable by users. As a consequence, maintaining comprehensive and complete records of all client communications via Facebook can be cumbersome and difficult."

Recently a client sent a Facebook message containing a video in which the client explained the legal problem he wanted to discuss. "My first thought was, 'How the heck am I going to keep a copy of this for the client file?' In this case, it was innocuous, and I confirmed it all by email."

Reputation management can be a problem on all social media. If you're going to write on blogs or even on Twitter, people are going to disagree with you, and they may do so in "colourful" language. The result may be that the first entry on a Google search of a lawyer's name is "so and so is an idiot."

But this just shows the necessity of having a presence on the social media as a pre-emptive measure, says Wise. You want positive information about you to appear in Google searches – not just the nasty comments.

Wise finds an RSS reader, such as Google Reader, invaluable. Not only does it enable him to stay current, but it also enables him to "automate" the supply of content for his Twitter page. Google Reader lets you share items. Twitter can import those shared items directly without any intervention. This has enabled him to develop a presence on Twitter with a minimal investment of time.

"When people say to me, 'how do you find the time to do all this?' my answer is simple. I read anyhow, and all I have to do is press the share selection on the Google Reader post and it's on my Twitter automatically within five minutes and there's no effort involved. It's getting information out there, and it's really worthwhile doing it."

LinkedIn enables you to import your formal résumé to create a profile that summarizes your professional expertise and accomplishments. It's therefore an effective way to back up personal referrals and other forms of traditional marketing. One of the first things someone will do after a referral is "Google" the person's name. LinkedIn profiles tend to rank very high in the search engine results for individual names.

Your profile helps you find and be found by former colleagues, clients, and partners. You can add more connections by inviting contacts to join LinkedIn and connect to you. Special tools help you to mine your Outlook, Yahoo, HotMail, and Gmail accounts to add connections.

You can post recommendations for your connections, and you can ask your connections to write recommendations for you.

Employers can list jobs (for a fee) and search for potential candidates on LinkedIn. Job seekers can search for jobs and can review the profile of hiring managers and discover which of their existing contacts can introduce them.

LinkedIn has an Answers feature that allows users to ask questions for the community to answer. By answering questions about the law, lawyers can potentially market their expertise (although they should be careful to provide legal information and not legal advice). The answers you provide become part of your profile and demonstrate your expertise to your connections, potential clients or employers.

The searchable LinkedIn Groups feature enables users to establish new business relationships by joining alumni, industry, professional or other relevant groups. Group members can participate in online discussions.



Plaxo (www.plaxo.com) is an online address book and social networking service. It claims to host address books for more than 40 million people.

Like other social networking sites, it allows to you create a profile and share photos, videos and content from other websites. The contents of your blog or your tweets on Twitter can be sent to your Plaxo connections.

Plaxo provides automatic updating of contact information stored on its servers. When a user edits this information, the changes appear in the address books of all those who listed that user in their own books.

Legal networking sites



Legal OnRamp (<http://legalonramp.com>) is a networking and knowledge-sharing site for in-house counsel and invited outside lawyers and third party service providers. The site was designed specifically to help in-house counsel and lawyers from corporate law firms connect. Only lawyers can join, and only by invitation.

The site has more than 23,000 members from over 40 countries, more than half of whom are in-house counsel. Basic services are free, but "all members are expected to contribute" articles.

Like other social networking sites, it includes walls where users can post messages to each other, group functions that are closed to non-group members, and open forums for discussion and document-sharing. It also has a job-posting service and a marketplace where in-house counsel can post projects and receive tenders from firms.



The County & District
Law Presidents' Association

CDPLA's INFORMATION EXCHANGE PLATFORM

The County and District Law Presidents' Association (CDPLA) recently unveiled a new interactive website for practising lawyers in Ontario, the Information Exchange Platform (IEP) (www.cdplpa.org). The IEP enables practising lawyers to interact with other lawyers in Ontario through a moderated forum. It is also intended to give lawyers relevant and timely information to help them in their practices and permit lawyers to participate in CDPLA online surveys to help CDPLA gather information quickly for advocacy purposes.

Martindale-Hubbell® Connected **BETA** The premier global network for legal professionals

Martindale-Hubbell Connected (www.martindalehubbell.com/connected) is a free global online network for legal professionals (many from larger firms). Linked to the martindale.com data base of more than one million lawyers, it enables lawyers to expand their professional referral network, demonstrate expertise, share knowledge and collaborate globally through online groups, blogs and forums. The site provides access to thousands of articles.



Legally minded (www.legallyminded.com) was launched in late 2008 by the American Bar Association (ABA) as a social network for lawyers. Membership is free and open to all lawyers, not just ABA members.

The site features social networking tools, news and articles, and user-generated content. Lawyers can expand their professional networks using member-matching and search features. The News section contains links to law-related stories in the mainstream media and articles in the ABA Journal. The Resources section contains articles about practice management and technology, among other topics.

Knowledge-sharing tools on the site enable members to exchange ideas, files, and schedules within virtual groups and engage with other members via blogs, wikis, chats, and discussion groups.

Norman MacInnes is the corporate writer/editor at LawPRO. He can be reached at norman.macinnes@lawpro.ca.



Donna Neff

Donna Neff has a penchant for “tech” tools. An estates practitioner in Ottawa, she has adopted the latest technology to make her firm paperless, and speaks at conferences advising other lawyers how they can do the same. This determination to be at the forefront of law practice innovation also extends to making great use of online social media, particularly Twitter.

Like many first time users, Neff initially found Twitter a bit bewildering, and its potential business uses a bit elusive. It was at the ABA TechShow in Chicago that she came across a lawyer working for a German company who used Twitter to stay in touch with head office staff overseas. Neff applied the same idea to her firm, in which several staff work remotely and don't have daily face-to-face contact.

As well as using phones and email to connect, the scattered firm members and staff have discovered that Twitter helps them maintain a personal connection. Through their firm-only Twitter account, staff can share office information, tell each other of new links and ideas, and do problem-solving on firm issues. In a nutshell, it helps keep the “feel” of an office even when people aren't always in the same location.

Neff has a second, public Twitter account (twitter.com/donnaneff) which she has used to build a North America-wide network of

Making Twitter fit the needs of the business

other estate planning professionals that she has found to be an invaluable resource.

As some of her estate work involves other jurisdictions, she also uses LinkedIn groups to find estate lawyers in other provinces or American states.

Neff uses Twitter to stay in touch with staff and colleagues rather than as a marketing tool or to communicate with clients. (However, she has had clients referred to her because of Twitter.) Instead, she reaches out to potential clients through her website and her blog on estate issues (nefflawoffice.com/blog). Her entries address estate planning issues and questions, which would be of interest to other estate lawyers as well as providing potential clients with answers to many questions before they even arrive at the firm. As a further step to reach out to clients, she is planning to have short video segments hosted on her site that would explain particular aspects of estate planning and what services her firm can offer.

Lawyers who are just getting onto the website bandwagon may think the interactive worlds of Twitter and blogs are one step too many – or something best left to the younger members of a firm. But age has nothing to do with it, says Neff. “It's less about age, and more about attitudes to technology in general.”

Here are a few sites Neff recommends to improve your Twitter experience:

TweetDeck (tweetdeck.com): Lets you bring some order to your Twitter universe by organizing your contacts, how you follow them and building searches for particular terms (e.g. “estate planning”) if used even by non-followers.

TweetFeed (tweetfeed.com): creates instant Tweets of your blog entries.

SocialOomph (www.socialoomph.com): formerly “TweetLater”, lets you schedule Tweets in advance for future posting.

“Tweet 16: 16 Ways Lawyers Can Use Twitter” (www.tinyurl.com/cmv5pr): A great article by Robert Ambrogi, a Massachusetts lawyer and media consultant.

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Another way to get your name out there



Stuart Rudner

"Social media are part of my marketing effort," says employment lawyer Stuart Rudner. Instead of replacing traditional methods of marketing, "they work in tandem with the more traditional methods, like the other writing that I do for HR Reporter and The Lawyers Weekly, speaking engagements, word of mouth and the networking that we would traditionally do over cocktails."

But social media, Twitter in particular, are also an effective means of communicating with clients, says Rudner, an employment lawyer who practises with Miller Thomson LLP at the firm's Markham office. "If I'm working on a file and I think of something that an employer or employee has done that they shouldn't have done, it's pretty easy to post a one- or two-sentence warning on Twitter – remember to do this, remember not to do that. At 140 characters or less, it doesn't take a lot of time, but it certainly gets the message out there."

The "one-third rule" frequently recommended for Twitter – one-third original thoughts, one-third retweets and one-third links to longer articles – makes good sense to Rudner, who tweets at [@CanadianHRLaw](#) and [@srudner](#).

Some typical Rudner tweets:

RT @Eric_B_Meyer New blog post: Can employers require flu shots for their employees? <http://bit.ly/fn9IE>
[#HumanResources](#) [#EmploymentLaw](#)

HR Recordkeeping: Keeping What You Need for As Long As You Need
<http://bit.ly/b32L2#EmploymentLaw#HumanResources>

Rudner also blogs through First Reference (www.firstreference.com) and Canadian HR Reporter (Thomson Reuters Canada Ltd.) (www.hrreporter.com/). (First Reference is a Canadian publisher of compliance-based human resources, payroll and internal control resources.)

He joined LinkedIn about five years ago. "Nothing happened for four years, but it has really taken off in the last year, and a lot of people are now using it for professional marketing." As of October 24, he had an impressive 426 connections.

Although he joined Facebook primarily for personal reasons – to stay in touch with family and friends – it has produced the most tangible results for him when it comes to attracting new clients. "You tend to reconnect with old friends and old

colleagues. A few people I knew as far back as high school are now human resources managers or directors who are looking for an employment lawyer."

He has also gained some new work through LinkedIn and Twitter, but says that, like all marketing efforts, marketing through social media is a long-term process. "It's just like writing in magazines or speaking – you assume that three or four years down the road someone who read your article or heard you speak may call you up. It's hard to measure how effective these things are, but I've definitely seen some results from Facebook."

What are the dangers for lawyers of using social media? For a lawyer, obviously client confidentiality is crucial, says Rudner: "Don't disclose anything that you shouldn't disclose."

Instead of just "jumping in and joining various sites," lawyers should take the time to think about how to use social media. "You need to make yourself known as someone with expertise in your area of practice. A lot of people join LinkedIn and join groups on LinkedIn but don't really get involved. You can be on Twitter, but not post anything – and then there's really no benefit to you."

When it comes to marketing, "everyone has their own strengths," says Rudner. "Some people like cocktail parties, some people like to write, some like to speak. Whatever you're comfortable with – if you can add social networking as part of your marketing plan, it's just another way to get your name out there."

A tool to establish expertise & authority



John Boscariol

International trade lawyer John Boscariol says his main goal when using social media “is to stay top of mind with clients and potential clients.” Boscariol, who practises with McCarthy Tétrault LLP in Toronto, has also found social media to be a very practical way of providing information to clients.

Boscariol's social media experience started with the professional networking site LinkedIn. As well as posting his c.v. and making connections, he uses LinkedIn to provide legal updates. For example, using Slideshare, he has posted PowerPoint presentations on his LinkedIn page on such topics as Doing Business with Cuba and A Legal Perspective on Customs Audits.

But he finds Twitter – which lets him send frequent updates in a very compact 140 characters or less – even better for passing on helpful information to clients.

A typical Boscariol tweet: “Confusion continues on Russia's entry into WTO <http://ow.ly/uvd6> EU demanding explanation of trade plans.” (The URL links to an article on the website of European Voice, a weekly newspaper that covers European Union news.) Not surprisingly, more and more of his clients are following Boscariol's tweets as they learn about the valuable updates he is providing.

Facebook is reserved for personal use, to connect with family and friends: “I think the verdict is still out on Facebook as a business development tool for lawyers and professionals. I don't think clients view it as a professional or business tool.” Despite his skepticism, Boscariol now has his Twitter messages set up to also appear automatically on Facebook.

To Boscariol, the social media are primarily useful “as a means of establishing expertise and authority – one way of doing that among many. I would be surprised if anyone said ‘I got a client because I was on Facebook or LinkedIn.’ But when you are connected through these vehicles to your clients, it reinforces the existing client relationship, and for others it establishes you as an authority in the area.”

Because Twitter is still being used “for a lot of useless purposes – like what's going on in peoples' day,” many lawyers question its value. That view needs to change, says Boscariol: Lawyers need to view Twitter as a means of putting out relevant information in

their practice areas for their followers. For example, it may take a long time to write a legal update but “writing something in 140 characters and providing a link to the relevant source or document can be just as effective sometimes in getting the information across to the client.”

Sometimes it's a challenge to get the message across in 140 characters, but “in these days of the news bite, people appreciate shorter pieces.” Many applications, such as TweetDeck, have built-in URL shorteners, which helps.

While lawyers can establish and reinforce their brand by using social media, they can also damage their brand if they don't always use them for professional purposes. Lawyers should assume that anything they post is going to be read by all their clients. “Don't get too relaxed because the format is so easy to work with. Once it's on Twitter and shoots off into cyberspace, you can't take it back.”

Boscariol also advises against taking a strong or harshly critical position on an issue in social media, as opposed to providing information. “Getting political on Twitter can come back to haunt you. You might take one position on an issue and then later be retained by a client to take the opposite position. Do you want to be out there in cyberspace and on the record as opposing your own client's position?”



Social media: how

Using online social networking tools to market your practice and law firm

In both their personal and work spheres, the world of Web 2.0 and online social media has become a huge part of many people's lives. As more and more people join social networks, make connections and post information about themselves, these services gain ever greater potential to become powerful marketing and networking tools for lawyers and law firms.

This article reviews how you can use social networking tools to market your practice and firm, and how they can be used as part of a formal marketing plan that includes traditional marketing tools and techniques as well.

Marketing 101

The goals of marketing and client development are to bring new clients to a firm and to retain and strengthen the relationship with existing clients. Don't forget that it is often easier to keep an existing client than to find a new one, so keep your existing clients in mind when you are using both traditional and social networking marketing tools.

Efforts at marketing legal services do not usually lead to instant results. Not everyone needs legal services at the moment. Good marketing will pay off, but generally only slowly and with a steady effort over the long haul. Therefore it is critical that you continuously market yourself, even when business is good.

Larger law firms usually have a complex marketing infrastructure that includes marketing committees and budgets. They market

at several levels, including firm, practice area and individual lawyer. Regardless of the size of his or her firm, every lawyer should dedicate some time each month to developing potential sources of business. An individual lawyer's marketing plan need not be lengthy or complex and is often more about making a commitment of time rather than a financial one. practicePRO's Managing a Better Professional Services Firm booklet includes a six-month marketing plan that will be suitable for most lawyers.

The practicePRO Lending Library (www.practicepro.ca/library) has several excellent books on marketing and client development that Ontario lawyers can borrow for free.

Referrals and trust

Sometimes an individual who needs legal services will be lucky enough to know a lawyer or get a personal referral to one. A personal referral is comforting to the person who is looking for a lawyer because he or she gets to rely on the referrer's knowledge of and trust in the recommended lawyer. The key here is trust – the referrer's trust in the recommended lawyer flows through to the person looking for legal help.

But what happens when someone who is looking for a lawyer isn't lucky enough to know a lawyer or get a personal referral to one? They will jump on the Internet and do a Google search, and they will quite possibly also use social networking tools.

And social networking tools can be incredibly powerful here. Why? It goes back to trust. These tools give people all sorts of new ways to find out about lawyers (and even to provide or get a referral to one) from people in their social networks that they know and trust. Social networking tools enable you to expand your network of trusted contacts. This is why lawyers and law firms should be actively exploring the various ways they can use social networking tools to connect with existing and new clients.

Building a social media marketing plan

Jumping in and going crazy with 20 tweets a day on Twitter is dead easy, but probably won't get you many new clients. Your social media marketing efforts should not be *ad hoc*. They should be co-ordinated with your traditional marketing efforts, and you should use the social media tools that are going to connect you to the existing and potential clients you really want.

Family law, wills and estates, and residential real estate lawyers could look to sites such as Facebook that are widely used by members of the public. LinkedIn would be better for corporate and business lawyers looking to make professional contacts. In-house counsel looking to connect to other in-house counsel should join Legal OnRamp. People with similar interests can join virtual groups within these sites. These can offer the opportunity to demonstrate and promote your areas of expertise to people that may require your services at some point.

You also need to leverage the different ways that social networking tools can work together. For example, you can configure your blog so that posts on it are automatically tweeted to your Twitter friends and sent to your LinkedIn contacts. Most social media tools allow you to use an RSS (Really Simple Syndication) feed to push content directly to people interested in receiving it from you.

Increasing your online profile

Most lawyers have little or no online profile. This ignores two key facts. First, almost every client looking for a lawyer will use Google for a general search (e.g., "Sarnia real estate lawyer"). Second, any potential client who gets your name will Google you directly. Thus, you want to do everything you can to be more visible on the web, both when generic search terms are used and when someone specifically searches your name.

How do you make yourself stand out on the Internet? Understand who you are. What is your brand? What do your existing clients see and value in you and your firm? Look at what distinguishes your practice from that of your competitors. Are you recognized for your expertise within a given area of law or industry? Do you have specific transactional experience? Do you have a significant experience in a particular court or tribunal? Can you establish and market a niche area of practice? Can you claim to be the go-to person in a specific community (e.g., "practising real estate law in Scarborough for 20 years.")? Can you make yourself appear very knowledgeable by showing thought leadership or academic qualifications? This can be established by writing timely

commentary on current issues or new court decisions on your blog, or by appearing as a frequent speaker at continuing legal education programs.

Consider your existing reputation, strengths and brand, then take the answers to the above questions and craft a focused and consistent identity that will show people you have the experience and credentials that will help them solve their legal problems. Once you have that identity, use your website and the social networking tools to increase your profile.

Content is king

Helpful and practical content is one of the best ways to strengthen and bolster an online profile. Adding content to your website or blog on a regular basis is one of the best ways to make your online content more visible in search engines. The content you place online can be something about you, your practice, your area of the law, or just about anything else. It can be, depending on the circumstances, something that is completely personal (on sites such as Facebook), or it may have a business or commercial aspect (on sites such as LinkedIn).

A lot of the communication on social networks has a commercial aspect. In other words, it is people trying to sell something. This means there can be a high signal-to-noise ratio. This can make it hard to get your message through. Remember that people will ask, "What's in it for me?"

When posting online content, build credibility and gain trust by trying to inform or educate – not sell – and more people will more consistently read your message. Provide practical information and remind people of your expertise. This is how you get and keep your name at the top of their minds, which in turn will make them more likely to seek you out when they need legal services or when a friend or colleague in their social network asks them for a referral.

Getting started

Get a feel for the different features and content of the various social media tools. Identify which ones are being used by your existing and target clients and take a closer look at them. Keep in mind that different cultures and generations will look upon and use social networking tools in different ways.

Visit blogs that cover content in which you are interested. It could be blogs that clients or competitors have created, or blogs related to hobbies or other interests you have. Look at other legal blogs. Get a feel for the different styles and content. Once you are familiar with how they work, post some comments on other people's blogs to learn how they can be interactive.

You could also start by creating a Twitter account ([Twitter.com](https://twitter.com)) and following a few people. Twitter is currently the hottest Web 2.0 tool, and it can open a direct channel of communication to allow you to share information on a real-time basis with existing and potential clients.

To build an online beachhead, blogs are probably the best starting point as they give you greater visibility in search engines, especially if others link to your site. You can use a blog as the sole web presence for a solo or small firm. A medium to larger

firm will want to have a more traditional website to anchor its web presence, and one or more individual blogs to highlight specific practice areas.

How do you make your blog more popular? Post relevant and timely content that is interesting and helpful for people. Updating a blog two to three times per week is reasonable in most cases, unless big news or events are taking place. To lighten the demands of creating new content, recycle and repurpose existing content.

Newsletters aren't old-fashioned

Are newsletters old-fashioned? Perhaps, but if your clients like and want them, they are worth the effort. Can a blog replace a newsletter? It depends. For people who are social-network-savvy and know how to set up an RSS feed, a blog is the better way to go. And you can use Google's Feedburner to convert your blog's RSS feed into an email message for those who don't know how or want to use an RSS feed.

For those who like the newsletter format, services such as ConstantContact (www.constantcontact.com) and Industry Mailout (www.IndustryMailout.com) allow law firms to easily create and publish professional looking electronic newsletters.

Podcasts

Podcasts are another option for marketing yourself online. Podcasts are audio or multimedia (audio and video) content distributed

via the Internet to computers or portable media such as iPods. The key advantage is that they allow people to listen or watch when and where they want. Podcasts often feature an interview or banter between two people. They can be cost-effective relative to in-person visits, and they can make more of an impression than brochures or simple websites, but they are time-consuming and expensive to produce. Law firms that produce podcasts will typically do one per month that is 15-20 minutes long.

Video messaging and news

Thanks to faster download speeds and new technologies that will allow better quality audio and video, Internet video will be the "next big thing" in online marketing. Over the next few years you can expect video-based blogs and web-based programming similar to television programs. This content will up the ante on what prospective clients will look for and expect from their lawyers. They will make the YouTube videos we watch today look as dated as Super 8 film clips from the 1960s.

The world of marketing legal services has changed. Don't get left behind – start using social media tools to market your firm and practice.

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Social media at work



LAWPRO's new electronic communication initiatives

Three new e-newsletters get more information to you more quickly and cost-effectively

LAWPRO has introduced three new electronic newsletters to communicate with you more quickly, effectively – and economically.

- **LAWPRO Alert** will be used for urgent messages, such as imminent deadlines, a fraud scheme that has just come to our attention or other breaking information that we want to communicate to you as quickly as possible.
- **LAWPRO Insurance News** will be used to communicate information about upcoming filing deadlines and the insurance program.

- **LAWPRO Webzine** is our new electronic newsletter. Its focus is on bringing to your desktop the most current risk and practice management information from practicePRO. It will also serve as the electronic version of LAWPRO Magazine. The Webzine uses an easy-to-scan format of article headlines and one-sentence summaries. Each headline is linked to the corresponding full article in PDF format on the LAWPRO website (www.lawpro.ca).

(Note: For the time being, the printed version of LAWPRO Magazine will continue to be distributed to each lawyer. Later in 2010 we will

survey all lawyers to ask you if you prefer to receive the electronic or print version of the magazine).

Why the move to more online communication?

For two reasons:

- **Timeliness:** Communicating time-sensitive information to more than 22,000 lawyers is no easy feat. Electronic communication makes that possible – and in a cost-effective way. It allows us to not only jog your memory when critical filing deadlines are coming up, but also to get into your hands breaking information that could help you avoid a claim. We encourage you to open your LAWPRO e-newsletter as soon as you receive it.
- **Cost reduction:** Online communication is also more economical. For a fraction of the cost of printing and mailing a reminder letter or a printed version of the magazine, we can get the same information to you more quickly. Our ultimate goal is to significantly reduce our printing and mailing costs.

Easy-to-skim format

All three e-newsletters use a simple two-column design to enable you to rapidly skim for the information that is relevant to you.

The main message appears in the left column, usually in the form of headlines and one-sentence summaries with links to longer

Please whitelist LAWPRO e-newsletters

LAWPRO's e-newsletters are designed to communicate with you quickly and economically.

But law firm firewalls and spam filters may inadvertently block our e-newsletters and prevent critical and time-sensitive information from reaching your inbox.

To ensure that you receive LAWPRO e-newsletters, ask your email administrator to **whitelist** service@lawpro.ca and mail@senderauthenticated.com in your spam filter.

articles, although the full text of shorter messages may appear in LawPRO Alert and LawPRO Insurance News.

The right column features bullet-point links grouped under three headings: Key Dates, Quick Links, and Hot Topics. The links take you to the relevant sections of the LAWPRO website. Under Quick Links, for example, you will find links to File online, Address changes, Report a claim, and Order materials

Mobile versions of the e-newsletters enable you to automatically read them on your Blackberry or other hand-held device.

New practicePRO Avoid A Claim blog



Getting you immediate and practical information to help you avoid a claim: That's the goal of yet another new online communication initiative from LAWPRO's practicePRO program.

The new Avoid A Claim blog, launched in early November, features timely information, tips, and tools drawn from many sources to help lawyers and their

staff practise more effectively and reduce the risk of a claim. Avoid A Claim complements the practicePRO website (www.practicepro.ca), which also provides a range of risk management, claims prevention and law practice management information.

practicePRO Director Dan Pinnington will draw on his own expertise in risk management – and on other leaders in the fields of claims prevention and law practice management – to bring lawyers the latest in claims avoidance information. If you have suggestions for topics you'd like Dan to address, send him an email at dan.pinnington@lawpro.ca.

Check out the blog at: www.avoidclaim.com. You can subscribe to receive Avoid A Claim updates by email at <http://feedburner.google.com/fb/a/mailverify?uri=avoidclaim>.

To subscribe to an RSS feed go to: http://feedburner.google.com/fb/a/mailverify?uri=avoidclaim&loc=en_US.

LAWPRO is on twitter

Upcoming filing deadlines. Links to hot stories we're following. Tips on practice resources. These are but some of the topics we've tweeted about recently on Twitter. To see more go to: twitter.com/lawpro.



Social media: pitfalls to avoid



Although social media sites offer lawyers many interesting new ways to interact with people in both personal and work spheres, there are some risks associated with using them. Some of these risks are obvious, some are not.

Before they venture into social networking, lawyers should consider Section 5.5 of the Law Society's Practice Management Guideline on Technology ("Technology Guideline"). It states, "Lawyers should have a reasonable understanding of the technologies used in their practice or should have access to someone who has such understanding."

This article will help you understand some of the dangers inherent in the use of social networking tools, and help you more safely exploit the great marketing opportunities they offer.

Don't talk about clients or their matters

This should be an obvious one, as it is one of the most basic tenets of the lawyer/client relationship. Blurting out something about a client in any of the social networking tools, in particular anything sensitive or confidential, is a bigger blunder than the proverbial comment on an elevator, as hundreds or even thousands of people can potentially access the information. Keep in mind Rule 2.03 of the Rules of Professional Conduct which states, "Lawyers using electronic means of communications shall ensure that they comply with the legal requirements of confidentiality or privilege." This rule clearly applies to social networking tools.

It is tempting, and potentially very helpful, to toss out a question or seek strategic advice on one of the social networking tools that connect you with other lawyers. But remember, even generic

questions or comments about a matter you are handling could be read and recognized by someone on the other side.

Don't talk to clients about their matters

Some of the social networking tools have no privacy settings (all content and comments are accessible to everyone), some have limited privacy settings, and some have privacy settings that are so complex you are never really sure who can see the content you post. For these reasons, it is probably best to avoid using social networking tools to communicate or post anything about a specific matter you are handling for a client, especially if the information is sensitive or confidential. At the more social end of things, confirming a lunch date is probably not a problem – unless the fact you act for the client is confidential. And in that case you shouldn't even be "friends" with the client.

Know and respect the marketing-related Rules of Professional Conduct

Advertising by lawyers in any form of electronic media, including social media tools, is governed by the following Rules of Professional Conduct:

- Rule 3.01 Making Legal Services Available
- Rule 3.02 Marketing, and
- Rule 3.03 Advertising Nature of Practice.

Section 5.8.2 of the Technology Guideline states that, "Lawyers making representations in generally accessible electronic media should include the name, law firm mailing address, licensed jurisdiction of practice, and e-mail address of at least one lawyer responsible for the communication." Is this information included on your website, blog, or Facebook page? What about your Twitter bio? You obviously can't include it in a tweet.

You are free to offer your services via social networking tools, but keep in mind the restrictions on contacting potential clients who, for example, are recovering or are vulnerable as a result of a traumatic experience (Rule 3.01(2) of the Rules of Professional Conduct). You are also not supposed to distribute electronic advertisements directly and indiscriminately to large numbers of people. It is clear how this applies to email, but less clear how it might apply to tools such as Twitter or an RSS feed which can reach large numbers of people.

The Technology Guideline also states, "Where a lawyer is entitled to practise in more than one jurisdiction, and these jurisdictions are identified in representations on electronic media, the lawyer shall ensure that the advertisement complies with the rules governing legal advertising in each of those jurisdictions."

Avoid the unauthorized practice of law (UPL)

Lawyers need to appreciate that any content they post on the Internet can easily be accessed from anywhere in the world. Ontario lawyers practising law in other jurisdictions by providing legal services on the Internet should respect and uphold the law of the other jurisdiction, and not engage in the unauthorized practice of law. Further to the point made in the previous section, if you include the jurisdiction in which you are licensed to practise in your online content and posts, your clients will understand where you can and can't practise.

Avoid conflicts of interest

The very nature of social media make you more vulnerable to conflict of interest situations. Much of the information posted on social networking sites is public, and people frequently use an email or online name that is shortened or different from their usual name when communicating online. This could also occur when someone with an ulterior motive contacts a lawyer online. To avoid conflicts of interest when using social networking tools, lawyers should take reasonable steps to determine the actual identity of people they are dealing with and be very careful about what information they share.

Don't give legal advice aka avoid phantom clients

There is a huge difference between providing legal information and giving legal advice.

Providing legal information is fine, and indeed is helpful when you are looking to market yourself. However, you should be very careful never to give legal advice online. Unfortunately, the information/advice distinction can become quite blurred when a lawyer and non-lawyer communicate using social networking tools, especially when the lawyer is providing answers to specific questions posed by a client. A lawyer-client relationship can be formed with very little formality. To avoid this danger, be cautious about saying anything online that might be construed as legal advice. Include a disclaimer on your blog and within any information you post online or on a social networking site.

And remember, in Ontario the onus is on the lawyer who seeks to limit the scope of the retainer, and if there is an ambiguity or doubt, it will generally be resolved in favour of the client. Having a record of what was said or not said in a social networking exchange could help you defend yourself against a claim that you were in a lawyer/client relationship with someone you communicated with using a social networking tool.

Protect your identity

One of the hidden risks of social networking is identity theft. It is a bigger risk than you might think. Your Facebook, LinkedIn or other social networking site profiles can include information such as your birth date, where you went to university, your mother's maiden name, or where you articulated and when. In the pre-Internet era only your family, close friends and co-workers might have been privy to this information. Social networking sites make it freely accessible to anyone.



Someone intent on stealing your identity could visit social networking sites and gather information about you. They could then use this information to steal your identity. Do you recognize the personal facts in the previous paragraph? They are the answers to the standard challenge questions that banks, credit card companies and others use to verify your identity.

Having your identity stolen can have severe consequences. It's not only stressful to have to restore your true identity, but also takes time and money and can leave you – even temporarily – with a bad credit rating. This is not only a personal issue; situations in which fraudsters have assumed a lawyer's professional identity have occurred in Ontario.

The lesson is clear: Don't help a fraudster steal your identity. Be careful about how much personal and professional information you post in social networking site profiles, especially where that information might be used to verify or establish your identity.

Be polite and professional

With search tools such as Google, the vast Internet becomes a small town. Everyone can get to know everyone, and what goes

around comes around. With a few clicks your existing and potential clients can easily find almost everything that you ever said or posted on the Internet. It is not comforting that any text, pictures or video posted on the web will usually remain online and accessible for a very long time. It can be extremely difficult if not impossible to delete information once it is posted online.

For this reason you want to be civil and professional in all of your online postings. Use proper spelling and grammar. Avoid using short forms for words. Exercise good manners and be polite. A good rule of thumb: Don't say anything you wouldn't say in person or that you would not want your mother to read on the front page of the Globe and Mail tomorrow morning.

Another good rule of thumb: Count to ten before you hit "post." Every lawyer has dictated an overly aggressive letter in a moment of anger or frustration, only to tone it down later with the benefit of some time to cool off. The instantaneous nature of social networking doesn't give you a cooling off period.

And never ever start or continue a "flame war" – an ongoing sequence of hostile messages between two or more people. By their nature, flame wars attract a lot of attention and are referenced on many different websites, making it even more likely a client will find them.



Making the wrong friends

In the world of social networking, people you have never met will want to be your "friend." It's nice to be popular, but there are differences between real friends and virtual friends.

Social networking tools have the ability to create networks of contacts far larger than most of us had in the past. Knowing more people is great when it comes to marketing, but as the degrees of separation increase from you, two connected friends will know less and less about each other, and the potential for a referral also becomes less likely. Many people have friends in their social networks about whom they know little or nothing and who they have never met (or are unlikely to meet).

Think strategically about whom you want to be friends with and be careful not to be friends with someone who could embarrass you. For example, if you are a litigator, you probably don't want to be friends with any judges or experts, as it wouldn't look good to your opposing counsel. Ethics panels in the United States have said it is not proper for lawyers to become friends with someone to dig up information about them for use in a litigation matter.

To decide whether to accept an invitation to be a friend, you need to consider the nature and purpose of the particular social network. It may be fine to cast a wider net on some networks. However, on more professional or personal networks, you will want to be more selective. Consider these general approaches:

- Invites from people you just don't know: Yes on Twitter; no on Facebook or LinkedIn.
- Invites from people you know by name only: Yes on Twitter and LinkedIn; no on Facebook.

- Invites from people you barely know: Yes on Twitter and LinkedIn; judgment call on Facebook.
- Invites from people you know but don't really like or respect (or want to be associated with): These can be awkward, but it is best to say no thanks or just ignore them.

Don't blur your personal and professional lives

When MySpace and Facebook were almost entirely personal networking sites, it was easier to keep your personal and professional online presences separate. Now that many social networking tools are becoming connected and taking on more of a commercial aspect, it is becoming much harder to have separate online identities.

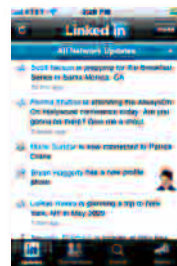


People are using different strategies to deal with this. Some refuse to have a personal presence on a Facebook or MySpace page, as they feel it is almost impossible to keep a private "personal" site. For the personal safety of family and loved ones, most criminal lawyers post nothing personal online. Others will lock everything up and only link to their close personal friends. And some are creating a personal site for only their closest friends, and a fan page for business or professional contacts.

On sites that are more commercial or professional, people will put up business information and be careful about how much personal information they post.

Be aware of employee social networking

In their personal lives, many of your firm's employees are probably active social media users. This can expose a firm to many of the risks identified above, especially if their profiles or the content they post clearly links your employees to your firm.



Staff should be reminded that the confidentiality of firm and client information must be protected at all times. Firms should educate their staff about the risks and create a written policy that clearly establishes guidelines governing the acceptable use of all firm technology resources, including social media tools.

Personal access to the Internet on firm computers is dealt with in many different ways. Some firms allow occasional and reasonable use of Internet resources. Other firms do not allow any personal use of these online resources. And some allow personal access for email and browsing, but block access to social media sites. Many firms are rethinking their policies, as they now want their lawyers or staff to use social media sites for marketing purposes.

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Litigation

and online social networking sites

The law has finally noticed that tens of millions of people – many young, some not so young – participate in online social networking sites such as Facebook, MySpace, and Twitter.

Anyone with an incentive to dig can obtain a wealth of information about the participants in these networking sites. The courts now recognize that relevant information about litigants and the lawsuits they bring may be obtained in this way.

On a number of occasions, courts have ordered litigants to produce information from their Facebook profiles, or have allowed the police access to them. Some of these cases are tragic, for instance *R. v. Todorovic*.¹ After the female defendant was convicted of arranging to have her boyfriend stab a young woman to death, the court was obliged to consider whether the defendant should be sentenced as an adult. The sentencing judge referred to the large volume of communications about murdering the young woman between the defendant and her boyfriend through text messages and through Facebook. Facebook helped to prove that the murder was extensively discussed and planned in advance.

On a lighter note, British solicitor Donal Blaney found out that an imposter was sending out tweets in his name. Blaney obtained an injunction from the British High court on October 1 ordering the tweeter to stop posting, and to immediately identify him or herself. The court ordered that the injunction be served on the imposter via Twitter.

Facebook and MySpace are cropping up in the context of more mundane litigation, especially personal injury actions. It has come to the attention of defence counsel that plaintiffs sometimes post photographs on Facebook and MySpace. These photographs may

suggest that plaintiffs are living much more active lives than their testimony in the litigation indicates.

Facebook photos in litigation

For instance, in *Skusek v. Horning*,² where the extent of the plaintiff's disability was in issue, photographs from the plaintiff's postings on Facebook showed her white water rafting, wearing the uniform of a soccer team, appearing at a golf driving range, and rock climbing.

In a Newfoundland case, the defendant learned of the existence of the plaintiff's publicly available Facebook profile. The profile showed that, contrary to the plaintiff's evidence, he had a very active social life. After being confronted with this evidence on cross-examination, the plaintiff shut down his Facebook account. The judge drew adverse inferences against the plaintiff.³ Other recently reported judgments also illustrate how diligent defence counsel can use plaintiffs' Facebook accounts to the defendants' advantage.⁴

Facebook photographs do not always have a dramatic impact on the court. In *Mayenburg v. Lu*,⁵ the defendants sought to introduce 273 photographs which they obtained from Facebook "walls" belonging

to the plaintiff's friends. The bulk of these photographs simply showed the plaintiff enjoying herself with her friends – for example, having a drink in a bar or pub. The court held that unless photographs showed the plaintiff doing a specific activity which she claimed to have difficulty performing, the photographs had no probative value and were inadmissible. This left a subset of approximately 69 photographs. These showed the plaintiff doing things such as hiking, dancing, or bending. However, even these photographs did not undercut the plaintiff's credibility, because she never said that she could not do these activities. Rather, she said she felt the consequences afterwards. Nevertheless, the court found that the plaintiff's injuries had minimal effect on her ability to engage in the activities she enjoyed before the accident.

Accessing online accounts

How does one get access to the information contained in a litigant's Facebook account? An excellent discussion of this issue may be found in Facebook in Litigation: Taking a Poke at Discovery by Louise Vrebosch, B.A., LL.B. dated June 4, 2009. This article was presented at the IMLA in Canada 2009 Conference: Critical Issues in a Time of Change. It is available on the Internet.⁶



The author discusses accessing both “public” and “private” profiles. She gives advice on what should be done if a Facebook profile is deleted before production. Vrebosch makes the following suggestions:

1. Conduct an Internet search for the user.
An Internet search will pull up the user’s friends’ profiles, as well as the user. Note any networks that the user is associated with.
2. Conduct a Facebook search for the user and any associated family members or friends.
3. If the user profile is public, consider the ruling in *Knight v. Barrett*,⁷ where defendant’s counsel was ordered to disclose the origin of the material to the plaintiff.
4. If the user profile is private, or has limited access, try a Facebook search within the user’s network.
5. On discovery, examine the user to determine whether the content of the profile is relevant to the action.
6. If a profile was not found, consider the possibility that the profile is hidden. In this case, ask the user on discovery whether or not they have a Facebook profile.
7. Content on the site should be listed in a Supplementary Affidavit of Documents, if not in the original Affidavit of Documents. Plaintiff’s counsel has a duty “to explain to the client, in appropriate cases, that documents posted on the party’s Facebook profile may be relevant to allegations made in the pleadings.” If the content is not listed in the Affidavit of Documents, request a Supplementary Affidavit of Documents listing the Facebook profile contents.⁸

Where a Facebook profile is “private”, it is important for a party seeking access to

the profile to take all available steps to demonstrate that the profile exists, and that it likely contains information relevant to the lawsuit.

In *Leduc v. Roman*, *supra*,⁹ Justice Brown held that where a party maintains a private or limited-access Facebook profile, it stands in no different position than one who sets up a publicly available profile. Both are obliged to identify and produce any postings that relate to any matter at issue in an action. Justice Brown noted that mere proof of the existence of a Facebook site would not entitle a party to gain access to all of the material placed on that site. Some material on the profile might be relevant to the action, some might not. The level of proof required to show that the information may be relevant must take into account the fact that one party has access to the documents and the other party does not. A defendant will normally have the opportunity to ask about the existence and content of a Facebook profile during the examination for discovery, and where the answers reveal that the Facebook page may contain relevant content, a court can order that those portions be produced.

In the most recent Ontario case dealing with the production of Facebook profiles, *Wice v. Dominion of Canada General Insurance Company*,¹⁰ the defendant was able to establish to the satisfaction of the court that the plaintiff had a Facebook profile, and that profile included photographs depicting his participation in social activities. The plaintiff was ordered to produce a further and better affidavit of documents, and the defendant was given leave to cross-examine on that affidavit.

Rules issues

Additional advice to the profession is given by Pamela D. Pongelley, B.Sc., LL.B., LL.M., in an article entitled Facebook

Litigation Grows published at the *Canadian Insurance* magazine website.¹¹

Pongelley writes that lawyers’ rules of professional conduct strictly prohibit them from making direct contact with parties who are represented by counsel, and this includes contact by way of Facebook. It would be a breach of a lawyer’s duties of honesty and candour to create a false profile in an attempt to elicit information from another party’s private Facebook profile. Attempts to elicit Facebook information through surreptitious means would be looked upon unfavourably by a court and may constitute a breach of Facebook’s Terms of Use.

In *Knight v. Barrett*, *supra*, it was unclear how a defendant had obtained information from the plaintiff’s private Facebook profile, so the court ordered the party who had obtained this information to include it in their affidavit of documents, and allow cross-examination on that affidavit so that it could be determined how they obtained the information. It was not appropriate for the defendants to seek to ambush the plaintiff with his or her Facebook page.

Pongelley also makes the point that Facebook pages are dynamic – where relevant material is discovered, the material needs to be preserved. Web pages should be downloaded, saved and dated. High-quality colour copies of these pages should be printed out for future use.

Facebook and other online social networking sites may furnish a gold mine of information to counsel diligent enough to seek it out. Counsel must not, however, lose sight of their ethical obligations in accessing, or protecting a client from, information contained on these sites.

Debra Rolph is LAWPRO’s director of research.

1 2009 CanLII 40313 (ON.S.C.)

2 2009 BCSC 893 (CanLII)

3 *Terry v. Mulowney*, [2009] N.J. No. 86 (S.C.(T.D.)).

4 *Bagabas v. Atwal* [2009] B.C.J. No 758 (Sup.Ct.); *Kourtesis v. Joris*, [2007] O.J. No. 5539 (S.C.J.); *Goodridge (Litigation guardian of) v. King*, [2007] O.J. No. 4611 (S.C.J.); *Cikojevic v. Timm*, [2008] B.C.J. No. 72 (Sup.Ct.)

5 2009 BCSC 1308 (CanLII)

6 http://www.pmlaw.com/pmlaw_pdfs/Facebook.pdf

7 [2008] N.B.J. No. 102 (Q.B.(T.D.)),

8 *Leduc v. Roman*, [2009] O.J. No. 681 (S.C. J.) para 28.

9 [2009] O.J. No. 681 (S.C.J.)

10 2009 CanLII 36310 (ON S.C.)

11 http://www.cdnins.com/claimsandlegal/claimsandlegal_080909_05.html

As a lawyer, you are responsible for ensuring that your employees abide by the Rules of Professional Conduct and the By-Laws under the Law Society Act. Lawyers must assume complete professional responsibility for all business entrusted to them and must directly supervise all staff to whom they delegate particular tasks and functions pursuant to Part I of By-law 7.1 and subrule 5.01(2) of the Rules of Professional Conduct. Making supervision a priority is also a good way to reduce the use of claims.



Supervision of employees

The buck stops with you

When it comes to supervision, lawyers should think beyond just the people who are physically in their offices. In many law offices, there are various people working externally who do different types of work as employees or in other capacities. Examples include title searchers, private investigators, bookkeepers and technology support people. These people could be around the block, or on the other side of the world, and lawyers are obliged to properly supervise the work that they do as well.

What can't be delegated?

Section 6 of Bylaw 7.1 directs that a lawyer shall not permit a non-lawyer:

- to give the licensee's client legal advice;
- to act on behalf of a person in a proceeding before an adjudicative body, other than on behalf of the lawyer in accordance with subsection 5(1) of the Rules, unless the non-lawyer is authorized under the *Law Society Act* to do so;
- to conduct negotiations with third parties, other than in accordance with subsection 5(2) of the Rules;

- to sign correspondence, other than correspondence of a routine administrative nature (see the paragraph below for details on what staff can sign);
- to forward to the lawyer's client any document, other than a routine document, that has not been previously reviewed by the lawyer.

As well, non-lawyers cannot:

- use the lawyer's Teranet PSP or be given the lawyer's password (Rule 5.01(3)); or
- provide advice, information or opinions to a client concerning any insurance, including title insurance, without supervision (Rule 5.01(5)).

What can a lawyer delegate?

After noting the requirement of direct supervision in subsection 4(1), subsection 4(2) of Part 1 of By-law 7.1 gives some direction on what a lawyer can delegate and the extent to which work by a non-lawyer should be supervised. It provides that:

- a lawyer shall not permit a non-lawyer to accept a client on the lawyer's behalf;



- the lawyer shall maintain a direct relationship with each client throughout the lawyer's retainer;
- the lawyer shall assign only tasks and functions that the non-lawyer is competent to perform;
- the lawyer shall ensure that a non-lawyer does not act without the lawyer's instruction;
- the lawyer shall review a non-lawyer's performance of the tasks and functions assigned to her or him at frequent intervals;
- the lawyer shall ensure that the tasks and functions assigned to a non-lawyer are performed properly and in a timely manner;
- the lawyer shall assume responsibility for all tasks and functions performed by a non-lawyer, including all documents prepared by the non-lawyer; and
- the lawyer shall ensure that a non-lawyer does not, at any time, act finally in respect of the affairs of the lawyer's client.

Express instruction & authorization required

Section 5(1) of Part 1 of By-law 7.1 directs that a lawyer shall give a non-lawyer express instruction and authorization prior to permitting the non-lawyer to do the following things:

- give or accept an undertaking on behalf of the lawyer;
- act on behalf of the lawyer in respect of a scheduling or other related routine administrative matter before an adjudicative body; or
- take instructions from the lawyer's client.

Further, Section 5(5) directs that a lawyer shall obtain a client's consent to permit a non-lawyer to conduct routine negotiations with third parties in relation to the affairs of the lawyer's client and shall approve the results of the negotiations before any action is taken following from the negotiations.

Signing correspondence

Do you have to sign every piece of correspondence that leaves your office? No, but certain limits apply. Section 6(1)(d) of By-Law 7.1 provides that correspondence of a routine or administrative nature may be signed by non-lawyer employees. However, the lawyer should specifically direct the employee to sign and should ensure that the correspondence discloses that the person signing is not a lawyer and in what capacity the employee is signing the document. Only lawyers, within their permitted scope of practice, are permitted to sign correspondence containing legal opinions.

Collection letters

Section 7 of By-Law 7.1 has specific direction on collections letters. It provides that lawyers shall not permit a collection letter to be sent to any person unless:

- the letter is in relation to the affairs of the lawyer's client;
- the letter is prepared by the lawyer or by a non-lawyer under the direct supervision of the lawyer;
- if the letter is prepared by a non-lawyer under the direct supervision of the lawyer, the letter is reviewed and approved by the lawyer prior to it being sent;
- the letter is on the lawyer's business letterhead; and
- the letter is signed by the lawyer.

Supervision of articling and law students

See subsection 34 (1) of By-Law 4 for information on the requirements for supervising articling students and law students.

More delegation

Delegation involves getting the job done through others. A governing tenet in every firm should be to push work down to the lowest capable level. You are wasting your time and the client's money if you or others at your firm are consistently doing tasks that lawyers with a lower hourly rate or staff can complete. Lawyers typically fail to delegate for any number of reasons, none of which stand up to scrutiny.

- **They don't want to give up control of the matter or client:** This is a bad behaviour often driven by a compensation system that rewards bad behaviours.
- **They think they can complete it better themselves:** With proper training, someone else can likely do the job just as well.
- **They think they can complete it faster themselves:** With proper training, someone else can likely do the job just as fast.
- **There is not enough time to properly train someone else to do the task:** This excuse is often cited in conjunction with the previous point – and it may make sense in the rush to get an individual matter done. However, this ignores the longer-term

benefits that once that person is trained, the task can be done much more quickly every time it is required in the future.

- **The work was not done properly the last time it was delegated:** This was likely because there was insufficient training or instructions.

Better delegation

Carefully review your common tasks and make an effort to identify which ones could be delegated. Then apply the following tenets of effective delegation:

- **Pick the right person for the task:** Often the right person can do the work without training. However, don't overlook an opportunity to challenge and engage someone who is willing and interested, and could do the task with training.
- **Don't talk down to the delegatee:** Treat staff members with respect and as equal members of the team.
- **Give clear instructions and all required information:** Highlight specific issues of concern, but also paint the bigger picture so that staff members understand the reasons behind the work that they are doing.
- **Explain any special parameters:** Are there resources to use or not to use, a sensitivity to high fees by the client, etc.?
- **Make deadlines realistic:** An unrealistic deadline is unfair and frustrating to the person being assigned the task.
- **Establish the reporting mechanism:** Do you expect the delegatee to simply return the completed work, or is the staff member to check in or provide updates as he or she works through the task?
- **Confirm instructions were understood:** Ask the delegatee to reiterate the task requested.
- **Always provide feedback when the work is done:** Don't just complain when there are mistakes or problems. Say thank you every time, compliment and reward good work, and make sure any criticism is constructive criticism.

The commentary to subrule 5.01(2) of the Rules further provides that the "lawyer is required to review the non-lawyer's work at frequent intervals to ensure its proper and timely completion." Extra care may be warranted if there is something different or unusual in the matter at hand. Consider if special training or courses could help increase the skills of staff, allowing them to take on more complex tasks.

Hiring reliable staff

As you are ultimately responsible for their work, it is important to hire reliable and trustworthy employees for your firm. When interviewing potential employees, ask hard questions. Inquire about the candidate's past performance. Confirm details on a candidate's resumé, consult references and verify previous employment experience. Look for any red flags and be very cautious if someone appears to be withholding information or has false or misleading information on a resumé. If the position

involves handling money, ask for the applicant's consent to check his or her criminal record and credit reports. Ensure that you comply with privacy legislation and refer to subrule 5.04(3) of the lawyers' Rules for questions that can and cannot be asked of an applicant.

Internal controls

Ideally, your office should have clearly established internal controls for handling and documenting all types of financial transactions. These internal controls are really just policies and procedures that direct what steps should be taken when various financial transactions occur – indirectly they act to "supervise" these transactions. Although a lack of internal controls does not necessarily constitute a breach of the Rules of Professional Conduct or By-laws, you may consider implementing internal controls to assist your efforts to comply.

The Managing the Finances of Your Practice booklet (www.practicepro.ca/financesbooklet) has sample law office internal controls for several things including:

- cheque requisitions
- cheque signing policies
- trust records
- handling clients' valuable property
- staffing policies and procedures
- segregation of staff duties, and
- use and operation of trust accounts.

Internal fraud

The cost of fraud claims, including claims due to the frauds of law office staff, are a significant cost of the LawPRO insurance program. Proper supervision and internal controls can help to prevent fraud by staff members. For more information on how to recognize and respond to internal fraud, review the article What to do when partners, associates or staff commit fraud by David Debenham which appeared in the Surviving the Slide, Winter 2008/2009 (Vol. 7 no. 4) issue of LawPRO Magazine.

Conclusion

It is a big responsibility to assume complete professional responsibility for all business entrusted to you, including any tasks done by your staff or third parties. Take steps to meet these obligations by properly supervising all tasks and functions that are delegated in your office. For additional information regarding education and training for non-lawyers and the supervision of staff and assistants, see the Law Society's Professional Management Guideline, and the Commentaries on the Rules.

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Common claims scenarios involving lack of supervision issues

LAWPRO sees various claims arising due to lack of supervision issues. LAWPRO may not even cover the claim if a lawyer has completely abdicated all control and responsibility for the practice (e.g., signing cheques and leaving the practice in the hands of the staff). The following are some of the common scenarios we see.

REAL ESTATE-RELATED SUPERVISION CLAIMS

LAWPRO sees many claims in the real estate area in which lawyers do not read the material in the file or discuss it with their clerks in order to confirm that issues of concern have been identified and properly dealt with. Common examples include:

- Lawyer instructs clerk to order condominium status certificate; clerk orders and receives it, but either does not read it at all, or reads it but misses the serious problems it discloses, such as special assessments for repairs, outstanding common expense payments or lack of sufficient reserve fund;
- Clerk obtains statement from mortgage lender of amount needed to obtain discharge of mortgage, but fails to note that there is more than one debt secured by the mortgage and that the lender won't give a discharge unless all the debts secured by the mortgage are paid;
- In mortgage deal, clerk fails to search executions against the mortgagors prior to closing, resulting in executions taking priority over mortgage;
- Clerk fails to read title search or fails to note important items on title search and draw them to the lawyer's attention (such as "no dealings" indicators, construction liens, mortgages, certificates of pending litigation, restrictive covenants, etc.).

BALL IS DROPPED ON CLERK-TO-CLERK FILE TRANSFER

Clerk A is assigned to the mortgage loan file. Law firm is instructed to obtain title insurance to protect the lender's security interest in the title. Clerk A goes on vacation and file is transferred to Clerk B. Clerk B is under the impression that the file is ready to close. Unfortunately, no binder, commitment or pre-approval for a title insurance policy had been obtained by Clerk A. Mortgage transaction is completed, presumably without someone reviewing the file (from a control perspective) and discovering the lack of title insurance protection. A problem is discovered after closing that would have been covered under the title insurance policy, but not on an E&O basis. (In other words, there was no breach necessarily of any standard of practice in terms of the specific problem or complaint, but because title insurance coverage goes beyond

the negligence standard in certain respects, the title insurance policy would have offered complete protection for the type of problem/complaint.) The failure to obtain title insurance then becomes the basis of the allegation of negligence, and the lawyer is responsible for failure to supervise the work on the file.

LAW CLERK ACCEPTED MATTER WITHOUT LAWYER'S KNOWLEDGE

Business loan instructions were faxed to a law office, addressed to a lawyer in the usual way. The secretary intercepted the instructions without drawing them to the lawyer's attention, and simply proceeded as if the lawyer had accepted the retainer in the normal course. The lender, wrongly, assumed that the lawyer had received and accepted the retainer. The lawyer was never told about the matter. The clerk made errors that prevented the deal from closing.

LAWYER OUT OF OFFICE DUE TO PERSONAL INJURY

Lawyer was badly injured in a slip-and-fall. Her injuries required a hospital stay of one month followed by a convalescence at home for a further two months. During that entire period of time the office remained open and her long-time clerk handled all of the real estate transactions on her behalf. The lawyer allowed the clerk to use the lawyer's Teraview PSP. The clerk simply forged the lawyer's name along with the names of various mortgagors. The lawyer had authorized the clerk to sign her name on documents or cheques the "odd time." The lawyer did personally sign some cheques (presumably delivered to him for signature by the clerk) over the three months, and was aware that numerous real estate transactions were being handled and concluded by the clerk in her absence.

BALL IS DROPPED ON LAWYER-TO-LAWYER TRANSFER

In all areas of the law, LAWPRO sees claims arising when files are transferred at the time of extended lawyer absences from the office (e.g., maternity, parental or medical leaves). This is an example from the family law area. Law firm has very busy family law practice. The firm has some senior lawyers, and several associates. A junior associate goes on maternity leave. At the direction of the senior family law partner, her files are split between the other associates. No file transfer memos are created and the transfer of the files is not otherwise organized or supervised. The associates receiving the files are very busy and place greater reliance on the staff and clerks that have worked on the departed associate's files. On various files mistakes are made, including missing limitation periods and other deadlines.

TitlePLUS® Essay Prize: \$3,000 award for real estate law student



One Canadian law student will have an extra \$3,000 to put towards his or her education next year. The award goes to the winner of the TitlePLUS Essay Prize, created by LawPRO to encourage and recognize outstanding legal scholarship in the practice of real estate law.

The contest, now in its fourth year, aims to encourage Canadian law students to research and better understand current issues and developments in real estate law. Ethical issues in the practice of real estate law, reform of law society rules, practising law in an electronic environment, the role of the lawyer in preventing real estate fraud, and the use of title insurance in real estate transactions are among the topics that students can write on.

The TitlePLUS Essay Prize is but one of several LawPRO initiatives to support continued growth of the real estate bar, and is consistent with LawPRO's role as the only Bar-Related® title insurance fund in Canada. LawPRO is committed to working with the real estate bar in the public interest and to undertaking educational initiatives aimed at informing both the public and lawyers about the role of the lawyer and title insurance in real estate transactions.

The contest deadline is March 31, 2010. Full contest rules are available at www.titleplus.ca.

OBA recognizes LawPRO's TitlePLUS program for support of real estate bar

LawPRO and its TitlePLUS title insurance program were honoured with an award for their work with real estate lawyers by the Ontario Bar Association's (OBA) Real Property Section in the summer.

The award – presented by OBA Real Property Chair Jeffrey Schwartz – recognizes LawPRO's dedicated work over the past three years on behalf of Ontario real estate lawyers through numerous public education/awareness campaigns.

"LawPRO has for several years gone out of its way to support the real estate bar," said Schwartz in presenting the award to LawPRO President and CEO Kathleen Waters. "Its promotion and advertising efforts ensure that consumers, financial institutions, even government, who are affected by or involved in the real estate

transaction, better understand what we do and the importance of our role."

Schwartz pointed out that real estate lawyers are often too busy to effectively educate, promote and market themselves. "LawPRO does that for us. Tonight we recognize that they continue to use their resources and tools to let everyone know the good that (real estate lawyers) do. We are grateful for their efforts that benefit us all."

Through its TitlePLUS program, LawPRO has undertaken several campaigns to raise awareness among consumers, lenders and government of the critical role lawyers play in protecting consumer interests in a real estate transaction. In 2008 alone, its media campaigns generated coverage that reached 3.5 million consumers across Canada; a separate series of short articles

on topics such as what to look out for when refinancing or issues to consider when buying recreational property were seen or read about 38 million times (i.e. generated 38 million impressions) in 128 publications and online media outlets.

"It's a tremendous honour to be recognized by the OBA for something we so passionately believe in," said Waters, herself a former real estate lawyer. "When people discuss access to justice, they often focus on access to the courts. For most Canadians, access to justice and the law comes more commonly in the form of advice from lawyers on real estate deals, wills and estates, and family issues. Supporting the work of the real estate Bar is crucial to maintaining local access to legal advice throughout Ontario."

Enhanced coverage for counterfeit certified cheques and bank drafts

Beginning in January 2010, coverage under the Law Society's insurance program for fraud-related claims involving counterfeit certified cheques and counterfeit bank drafts is being expanded.

Under the current program, no indemnity protection has generally been available for any shortfall between the lawyer and his or her bank resulting from the deposit of a counterfeit certified cheque or bank draft into the lawyer's trust account as a result of such frauds. However, coverage is provided in the ordinary course for such claims in which trust funds of legitimate clients are inadvertently taken.

As part of the standard program in 2010, coverage will be expanded to provide Ontario's practising insured lawyers with some overdraft protection, provided certain requirements are met.

Background

While there are many forms of frauds involving counterfeit cheques and bank drafts, the two most common fraud scams involving counterfeit instruments that target lawyers' trust accounts include:

- business loan frauds, where a client seeks a lawyer's assistance in securing a business loan; and
- debt collection frauds, where a lawyer aids in the collection of a debt for a client.

Details concerning these two types of fraud are more fully described in the Summer 2008 LawPRO Magazine (volume 7, issue 2) which is available online at http://www.practicepro.ca/LawPROmag/LawPROmagazine7_2_Aug2008.pdf

As these fraud schemes unfold, it is in most instances the trust funds of legitimate clients that have been taken when the counterfeit nature of the certified cheque or bank draft becomes known. Occasionally, the lawyer's trust account happens to not have sufficient funds to

fully cover the amount of the fraud, and the lawyer has been left in an overdraft position with his or her bank.

As discussed in the Summer 2008 issue of LawPRO Magazine article "Not all claims are covered," program coverage has been afforded as a matter of course with regard to trust funds taken that belong to legitimate clients of the lawyer for whom professional services have or were intended to be provided.

It is important to recognize that the policy insures lawyers' professional services. In the event of a shortfall between the lawyer and his or her bank, no indemnity coverage has been available under the program policy in LawPRO's view for this shortfall, in that no professional service was provided to the bank. In this instance, the claim of the bank is for payment of debt based upon contract, not for damages arising out of the performance of professional services.

It should be noted that the scope of protection under the 2009 and prior years' program is at least as broad as that provided by other law society programs, and that commercial markets – though in a position to provide more comprehensive protection through other forms of insurance – have opted not to do so.

LawPRO is expanding the base program coverage for 2010 to provide some overdraft protection to practising insured lawyers in relation to such claims, provided certain requirements are met.

Enhanced coverage requirements & limitations

Under Endorsement No. 7 to the 2010 program policy, limited trust account overdraft protection is effectively provided where liability for the overdraft results from the handling of a counterfeit certified cheque or counterfeit bank draft in the insured's capacity as a practising lawyer.

The amount of coverage provided with respect to this enhanced protection is subject to a sublimit of \$500,000 per claim and in the aggregate (i.e. for all such claims reported by the lawyer or lawyers in the firm that year). This amount is inclusive of claim expenses, indemnity payments and/or costs of repairs.

As a sublimit, these claims reported would also reduce the amount of protection remaining under the \$1 million per claim/\$2 million aggregate policy limit provided to the practising lawyer.

For the overdraft protection to apply though, at least eight business days must have passed following deposit of the instrument into the lawyer's trust account before instructions are given concerning payment of funds.

Alternatively, the lawyer must have received confirmation from either his or her own financial institution or the drawee financial institution that the drawee financial institution has verified the validity of the instrument, and had this confirmation documented in writing between them (by either the lawyer or financial institution), before payment instructions were given.

As well, the drawee financial institution indicated on the counterfeit certified cheque or counterfeit bank draft must be a Canadian financial institution, and the instrument must have been inspected and deposited by the lawyer, or a partner or employee of the lawyer.

No overdraft protection is afforded in relation to retainer deposits, untransferred fees, or other amounts relating to legal fees, accounts or fee arrangements. As well, some limitations in deductible may apply.

For further details, see the program policy (LawPRO policy no. 2010-001), which is available online at: http://lawpro.ca/insurance/pdf/LawPRO_Policy2010.pdf.

Of course, lawyers will not always be in a position to fully meet the requirements of this enhanced protection. In that instance, lawyers can expect to be covered in the ordinary course in relation to trust funds belonging to legitimate clients. However, if the lawyer is left in an overdraft position with his or her bank, no indemnity protection should be expected in relation to the overdraft position.

Regardless of these requirements for overdraft protection, lawyers are encouraged to adopt a best practices approach in their dealings and exercise prudence in how funds are to be transferred.

Certainly, wire transfers using the Large Value Transfer System (LVTS), as well as real estate lawyers' use of Teranet's Closure® service, should be considered to

avoid the prospect of counterfeit certified cheque and bank draft exposures.

Look for more information on how to manage counterfeit certified cheque and bank draft exposures in the December issue of our online LAWPRO Webzine.

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Surcharge on real estate transactions increases to \$65 effective January 1, 2010



Real estate lawyers are reminded that the real estate transaction levy surcharge will increase to \$65 from \$50 for any transactions in which files are opened on or after January 1, 2010.

Transactions in which files are opened prior to January 1, 2010, but which close later in 2010 will be subject to the \$50 surcharge in effect when the file was opened.

The change in the amount of the surcharge also means changes in the way the surcharge is remitted to the Law Society and/or disbursed to clients.

Remitting the surcharge to the Law Society

As has been the case for the past 10 years, the levy surcharges are considered insurance premium and therefore are NOT subject to GST. They are subject to PST, and the total amount to be remitted to the Law Society is \$65 per transaction, calculated as follows:

Surcharge	\$ 60.19
PST	4.81
Total	\$ 65.00

Calculating the surcharge when it is disbursed to clients

The full \$65 that you have remitted to the Law Society may be disbursed to clients. Like other disbursements, the levy surcharge is subject to GST (5 per cent), calculated as follows:

Surcharge	\$ 65.00
GST	3.25
Total	\$ 68.25

Filing the levy surcharge

In keeping with LAWPRO's sustainability initiative, lawyers are encouraged to

complete their levy surcharge filings online. A PDF copy of the 2010 transaction levy booklet can be downloaded at http://lawpro.ca/Insurance/Insurance_Forms/insurance_4_forms.asp.

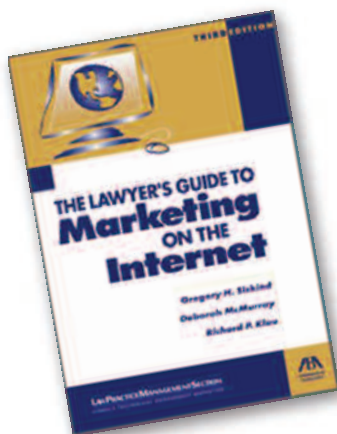
Filing online is quick and easy:

- Go to www.lawpro.ca and select either **File Online** (in the left navigation menu) or the **MY LAWPRO** icon at the top right of our home page.
- Sign in to the secure section of the LAWPRO website using your Law Society number and confidential password.
- Select **Transaction Levy Filing** from the list of options provided (on the left side of the page) or select the **Transaction Levy Filings** tab in **MY LAWPRO**.
- An up-to-date accounting of your filings for the current and past year will appear. Click on the **File now** link for the appropriate quarter filing, and you will be presented with a pre-populated form which you update with transaction data for that quarter and you are done.

Please note that filing online requires electronic payment by credit card or by pre-authorized bank account withdrawal.

Lawyers' Guide to Marketing on the Internet

Greg Siskind, Deborah McMurray, Richard P. Klau, Published 2007, 192 pages



Marketing your firm on the web is no longer a novelty; it is a business necessity. However, marketing yourself *well* is the real trick. To potential clients your website will be their first impression of the firm. So what do you want that impression to be? And how do you get them to visit your site in the first place? Furthermore, a website is now only part of an online marketing strategy that can include all manner of web and social media tools: email lists, blogs, extranets and podcasts.

For a firm wondering how to best position itself in this world, the Lawyers' Guide to Marketing on the Internet will be a valuable resource. This is the 3rd edition of this title originally written by Greg Siskind in 1996. He is an immigration lawyer in Memphis who was one of the first to set up a law firm website in 1994. He has been joined by Deborah McMurray, a marketing consultant to the legal industry and Richard P. Klau, a technology entrepreneur now working with Google.

There are many questions firms should consider when developing a web

marketing plan. Who is your market? How much should you invest in brand consultants, web designers, development firms and copy editors? If going with internal staff, who will oversee the project and keep content fresh going forward? The authors explore the various options that firms of different sizes and resources can put to use. Generally speaking, potential clients viewing your site want to know what you've done, for whom you've done it and what you can do for them.

Now that a plan is in place, firms must decide what content they wish to make available to current and potential clients, and how to effectively present it. This content is either promotional or informational. Promotional content would highlight the firm's areas of expertise, list *pro bono* work, offer virtual "tours" of the office and highlight news articles featuring the firm. Informational content makes your website into a resource by offering case studies, newsletters, discussion boards and blogs.

The marketing potential of your firm's website is not limited to the information on the pages of your site itself. The web allows you to use interactive tools to reach out to clients in the form of surveys, instant messaging options for enquiries, downloads of informative documents or PowerPoint presentations, and email marketing.

Not all of these features are appropriate for every firm, and the authors discuss the pros and cons of each, as well as how

to walk the fine line between getting out your firm's message and turning people off (e.g. sending informative emails to a particular selection of clients versus annoying spam). There are also ethical, etiquette and legal issues to consider when a firm markets its legal services online that are covered in great depth. (As the book was written for an American audience, Ontario lawyers should also consult the Law Society's Rules of Professional Conduct.)

This book will be invaluable to any firm wondering where to start in terms of using the potential of the web to raise the firm's profile and increase business. Screen shots of some of the more effective law firm websites provide real-world examples, and web addresses are provided so you can explore the featured sites for yourself. It does an excellent job explaining new technologies and website features in lay terms, so even the most techno-phobic will not be daunted. Marketing a firm has come a long way from putting an ad in the Yellow Pages, and this book will help firms choose from among the many possibilities the web now offers.

The practicePRO Lending Library has two copies of Lawyers' Guide to Marketing on the Internet. To borrow it, go to www.practicepro.ca/library.

Tim Lemieux is practicePRO coordinator with LAWPRO. He can be reached at tim.lemieux@lawpro.ca.

The *Apology Act* 2009:

A new dispute resolution tool



As lawyers, we tend not to think of apologizing as a method of dispute resolution. Thanks to new legislation recently passed by the Ontario government, and to borrow from Elton John, saying sorry no longer has to be the hardest word.

The *Apology Act* came into force on April 23, 2009. The legislation was introduced by David Oraziotti, an MPP from Sault Ste. Marie, as a private member's bill. The Act allows the communication of expressions of sorrow or regret without worrying that the comments can later be used adversely in a civil court.

The original proponents of the legislation came from the health care field. Historically health care professionals have avoided apologizing to patients for mistakes out of fear the apology would be considered an admission of guilt in civil proceedings.

Thinking changed. Doctors, nurses and other health care providers felt that apologizing would initiate the healing process by acknowledging to a patient that a harm had been done and by promoting open communication and accountability between patient and health care provider.

In Ontario, the initiative gained traction. The *Apology Act* has received support from various groups including the Ontario Bar Association, the Ontario

Medical Association and the Registered Nurses Association of Ontario.

Proponents of the *Apology Act* suggest the legislation will

- enhance the dispute resolution process;
- promote accountability; and
- enhance the affordability and speed of justice by shortening or avoiding litigation.

Ontario is the fourth Canadian province to enact apology legislation. British Columbia, Saskatchewan and Manitoba are the others. Most Australian states and more than 30 states in the U.S.A. have similar legislation in place.

According to MPP David Oraziotti, one in three plaintiffs in the United States would not have sued if he or she had received a simple apology. In tabling this legislation, Mr. Oraziotti advocated the position that apology laws have reduced lawsuits and claims in the court system because people were able to have a discussion about what took place and bring closure to a particular issue.

About the Act

The Act provides that an apology, made by or on behalf of a person:

- does not constitute an admission of fault or liability by the person;

Under the Act an "apology" means:

"an expression of sympathy or regret, a statement that a person is sorry or any other words or actions indicating contrition or commiseration, whether or not the words or actions admit fault or liability or imply an admission of fault or liability in connection with the matter to which the words or actions relate."

- does not affect any insurance coverage or indemnity available despite any wording to the contrary in the contract of insurance or an act or law;
- shall not be taken into account in determining fault or liability in the matter; and
- is not admissible in any civil proceeding, administrative proceeding or arbitration as evidence of fault or liability in the matter.

Where the Act does not apply

As with all good legislation, there are situations in which the Act does not apply.

If the apology is given while testifying at a civil proceeding, including an out-of-court examination, or while testifying at an administrative proceeding or arbitration, then the apology is admissible. No doubt the legislation was intended to encourage the early resolution of disputes

by providing the protection of the Act if the apology is given before reaching costly out-of-court examinations such as discovery, or matters escalate to an arbitration or trial.

The Act also does not affect the admissibility of evidence in a criminal proceeding, including a prosecution for perjury. Finally, the Act does not apply to proceedings under the *Provincial Offences Act* or to the use in a civil or administrative proceeding or arbitration of a conviction for a criminal or provincial offence.

It is probably fair to say that, like doctors, lawyers have been reluctant to apologize to their clients, as the statement could be interpreted as an admission of liability.

Insurance and practice issues

LAWPRO's policy of insurance does not specifically prohibit apologies or

expressions of sympathy or regret. It does, however, provide that an insured shall not voluntarily assume any liability. The Act assists lawyers in dealing with this issue and makes it easier for lawyers to apologize to their clients. We encourage you to explore this option in consultation with LAWPRO. Ultimately the legislation should help lawyers achieve the same goal as health care professionals of enhanced accountability and open communication between the lawyer and the client.

Apologizing is not something we traditionally think of as a dispute resolution mechanism. However, not too long ago mediation was a new concept that was met with a degree of skepticism. Mediation has proven to be an effective method of dispute resolution.

We encourage you to think of the *Apology Act* as another dispute resolution mechanism. In handling matters on behalf of your clients, reflect on whether you might be able to use this new legislation to shorten or perhaps avoid litigation. If you are on the receiving end of a solicitor's negligence claim, think about whether an apology is something that might assist in the resolution of the matter. Consult with your LAWPRO claims representative or defence counsel to formulate a strategy in this regard.

Instead of thinking of it as a blunt tool, an apology can be looked at as a subtle instrument that can have a big impact in resolving disputes. Take a chance and don't be afraid to start practising those key words: "I'm sorry."

Yvonne Diedrick is claims counsel at LAWPRO.



Social technology:

Are connectivity and connection synonymous?



This issue of the magazine is a wonderful addition to the growing wealth of knowledge in the profession related to social media and how lawyers can use it to build business, reach out and connect to the world. Connection is vitally important to making your client base grow and to helping you earn a living.

At the same time, at the Ontario Lawyers Assistance Program, we see that the personal, face-to-face connection to others that has defined human interaction is on the wane, which is a worrisome development.

As lawyers, we connect and communicate using office telephones, cellphones, fax machines, emails, text messaging and blogs. Blackberries, Twitter, Facebook, LinkedIn, APPS, WAPS, syndication, .mobi and many more tools keep us in touch.

A comedian/philosopher once noted that life would be different if inventions had come in a different order. What if we

already had the Internet and then phones were invented? People would marvel at the concept that you could actually talk to another person directly and hear their voice!

So, with all of this new and exciting technology infiltrating professional law practice and entrenching itself in it, what consequences do we see showing up at OLAP?

First, the work day has expanded to no less than 24 hours a day, seven days a week. There seems to be less and less time for family, friends and holidays.

Second, people no longer work exclusively within the confines of an office building. Increasing numbers of people work from home or on the road and, as a direct result, become isolated from their colleagues.

Finally, even when people do take holidays, many choose to remain tethered to their workplace through the technology

that they now see as essential. As people rely less and less on meaningful interpersonal skills to create and foster authentic real-world relationships, anxiety is heightened. One cannot help but notice that the digital realm is inherently impersonal. A relationship built the cyber way often makes one feel like something is missing. And yet, the pressure to keep up and master the medium is intense.

The result is an increase in problems related to stress, burnout, addictions and mental wellness concerns. Statistics compiled by the Legal Profession Assistance Conference, the umbrella organization for all lawyer assistance programs across Canada, demonstrate that lawyers are three times more likely than the general population to have issues with alcohol, drugs and mental illness. If life in the law before the digital age wasn't stressful enough, an entire additional set of new stressors has been added to the equation.

Making the people connection happen

In the current climate, OLAP receives calls from about 1,400 people in the profession each year who demonstrate an ever-more-acute need to connect and reconnect with a live human being. To that end, our peer support volunteers offer a friendly and non-judgmental ear to lawyers, law students, judges and their immediate families, some or all of whom may be in distress.

As well, the professional staff in our offices who receive a person's first call are all lawyers specifically trained to offer a knowing and supportive ear as well as guidance towards the help that is required in each circumstance.

As people, we need to talk and say things out loud, get assurances that we are okay as persons, that our actions do not define us as people and that there is someone to call when we need to unburden ourselves. It will come as no surprise that lawyers hold entirely too much inside of themselves. They feel shame for finding themselves in their current predicament, while assuming erroneously that everyone else in the profession is completely pulled together and fine. The irony is that if this were true, OLAP would have no purpose. The numbers just quoted prove that clearly it does.

By way of example, a person addicted to alcohol invariably isolates him or herself from other people. As use becomes misuse and then abuse and then

dependence, an alcoholic alienates people from his or her life. Families are fractured, friends are pushed away, partnerships are dissolved and the loneliness and solitude is filled in with more alcohol.

The same tortuous cycle holds true with drug addiction. The fastest growing addiction – compulsive use of the Internet – is the epitome of social isolation, evidenced by hours spent alone in front of a computer screen with no in-person, live human contact. When someone struggles with a mental wellness issue, the isolation is deafening. The personal and societal stigma leads directly to denial and further withdrawal. The situation continues to devolve and this just makes things progressively worse.

OLAP resources

So, what do you do when the burgeoning world of technological marvels that is ostensibly designed to make your life easier and more productive, has the opposite effect? What do you do when all of this pervasive connectivity leaves you lonely, isolated and in distress? Call OLAP. Talk to one of our professional staff: Doron Gold, Terri Wilkinson or Jill Fenaughty. Talk to Leota Embleton, our program manager, who is a social worker, an addiction, gambling and marriage counsellor with international certification. And, of course, our Volunteer Executive Director John Starzynski is always willing to share his personal experience

of living with bi-polar disorder, to try to help take the fear out of talking about and getting help for mental illness. Our ever-expanding roster of peer volunteers located across the province give of their time to talk to those in distress and pain.

OLAP is a 24-hour, confidential peer support and counselling program that can help get you started on the road to recovery with just a phone call. To learn about OLAP, its services and the issues covered by its various services, go to www.olap.ca.

OLAP also sponsors a number of a number of groups for lawyers designed to break the isolation and foster connection. The newest group which we have established to help fight against lawyer isolation is our Lawyers' Group. On the first and third Wednesday of each month at 5:30 p.m., a diverse and ever-changing collection of lawyers meets at the OBA offices in Toronto to provide support to colleagues and to safely and confidentially discuss their issues without judgment or the fear of someone trying to "fix" them.

As well, the Women's Wellness and Balance Group, along with the Women's Law Association of Ontario, has lunch quarterly to address issues relevant to women in the profession.

You will also find OLAP in your local community. Across Ontario, OLAP representatives enthusiastically attend legal groups such as county and district law association meetings to speak and network, spreading the word about the necessity of lawyer wellness. The more members of the bar that know about us and our message of health and wellness, the more confident we are that members of our community can not only be professionally connected and successful, but personally healthy and fulfilled. Real world, face-to-face connection is not passé. It has never been more necessary than it is now.

To contact the OLAP team, please call **1-877-576-6227**

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You may contact the Volunteer Executive Director at **1-877-584-6227**:

John Starzynski , LLB	john@olap.ca
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Legislature interns blog about LawPRO

Interns from the Ontario Legislature Internship Program (OLIP) found the information they learned about LawPRO's operations and government relations activities so interesting that they featured the visit on their blog.

Earlier this fall, the 10 interns were touring a number of organizations to learn more about various government stakeholders. As LawPRO is a sponsor of the OLIP program, the interns (all university graduates specially selected to work with government for a 10-month period) were invited to visit LawPRO and meet with President and CEO Kathleen Waters.

The group found her first-hand account of how LawPRO has helped shape public policy to prevent real estate fraud particularly interesting. "This gave us a specific example of how an organization works to impact legislation for the betterment of society," the group said on its blog, OLIP Unplugged (<http://olipinterns.wordpress.com>).

OLIP interns are recent graduates of Canadian universities who have an interest in and a knowledge of the legislative process; while at Queen's Park, they act as assistants to specific MPPs and gain practical experience in the day to day work of the Legislature.

Transaction levy filing due dates

Lawyers practising real estate and/or civil litigation must complete and file the appropriate transaction levy form and payment as follows:

- For the third quarter ended on September 30, 2009, filings were due and payable by October 31, 2009;
- For the fourth and final quarter ending on December 31, 2009, filings are due and payable by January 31, 2010.

To file these forms online, visit the LawPRO website, www.lawpro.ca, and sign in using your Law Society member number or firm number and your e-file password (the same password used to file your insurance application online).

Under the **My Personal Account** menu, select the **Transaction Levy Filing** tab.

practicePRO presents at premier Manitoba event

practicePRO's Director Dan Pinnington was a plenary speaker at the annual Isaac Pitblado Lectures, the pre-eminent continuing legal education event hosted by the Law Society of Manitoba.

The event, held November 13 and 14 in Winnipeg, focused on the topic of Practising in the 21st century: Evolution or Revolution? Dan Pinnington spoke on: Top Technology Tools You Need Now – Evolution and Revolution in Legal Technology.

Other keynote speakers were Richard Susskind, OBE, well-known author and speaker on the future of legal services; Karen MacKay of Phoenix Legal, and Jordan Furlong, former editor of the CBA National magazine and now a partner with the consulting firm Edge International.

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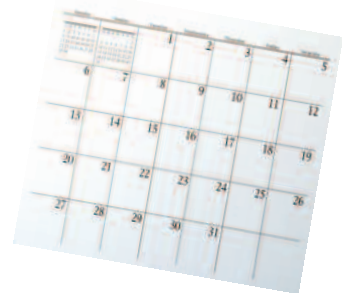
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Events calendar



Upcoming events

2009

December 8

TitlePLUS department sponsoring and exhibiting at the OBA's Covenants Concerning the Use of Land
OBA Conference Center

December 10

Hamilton Law Association & OIAA 23rd Annual Joint Insurance Seminar
How to Avoid a Malpractice Claim
Dan Pinnington presenting
Hamilton

2010

January 8

TitlePLUS department exhibiting at the CBA Nova Scotia Annual Professional Development Conference
Marriott Harbourfront Hotel, Halifax

January 20

TitlePLUS department exhibiting at the Calgary Real Estate Board's 2010 Forecast Conference and Trade Show
Telus Centre, Calgary

January 28-29

TitlePLUS department exhibiting at the CBA 2010 Alberta Law Conference
Westin Hotel, Calgary

February 15-16

2010 OBA Institute
Using Technology in a Family Law Practice
Dan Pinnington presenting, practicePRO sponsoring and exhibiting
TitlePLUS sponsoring and exhibiting
Royal York Hotel, Toronto

For more information on practicePRO events, contact practicePRO at 416-598-5863 or 1-800-410-1013 or e-mail dan.pinnington@lawpro.ca.

For more information on TitlePLUS events, contact Marcia Brokenshire at 416-598-5882 or e-mail marcia.brokenshire@lawpro.ca.

Recent events

November 30

LIANS/RPM Solo & Small Firm Conference

The Top 10 Legal Technologies of Solo and Small Firms and *The Role of Risk Management: Preventing Common Mistakes*

Dan Pinnington presented
Halifax



LAWYERS' PROFESSIONAL INDEMNITY COMPANY (LAWPRO®)



President & CEO: Kathleen A. Waters

LAWPRO Magazine is published by the Lawyers' Professional Indemnity Company (LAWPRO) to update practitioners about LAWPRO's activities and insurance programs, and to provide practical advice on ways lawyers can minimize their exposure to potential claims.

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