

LAWPRO

magazine

2018 | Student Issue 6

special
student edition

Unbox your career potential



Common
practice pitfalls

Student to
lawyer tips

Where to look for
help – the MAP

What is LAWPRO®

And why should I care

Lawyers' Professional Indemnity Company (LAWPRO), is the insurance company chosen by the Law Society of Ontario to provide the professional indemnity insurance that the Law Society has deemed mandatory for Ontario lawyers in private practice.

The insurance coverage provided by LAWPRO supports the interests of consumers of legal services who may have a legitimate malpractice claim against a lawyer and are hoping there will be funds available to provide a settlement or to satisfy a judgment. It also helps to protect lawyers from the potentially catastrophic financial consequences of professional malpractice claims.

In the pages of this magazine, you will learn more not only about professional indemnity insurance and about LAWPRO, but also about the practicePRO program, LAWPRO's claims prevention program. The practicePRO team creates and maintains a wide range of practice management resources for lawyers at all stages of practice. For details see LAWPRO's best claims prevention tools at page 11 inside.

Besides professional indemnity insurance, LAWPRO also offers title insurance via its TitlePLUS® program. Title insurance is a product designed to protect property purchasers, owners, and mortgage lenders against losses associated with title problems.



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LAWPRO insurance
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Isn't LAWPRO just a branch of the Law Society?

While LAWPRO is owned by the Law Society of Ontario, it is an independently operated company governed by the same industry regulation that applies to other insurance companies. To meet its claims obligations, LAWPRO funds itself by matching premiums to risks and by making investments. While the insurance program renewal is considered each year by the Law Society, the company is governed by its own board of directors and executive, and is required to operate according to established insurance principles.

Will I need to pay for professional indemnity insurance if I work in government or as in-house counsel?

Certain categories of lawyers are exempt from the requirement to carry mandatory insurance coverage. In general, government lawyers, in-house lawyers, legal academics who don't practise law and lawyers who have retired or withdrawn from practice (or who never practised) are exempt, unless they provide professional legal services to parties other than their employers. In addition, there is an exemption available for lawyers who do some types of *pro bono* work. Once you have been called to the bar, you will receive more information about these exemptions.

How can I have a say about the mandatory insurance program?

The LAWPRO mandatory insurance program for each year is reviewed at the fall convocation of the Law Society. Benchers are given an opportunity to learn about the program, and ultimately to accept the offer for the following year. LAWPRO's Report to Convocation is posted at lso.ca at that time. Of course, we are interested in receiving your comments, questions and concerns, at any time of the year.

What can I do, once I'm in practice, to avoid malpractice claims?

LAWPRO has many years of experience receiving and defending claims. Our claims counsel and analysts have developed a detailed understanding of the factors and circumstances that tend to result in claims. For example, did you know that new lawyers generally have a LOWER rate of claims than do lawyers with eight or ten years' service? Or that problems with lawyer-client communications are the single largest source of claims? Visit our websites (lawpro.ca and practicepro.ca) for information on the most common pitfalls in each practice area and tips about how to prevent claims in your practice.

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Student Edition

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LAWPRO
magazine

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LAWPRO Magazine and LAWPRO Magazine's Student Edition are published by 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 malpractice claims. The material presented does not establish, report, or create the standard of care for lawyers. The material is not a complete analysis of any of the topics covered, and readers should conduct their own appropriate legal research.

The comments in this publication are intended as a general description of the insurance and services available to qualified customers through LAWPRO. Your policy is the contract that specifically and fully describes your coverage and nothing stated here revises or amends the policy.

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Common practice pitfalls: How to avoid them



Lawyers' Professional Indemnity Company (LAWPRO) was created to insure lawyers against legal malpractice claims. Most (though not all) claims are brought by a lawyer's own client and include an allegation that the lawyer made a mistake or did not meet the standard of care expected of him or her when delivering legal services.

No lawyer is immune to a claim; in fact, our records suggest that four out of every five lawyers will be the subject of a claim at one point in their career. Malpractice claims can be stressful, can hurt your reputation, and can be costly (even if the only financial consequence to the lawyer is an increase in insurance premiums).

Understanding the most common causes of claims so that you can build risk management skills early in your career is your best line of defence.

What kinds of mistakes lead to claims?

Students in the midst of law school, with its mountain of reading on cases and substantive law, might be surprised to learn that "errors of law" are not the biggest pitfall to watch out for in the world of private practice. In fact, in the last ten years, only about 13 per cent of LAWPRO malpractice claims were caused by lawyers getting the law wrong (except in very complex areas like family or tax law).

So, if knowing the law isn't the problem, what *is* the danger that new lawyers should be on the lookout for? In a nutshell, you could call it "human error": breakdowns in communication, poor calendaring and procrastination, and not digging deeply enough into a client's matter. These types of errors make up almost 67 per cent of the claims LAWPRO sees.

Students may not yet know what area of law they will ultimately end up practising, but the causes of claims are remarkably similar in all types of practice, firm size and geographic location. Here's an overview of the biggest pitfalls:

Client communication

In almost every area of practice, the number one cause of claims to LAWPRO is a breakdown in lawyer-client communication. This ought to be the easiest type of error to guard against, but it is also

the most common. Often these claims arise because the lawyer and client disagree on what was said or done – or not said or done – sometimes because communications are rushed. This is partly the result of lawyers being busier than ever, and partly due to clients who expect faster replies and more 'round the clock' responses from their lawyer.

However, there is much that can be done at every stage of the matter to prevent these types of claims. Right from the outset, a well-drafted retainer letter can set the client's expectations of how the matter will proceed and what the lawyer will (and won't) do for them.

As the matter progresses, it is important to document conversations with the client, your advice, and the course of action the client wishes to pursue. This documentation can be a lifesaver in the event of a malpractice claim. Clients may later say they asked the lawyer to do X and it wasn't done; or the lawyer may have done Y and the client claims he didn't authorize this course of action. If there is no documentation of lawyer/client conversations, the claim then turns on credibility, and LAWPRO's experience has been that courts are more likely to believe the client's more specific recollections over the lawyer's typically vague or non-existent memory.

It's an unfortunate fact that while email and other electronic media provide more ways than ever for a lawyer to interact with clients, all these lines of communication seem to result in even more misunderstandings. Clients or lawyers read things into emails that



aren't there, miss the meaning of what was said, or read between the lines and make assumptions. Face-to-face communication is the best way to ensure miscommunications don't happen. If meeting in person isn't possible, at least pick up the phone to avoid misunderstandings when important matters need to be discussed.

Clients whose expectations have been adequately managed are less likely to turn on their lawyers (rightly or wrongly) than those who are taken by surprise by the result of their case or legal fees. Visit practicepro.ca for our resources on managing lawyer/client relationships.

Inadequate investigation

This is a type of error closely related to poor communication and is best described as lawyers not taking the time to uncover all the facts or develop sufficient understanding of a client's matter. It can be considered a symptom of "smartphone legal advice": quick questions and quick answers by lawyers and clients who are both in a rush. These claims go to the very core of what lawyers are supposed to do for their clients – give legal advice based on the client's specific situation – and involve the lawyer not taking extra time or thought to dig deeper and ask appropriate questions about the matter.

These claims can arise in any area of law. We see them most commonly in busy real estate practices, where rushed lawyers miss deficiencies in a condo status certificate, misread a survey, or don't find out what long-term plans a client may have for a property (so that they can ensure those plans are viable). In litigation it could mean not making a reasonable effort to identify all the parties to an action within the limitation period. In wills and estates law it could mean not inquiring into the capacity of an elderly client or failing to ask about the existence of previous wills.

The best way to avoid these claims is to simply slow down. Take the time to read between the lines so you can identify all appropriate issues and concerns. Ask yourself: What does the client really want? Does everything add up? Are there any issues or concerns that should be highlighted for the client? If something doesn't add up, dig deeper.

One way to ensure that the right questions are asked on a matter is to make use of the practicePRO program's articles and checklists. At practicepro.ca/checklists you'll find checklists for domestic contract matters, commercial transactions, and independent legal advice,

as well as claims prevention articles from *LAWPRO Magazine* at practicepro.ca/lawpromag

Time management

It seems to be human nature to put off tasks until the deadline is looming (as any student pulling an all-nighter will attest). It's no different for lawyers, which makes missed deadlines a major source of LAWPRO claims. This is most common in plaintiff litigation, which has strict limitation periods and document filing deadlines to manage.

While every lawyer seems to have a dusty file or two in their office that they never quite get around to, time management claims are not always the result of simple procrastination. In some cases the lawyer fails to ascertain the limitation period on a matter, or even if they do know, fails to properly calendar the limitation period or act when it comes up.

There are a number of things you can do to avoid missing a crucial deadline. Familiarize yourself with the *Limitations Act, 2002* by using the practicePRO program's limitations resources at practicepro.ca/limitations. Use practice management software with tickler systems to alert you to approaching deadlines. Be aware of the danger of the registrar dismissing an action for delay under Rule 48 of the *Rules of Civil Procedure* (see our Rule 48 Transition Toolkit at practicepro.ca/rule48 for help).

Finally, building in a one- or two-day cushion on deadlines and reminders can help prevent this type of error when there are unexpected problems that stop you from meeting a deadline for a filing (e.g. ice storm; or taxi in an accident on the way to courthouse on last day to file).

These are very general descriptions of the common causes of LAWPRO claims. If you want to learn more about malpractice claims in particular areas of law, you'll find a wealth of articles at practicepro.ca. There are detailed examinations of claims causes in several areas of law, as well as articles featuring advice from LAWPRO's claims counsel on the common mistakes they see lawyers making and how to avoid them. ■

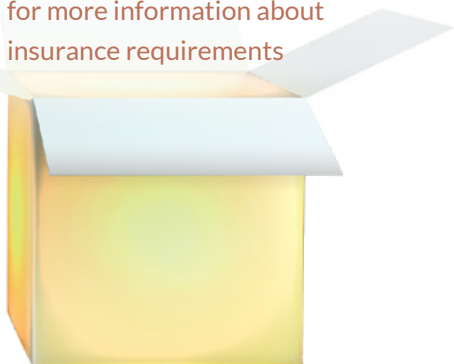
Tim Lemieux is Claims Prevention & Stakeholder Relations Co-ordinator at LAWPRO.

What new lawyers need to know about LAWPRO's mandatory professional liability insurance

These FAQs answer some of the more common questions we hear from newly-called lawyers. The answers will help you determine if you need insurance coverage (or whether you're exempt) and which steps you need to take to get your LAWPRO insurance coverage in place.

Visit lawpro.ca/newcalls

for more information about insurance requirements



What is professional liability insurance?

Professional liability insurance is designed to indemnify lawyers against the consequences of a lawyer's liability for a client's loss. For this reason, only lawyers in *private practice* are subject to the mandatory insurance requirement.



What is private practice?

Private practice, for the purpose of LAWPRO's insurance program, is the delivery of professional services (including advice) to anybody who is not the lawyer's employer. In general, lawyers in private practice perform professional services for clients for pay. Note as well, providing legal advice or help to family or friends, or providing free legal advice to *pro bono* clients also falls within the definition of private practice.

Do all members of the Ontario bar have to purchase professional liability insurance?

If you are engaged in private practice in Ontario, you will need to purchase coverage through LAWPRO. [See the left-hand text on the next page for more details on getting insurance from LAWPRO.](#)

If you are not in private practice and meet certain criteria, you are likely exempt from the mandatory insurance requirement. [See the exempt lawyer FAQs on the right-hand side of the next page.](#)



Going into private practice.

How do I apply?



If you will be working as a sole practitioner, you will need to complete an application online. (You'll receive a mailing from us with instructions.) New lawyers can apply at any time after receiving a Law Society number from the Law Society of Ontario. While it's important to apply promptly for insurance, you do NOT need to delay beginning to practise.

You can begin the practice of law immediately while you wait to receive your number, with one exception: if you intend to practise real estate law, you must wait until your compulsory REPCO coverage is in place to do so. After the first year, you will be asked, each October, to renew your insurance for the following year.

If you'll be joining a firm, you may want to speak with the firm administrator or office manager before you apply directly, as there may be specific practice or payment options that need to be reflected on your application form.

How much will it cost?

Not every lawyer in private practice pays the same premium. LAWPRO offers discounts to certain categories of lawyers (including part-time practitioners, and lawyers who practise criminal and/or immigration law exclusively). The base premium for the year 2018 is \$2,950 plus PST.



New lawyers receive a discount: Lawyers new to the bar in the current year receive a 50 per cent discount from the standard base rate in their first full year of practice. Additional discounts are available in the second, third, and fourth years (40, 30 and 20 per cent, respectively). These discounts reflect the risk profile of new lawyers. Because the maximum premium discount for any lawyer is 50 per cent, these discounts cannot be combined with other discounts.

Some lawyers pay more than the base premium. For example, there is additional premium required for the practice of real estate law (a higher-risk practice area, from a claims perspective). Also, lawyers for whom LAWPRO has paid claims within the previous five years may pay more for their insurance because of these prior claims.



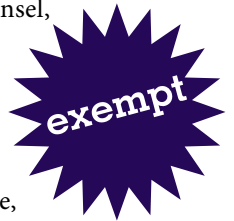
HOW DO I FIND OUT MORE?

For more information, please visit our website at lawpro.ca and lawpro.ca/newcalls for information specific to new calls. You can also send an email to LAWPRO Customer Service at: service@lawpro.ca, or you can call us at: 416-598-5899 or 1-800-410-1013.

Not going into private practice.

What kinds of lawyers are exempt from the mandatory insurance requirement?

In general, lawyers working as in-house counsel, who are employed by the government, who work in education, or who work for a clinic funded by Legal Aid Ontario are exempt from the requirement to buy insurance. Lawyers who do *pro bono* work that meets certain criteria, or who are on temporary leave, may also be exempt.



If I'm not going into private practice, can I just forget about insurance?



No. The Law Society of Ontario requires that ALL members of the bar (not just those in private practice) confirm their practice status every year. This means that you must either pay for insurance, or file an application for exemption from the insurance requirement.

LAWPRO's insurance application, exemption application, and other relevant forms can be found (and filed) online. See lawpro.ca/newcalls for more details.

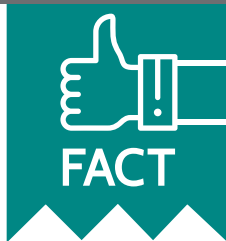
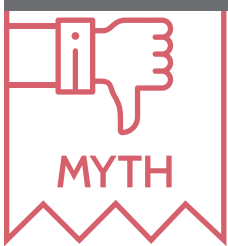
What happens if...

I meet the general criteria for exemption, but later find myself providing legal advice to someone other than my employer, or handling a legal matter for a family member or friend?

Anytime you provide professional services, you expose yourself to a potential claim. Even if you are not in full-time private practice, if you contemplate providing even occasional legal advice or services, you will need to purchase insurance coverage (there are a few narrow exceptions, including one for certain kinds of *pro bono* work). LAWPRO has created a series of *Insurance Matters* booklets to help individuals who feel they are exempt consider potential areas of exposure. Check out these resources online at lawpro.ca, or get in touch with us to request copies. ■

LAWPRO is not like your auto insurer

Dispelling common myths about your insurance coverage



In my more than 20 years of defending lawyers on malpractice claims, I continue to be amazed at how little some lawyers seem to know about the “LAWPRO policy” and how a claim is handled. I am also frustrated by how often lawyers have not done even the simplest things that could help them avoid or defend a malpractice claim.

Lawyers often assume that LAWPRO operates like an auto insurance company. This impression is just not correct – LAWPRO is very different from your auto insurer because it:

- Actively works to prevent claims;
- Does not look for ways to avoid providing insurance coverage;
- Appoints repair counsel to fix the mistake and reduce damages if there has been an error;
- Does not settle a claim just because the cost of defending the claim may exceed the amount at issue;
- Takes a principled approach and settles claims where there has been negligence and the client suffered damages;
- Appoints counsel to vigorously defend proceedings if there is no negligence or damages; and
- Works collaboratively with defence counsel and the insured to defend the claim.

From my work defending lawyers, I have found over and over again some common myths about the LAWPRO policy and how claims should be handled. All these comments apply to coverage under the mandatory insurance program LAWPRO runs on behalf of the Law Society, and may also apply to LAWPRO or other excess insurance coverage, if it is in place.

Myth #1: Only bad lawyers have claims against them.

Fact Even the best lawyers make honest mistakes or can face a baseless allegation of negligence from a client that is suddenly unhappy due to unexpected events or changed circumstances. LAWPRO’s claims stats indicate that 4 out of 5 lawyers can expect to have at least one malpractice claim in the course of their career. Most of the lawyers reading this will have to contact LAWPRO to report a claim at least once in their career.

Myth #2: Lawyers only need to report to LAWPRO when they are served with a statement of claim.

Fact Lawyers should report to LAWPRO in a variety of circumstances. These include: when a lawyer discovers or thinks a mistake was made; when a client has asserted that the lawyer made a mistake; when a lawyer is being asked to swear an affidavit or give evidence about their file handling; or, when a request for production or court order has been made for the lawyer’s file. When in doubt, report!

Myth #3: If a lawyer can fix his/her mistake, then they should try to do that before contacting LAWPRO.

Fact A lawyer should never try to fix a mistake or admit to a client a mistake has been made. Instead, LAWPRO should be immediately contacted. Attempting to fix a mistake or admitting an error may

jeopardize the lawyer's insurance coverage, especially if it makes the situation worse. LAWPRO claims professionals or defence counsel can coach you on the conversation you should have with a client if there is a potential claim.

Myth #4: A lawyer working at a firm does not have to worry about his/her LAWPRO policy. It is a firm concern.

Fact The lawyer is individually named as the insured under the LAWPRO policy, not the firm. This is unlike excess policies where the firm is usually the named insured. Any claims should be reported to LAWPRO by the lawyer who made the purported error or is responsible for the file. LAWPRO will look first to the individual lawyer for payment of any applicable deductibles or claims surcharge levies, even if there is an arrangement that the firm will pay these amounts. As well, LAWPRO can look to the partner(s)/shareholder(s) of the law firm the lawyer was at as of the date of the claim for payment of the deductible.

Myth #5: It is better not to take notes or keep your file because it makes it harder to prove you made a mistake.

Fact It makes it harder to defend! While clients remember what was said and done on a file, usually in great detail, in my experience lawyers just do not remember the details. Notes or other documentation in a file that can establish what actually happened can be a lifesaver in the event of a claim.

Myth #6: Reporting a claim will trigger a deductible and claims surcharge levies.

Fact Simply reporting a claim to LAWPRO does not, repeat, does not trigger a

deductible. Lawyers have various deductible choices that include a nil deductible option (where you don't pay a deductible at all), a deductible that only applies when there's a payment further to a judgment, settlement and/or repair ("indemnity payment"), and a third deductible option that applies to indemnity payments and claims expenses. If the third type of deductible applies, 50 per cent of the deductible would be payable when a statement of defence or responding materials are filed, and the remainder would be payable on the earliest of the commencement of discoveries, examinations, or a pre-trial conference is held, or when an indemnity payment is made.

The claims history levy surcharge is only applied if a claim has had an indemnity payment or the entire claim limit has been otherwise exhausted. If a claim is closed without any repair being required or payment made to the other side, then your premiums aren't expected to go up just because you've had a claim reported. Most claims are settled without a finding of negligence. For the years 2006 to 2016, 45 per cent of LAWPRO claims were closed with no costs whatsoever, defence costs were incurred on only 42 per cent of the files, and an indemnity payment was paid on only 13 per cent of the files.

Myth #7: Lawyers do not have to worry about obtaining insurance in excess of the amount afforded under the LAWPRO policy.

Fact The LAWPRO policy provides annual errors and omissions coverage of \$1 million per claim, or \$2 million in the aggregate. Keep in mind that this amount erodes with defence costs and expenses – which can sometimes be significant, even when the allegation of negligence has no merit. Consider the matters you handle and the nature of your practice – get excess coverage if you think you have exposure to a claim that would be

worth more than \$1 million in terms of indemnity (including pre-judgment interest) and defence costs. Excess coverage is not very expensive and gives you great comfort. Visit lawpro.ca/excess for information on LAWPRO's excess insurance program.

Myth #8: I have no insurance coverage after I leave practice.

Fact When lawyers leave private practice (e.g., to retire, go in-house, move to another jurisdiction or take a temporary leave to focus on family) they usually qualify for exemption from payment of the program premiums. Whatever the reason, the policy provides for run-off coverage that covers the work you did as an Ontario practising lawyer, for free! The standard run-off coverage has a sublimit of \$250,000 that covers your work as a lawyer when program coverage was carried prior to going on exemption. This basic run-off coverage remains in place and lasts as long as you are on exemption. Of course, the limits will be depleted by claims that arise after the lawyer goes on exemption and the program coverage may change in future. Lawyers can apply to buy up this sublimit to \$500,000 or \$1 million. It's also worthwhile to check if your current or previous firms have any excess insurance that might also respond to claims made against former members of the firm after they leave and what conditions might apply.

Take the time to learn more about your LAWPRO policy. Visit the lawpro.ca website for a copy of the policy and FAQs about the policy and the coverage it provides. And remember to take steps to reduce your exposure to a claim. practicepro.ca has loads of helpful tools and resources to help you accomplish this. Lastly, please follow the advice I give above to help LAWPRO and your defence counsel defend you in the event you face a malpractice claim. ■

Susan Sack is a partner at Rosen Sack LLP.



Happier where you are, or getting to a better place

How to improve satisfaction and reduce stress wherever you are

Lawyering can be stressful. Lawyers are expected to handle the pressures of solving individuals' high-stakes, emotionally-charged problems.

What lawyers don't necessarily anticipate is that they may suffer stress from being stuck in a work situation that is not their first choice. Competition for jobs may mean that a lawyer needs to accept work outside his or her preferred area of practice, work for a difficult boss, or work in a high-pressure, long-hours environment.

When work is uninspiring (or outside your preferred area)

During articling or in the first few years of your career, you may need to accept work in an area of practice outside your main area of interest. You may even have to do rote or low-autonomy work. After putting in the effort to obtain a legal education, this can be very discouraging. In the interests of reducing your student debt and feeding yourself and your family, you may have decided that you need to stay put until something better comes along. What can you do to find meaning in uninspiring work?

Hone general skills

Regardless of the context, there are certain skills you can hone in almost any legal environment. You can gain proficiency with unfamiliar technologies. You can work on your writing style, aiming for clarity and effectiveness. You can develop your listening skills. Improve whatever skills you can, so that when the right opportunity

comes along, you're more likely to be an excellent candidate for the job.

Practice self-analysis

Make an effort to learn from your frustration. What are you looking for, in a career, that you feel is lacking in your current work? Do you crave one-on-one interaction with clients? The authority to make important decisions? Variety in the legal issues you encounter? Identifying the features of the right work for you can help identify what you would like to do instead, helping you to steer your future career development. In the meantime, if you feel you can have a positive conversation with your current co-workers/practice leaders, let them know how you would like to grow. They are busy, too – maybe they have not turned their minds to your aspirations, and there could yet be a win-win outcome achieved.

Find your inspiration elsewhere

Work need not be the sole source of personal fulfillment. If your work doesn't offer opportunities to use skills that you value, you can try using those skills in other parts of your life.

If you enjoy public speaking but don't get to do it at work, you could look for opportunities to do so in your community, perhaps in connection with a hobby. If you enjoy being a leader but are very junior in your workplace, you might seek leadership roles in community organizations. If you find fulfillment in making a difference for people in need, but your area of practice does not align with that personal value, you can donate your time and skills to charitable organizations that inspire you. Instead of letting an uninspiring job sour your overall attitude to life, use the mental energy you retain by not being challenged at work to build a more satisfying personal and community life. You may also develop competencies that serve you well in your next – more inspiring – work environment.

Put a limit on it

If you are truly unhappy in your current situation, mitigate your negative feelings by treating your current position as a time-limited experiment. Determine how long you are willing to stay, define what needs to change and which strategies you are willing to employ to effect those changes, and commit to moving on if you don't see progress. In the meantime, maintain your network of contacts and your positive relationships with coworkers; in other words, no “checking out.”

When you have a difficult supervisor or colleague

Interpersonal problems can add an enormous amount of stress to work life. A recent Danish study¹ found that much more so than a heavy workload, a feeling of being treated unfairly by one's boss is likely to lead to worker depression. What can you do to minimize the impact of a difficult supervisor on your mood and mental health?

Practice non-attachment

The most powerful thing you can do to minimize the impact of a supervisor's actions on your mental health is to actively resist taking those actions personally. It's important to give appropriate consideration to feedback and to put effort into finding ways to collaborate, but when a supervisor or colleague's demands or criticisms are unreasonable or excessive, they can generate counterproductive stress. Everyone starts out wanting to impress a new boss, but once it becomes clear that a supervisor or colleague's support and approval are being unreasonably withheld, it's emotionally healthier to practice “non-attachment” – a concept embraced by Buddhist practitioners, among others. Non-attachment involves letting go of one's desires, including one's investment in particular outcomes, such as winning the approval of others.

Non-attachment can help you weather a wide range of challenging situations and emotions. The article “Let it R.A.I.N. – a journey into mindfulness” on AvoidAClaim.com offers a four-step process for handling difficult emotions.

Another clever technique to avoid taking a colleague's actions personally is to imagine yourself as an actor playing a role, and to “watch” yourself enduring an unpleasant interaction, rather than feeling yourself enduring it. What do you have to say for yourself? What are the feelings you observe? What is your facial expression? Seeing yourself from the perspective of an outside observer, and making adjustments to your own behaviour can help you feel like you have some control over the situation.

¹ The findings of the study were published in three articles in the scientific journals *Occupational and Environmental Medicine*, *Psychoneuroendocrinology* and *The Scandinavian Journal of Work, Environment & Health*. See a summary at: sciencenordic.com/boss-not-workload-causes-workplace-depression

Strategies to help you cope



Feeling overworked, under-challenged, or unappreciated? Try these strategies to improve the quality of your work environment:

- Set a time limit by which you'll make a move if things don't improve
- Learn a new skill or try a new technology – even if the current context you use it in is uninspiring
- List the aspects you like best – and least – about your current work, to gain insight about how to steer your career in the future
- Find ways to use the skills you don't use at work in other areas of your life – for example, volunteer on a residents' association executive, or coach kids' sports
- Study and practice the Buddhist principle of non-attachment or other spiritual discipline or philosophy that helps you improve emotional and mental balance
- Impress yourself: take new risks or set a “personal best” standard for a task (for example, drafting a lease agreement, negotiating a price) and strive to beat it
- Find an inspiring mentor outside the organization
- When your workload feels overwhelming, aim to do the work while rejecting the stress – consciously choose your reactions
- Identify and reaffirm the reasons you've chosen a legal career
- Address your lifestyle so that you can better cope with work: eat well, exercise, spend time outside, reconnect with friends.

Fail better

Doron Gold, Staff Clinician and Presenter with the Law Society's Member Assistance Program (MAP)², notes that particularly in the early years of their careers, many lawyers have a sense of irretrievability: they believe that if they make a mistake they will never recover. The truth is that there are very few permanent mistakes. Working in an environment in which it feels like you can't do anything right may be a golden opportunity to take risks that help you learn and grow. If you're going to be criticized no matter what you do, why not take bolder risks? Fail bigger and better – propose the strategies and defend the positions you truly support.

Impress yourself

If there is no way to impress the boss, at least you can impress yourself by practising according to your personal convictions. Learn how to generate internal motivation and a strong sense of self-worth. This kind of personal development will serve you well throughout your career.

One of the dangers of a difficult boss is that a steady diet of criticism can lead you to doubt your own abilities and to undervalue your skills when it comes time to look for new work. Try to keep a sense of perspective on your skills and protect your self-image. Got a compliment from a judge, a colleague or a client? Remember it, and give it at least as much weight as you give to the negative feedback you are receiving.

No mentors? Look further afield

Instead of stewing about the lack of role models within your organization, look outside the organization for mentors in the profession at large. As long as you are respectful of their time, many senior lawyers will be happy to teach you a thing or two, or you may find a valuable mentor among your contacts on LinkedIn. Visit practicepro.ca for tips about how to structure the mentoring relationship so that it's safe and rewarding for both mentor and mentee.

When the hours are long or the pressure is high (or both)

Depending on the nature of your legal career, the hours may be long, unpredictable, or both. Feeling tired in the face of a grueling schedule is normal; feeling hopeless and depressed is not. Don't ignore symptoms and thoughts that go beyond the normal stress associated with a demanding job.

Rethink your reactions

It's a cliché, but there is some truth to it: life is 10 per cent about what happens to you, and 90 per cent about how you react. Consider trying to change how you think about your workload. After all, the work will still be there whether you feel stressed or calm in the face of it. See the passage on page 9 about non-attachment, and remind yourself that feeling stress is not the only possible reaction available to you.

Be clear about the "why"

When your workload is high enough to cause you significant stress, it's important to reflect on why you have chosen your particular career. There are areas of practice, locations, and organizations in which you can practise law without working extremely long hours. If you find yourself in an especially high-pressure work situation, consider whether the sacrifices are worth it.

When asked how they cope with very long hours, many lawyers explain that they feel that the work they do aligns with their values and gives them a strong sense of purpose. Feeling as though you are making a difference and doing work that has value can greatly reduce your stress. If, on the other hand, you *don't* experience this sense of personal reward, long hours are harder to justify.

Live well outside of work

If you have no power over your work schedule, you can improve your life satisfaction by working on things over which you do have control. In other words, make sure the rest of your life is ship-shape.

To cope better even on stress-filled days, be sure to take the time to eat properly, get some exercise, prioritize sleep, and get out in the fresh air and sunlight. Many people find that meditation, mindfulness practice, or yoga help them feel calmer and more centred. Finally, take the time to nurture existing relationships with family and friends, and strive to build new ones. Having a supportive social circle can reduce your stress, make your days feel more meaningful, and even improve your physical health.

Invest in yourself

Hardly anyone spends their entire career in his or her "dream job," and many lawyers will work in less-than-ideal settings. Invest in the best version of yourself by taking steps to be happier where you are, and you will be ready when opportunity finally knocks. ■

Nora Rock is Corporate Writer and Policy Analyst at LAWPRO.

² The Member Assistance Program (MAP), co-funded by the Law Society of Ontario and by LAWPRO, can be reached at 1-855-403-8922 (TTY: 1-866-433-3305). Online resources can be accessed at myassistplan.com



LAWPRO's best claims prevention tools and resources

Nobody wants to deal with a malpractice claim – but 4 out of 5 Ontario lawyers will have at least one claim made against them in their careers. When a claim occurs, it is nice for the lawyer and client to have the LAWPRO insurance program in place, especially when claims arise out of honest mistakes or for reasons beyond the lawyer's control. However, the majority of claims are preventable.

LAWPRO sees the same errors time and time again. Lawyer/client communications problems are the most common cause of claims for law firms of every size and in almost every area of practice. Missed deadlines and procrastination are the second largest cause of claims. Inadequate investigation or discovery of fact is the third largest cause of claims.

Over the last 19 years, the practicePRO program has produced a large collection of tools and resources aimed at helping lawyers avoid claims. This brochure has LAWPRO's best claims prevention content. We strongly encourage all Ontario lawyers to review and use these tools and resources in their practices.

For an electronic version of this brochure with links to these resources, visit practicepro.ca/topresources



The top 15 things you can do to avoid a malpractice claim

Many claims are preventable, often with very little effort. The following is a list of the top 15 proactive steps you can take to avoid a malpractice claim:

1 Start out on the right foot with a formal file opening procedure and a written retainer: With every new client you should go through a standard file opening procedure that includes client/matter screening and a conflicts check. If you are going to act you should prepare a retainer letter or agreement that sets the key terms of engagement for the matter. It should clearly identify who the client is and what you are retained to do, and in particular, any limitations on the scope of the retainer. Consider including a provision that describes your firm's policy on disbursing money from your trust account, in order to protect yourself against counterfeit cheque fraud: Put the client on notice that you reserve the right to hold funds for a specific time period or until you are sure they have "cleared."

2 Don't dabble or handle a matter you are uncomfortable with: If you are unsure or hesitant about handling the matter for any reason, get appropriate help or refer it to another lawyer. Send the matter away if you are unfamiliar with the area of law, a real or potential conflict exists, the matter is for a relative or friend and you are not able to be objective, or the client is very demanding and difficult.

3 Get the money up front at every stage of a matter: At the time you are retained, get a retainer that is sufficient to cover all work that needs to be done on the initial stage of the matter. Replenish retainer funds before they are exhausted and on the start of each stage of a matter or file. Configure your accounting system to remind you when the amount in trust is getting low relative to the

WIP on the file or when the accounts have not been paid within 30 days. Stop work if the retainer is not replenished or accounts are not paid on a timely basis. Working on credit with a growing A/R greatly increases the likelihood you will not get paid and the potential for a malpractice claim (see #13). This is especially important for plaintiff litigation, where you could find yourself in the middle of a malpractice claim due to an administrative dismissal of the action. If the retainer is not replenished, get off the record in a timely fashion.

4 Control client expectations with good communications at all times: Clearly and accurately communicate to your clients the available courses of action and possible outcomes, all the implications of any decisions or actions, how long things will take, and the expected fees and disbursements.

Immediately advise them if changed circumstances affect any aspect of your initial advice to them.

5 Document (almost) everything:

It is just not practical to document everything on every matter, but strive to document as much as you can in some contemporaneous manner. Formal letters are fine, but emails, detailed time entries or marginal notes on documents can be equally effective. In particular, record advice or instructions that involve significant issues or outcomes, as well as major client instructions or decisions (especially with respect to settlements). Documentation takes on a greater importance when dealing with difficult or emotional clients. Memorialized communications are invaluable to confirm what was said to, or done for, the client in the event of a malpractice claim. Make sure nasty or embarrassing comments never appear in your client files or records.

6 Meet or beat deadlines: Set realistic deadlines for completing tasks and/or delivering documents or advice to clients. Under-promising and over-delivering (i.e., earlier than promised) on work for clients will make them very happy. Don't leave work to the very last minute as unexpected events beyond your control may intervene and lead to missed deadlines (e.g., blackouts, snow storms or a sick staff member). Give yourself a margin of safety by setting deadlines a day or two early.

7 Delegate but supervise: Delegation is an essential part of running a practice, but make sure there is appropriate supervision and review of junior lawyer or staff work. Never allow others to use your Teraview® RSA token and password.

8 Dig deeper to get all required information and ask questions if things don't add up: Lawyers in many areas of practice are not taking the time to get all the information they need to give proper and complete advice to their clients. For example, identifying all assets and liabilities on a will or family law matter; getting details of injuries on a tort claim, etc. You must dig deeper, spot relevant issues and ask all appropriate questions of a client, especially if there is something on a matter that doesn't quite make sense.

9 Do not allow yourself to become a pawn: Do not allow loyalty to a client, pressure by a client, greed, or other motivations get in the way of your professional duties and ethics. Do not cut corners, cover up irregularities, or forgo investigative steps at the urging of a client. Doing any of these things will come back to haunt you.

10 Don't do any of the things that most annoy clients: These are all the things that would equally annoy you. They include not returning phone calls or emails, long periods of inactivity, and surprising a client with bad news or a large account. Implement standards or practices that govern your client communications, such as phone calls will be

returned within 48 hours (not same day) and, describe them in the initial retainer letter (see #1).

11 Don't wait until after the file is closed to ask how you did: Ask clients for feedback as the matter progresses, at milestones, or when interim accounts are rendered. Proactively address any concerns or issues the client raises.

12 Send interim and final reporting letters: At milestones, confirm to the client the work that was done and the results or outcomes, good and bad. Be sure to note any follow-up tasks that are the responsibility of you or the client. In the final reporting letter be clear that your retainer is concluded.

13 Think VERY carefully before suing for fees: Suing for fees almost guarantees a counter-claim alleging negligence, even if there are no grounds for the allegation.

14 What goes around comes around: Your reputation will precede you. Be civil at all times to: your client, judges, court staff, and the counsel and client on the other side.

15 Communicate and document (almost) everything: Read #4 and #5 again – controlling client expectations with good communications is the best way to avoid a claim, and having some documentation of those communications is one of the best ways to defend a malpractice claim.

Top technology articles and resources

Technology has become an essential part of practising law. These tips, articles and papers, available at practicepro.ca, will help you use technology to become more effective and efficient. They will also help you avoid some of the dangers inherent in the use of technology in a law practice setting.

- 1 **LAWPRO Magazine – December 2013: Cybercrime and law firms**
- 2 **Keeping your passwords strong and secure**
- 3 **Don't take the bait on a spear phishing attack**
- 4 **10 Tips to managing your inbox**
- 5 **Danger: When a hacker emails you instructions in the name of your client**

- 6 **Fifteen tips for preventing identity theft and online fraud**
- 7 **Technology and stress: Good tool, bad tool**
- 8 **Docketing dos and don'ts**
- 9 **Technology in trying times: How and why you should use technology in your practice**
- 10 **Backup best practices and strategies**

- 11 **Be smart about spam: Use whitelisting so you don't miss key messages**
- 12 **Danger signs: Five activities not covered by your LAWPRO policy**
- 13 **Social media pitfalls to avoid**
- 14 **Essential dos and don'ts for LinkedIn users**
- 15 **Employee departure checklist**



15 of our most practical and helpful checklists, precedents and resources available at practicepro.ca

We have a large collection of checklists, precedents and other resources that give you practical and helpful direction on steps you can take to reduce the risk of a claim. Here are 15 of our most helpful and practical claims prevention tools:

1 Retainer agreement precedents:

One of the best ways to reduce the risk of a claim is a retainer agreement that clearly identifies the client and the scope of work to be done. We have a variety of retainer agreement precedents for different types of matters which you can adapt for your practice.

2 Limitations period charts: The *Limitations Act, 2002* represented a huge reform of the existing law of limitations. We continue to see claims related to lawyers' unfamiliarity with the limitations rules. Take the time to review these charts and avoid a claim related to a missed deadline.

3 Annual legal health checkup: This is a list of common legal issues that may arise in a client's personal or business life. By giving it to your clients, you can encourage them to consider their potential legal needs and be aware that you can help them address issues before there is a crisis.

4 Post-matter Client Service Survey: What did your clients think of your service? Use this post-matter client service survey to find out.

5 Generic legal advice (ILA) checklist: A hasty \$150 ILA consult can easily lead to a claim and a \$5,000 deductible. Use the ILA checklist to make sure you cover all the bases when giving independent legal advice.

6 Domestic Contract Matter Toolkit: This toolkit helps lawyers systematically consider and discuss all relevant information at

the initial interview and signing of a domestic contract. It includes an intake form, an intake checklist, a post-meeting client assignment form, and a review and signing checklist.

7 Commercial Transaction Checklist: This checklist contains a series of questions lawyers should ask themselves to help ensure that the commercial documents they are drafting correctly reflect the client's instructions and expected results. It helps ensure that your communication with the client has been thorough, too.

8 Fraud Fact Sheet: This pamphlet describes the bad cheque and real estate frauds that most commonly target lawyers and lists the "red flags" that can indicate that an otherwise legitimate looking matter is actually a fraud. Share this with your staff too!

9 Rule 48 Transition Toolkit: As of January 1, 2017, matters are being automatically dismissed without notice, five years after they were commenced unless there is an order otherwise or the plaintiff is under disability. Move your files along and comply with the requirements of the new Rule 48.14 of the *Rules of Civil Procedure* with help from this toolkit.

10 Client trial preparation checklist: Prepare your client for the ups and downs of trial with this customizable checklist, which covers topics to discuss with your client, including process, timing, outcomes, risks and costs. From managing emotions to the day-

to-day workings of a trial, the checklist covers important topics to discuss with your client in preparation for trial.

11 Managing a better professional services firm booklet: Loads of advice on how you can improve client communication and service at your firm.

12 Using title insurance safely checklist: Title insurance plays an important role in real estate transactions. Each transaction presents a different set of circumstances and risks. This checklist keeps you on top of the variety of issues to consider when you are obtaining a title insurance policy for your client.

13 Business plan outline: Looking to grow your practice or to borrow some money from the bank? This business plan outline will help you set some long-term goals for the finances, management and marketing of your practice.

14 Sample budget spreadsheet: This detailed 12 month budget spreadsheet will help give you detailed insights into your practice revenues and expenses.

15 Limited Scope Representation Resources: These resources will help you understand some of the risks inherent in providing limited scope legal services, and how you can reduce your exposure to a claim when working for a client on an unbundled basis.

lawpro.ca

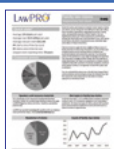
Everything you need to know about LAWPRO's insurance program

practicepro.ca

Practical resources, precedents and checklists for risk management, claims prevention and law practice management

AvoidAClaim.com

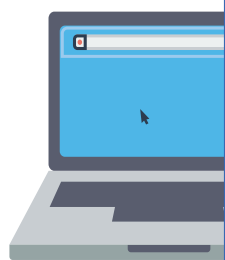
Daily updates on practice advice, claims prevention and alerts to the latest frauds



What are the risks in your area of law?

Our malpractice claims fact sheets include claims statistics, causes of claims against lawyers, and tips for avoiding claims for the following areas of law:

Litigation, Wills & Estates, Criminal, Family, Real Estate, Corporate, Franchise, IP



Practice advice for avoiding claims: 15 articles we wish lawyers would read

Below are the 15 claims-prevention articles we most wish lawyers would read. Many of these articles appeared in past issues of *LAWPRO Magazine* or one of our webzines. You can find these and other past articles online in the *LAWPRO Magazine Archives*. They are fully searchable and are listed chronologically and by topic.

1 The biggest malpractice claims risks: Lawyers may be surprised to learn that failure to know or apply substantive law account for a relatively small portion of LAWPRO claims. Find out the biggest causes of claims in this article.

2 New Year's resolutions for a healthier law practice and a new you: If you are going to read one article this is it – 15 pages of practical tips for reducing risk and avoiding claims and stress.

3 Inadequate investigation/discovery now #1 cause of claims: Lawyers in many areas of law are not taking the time to get all the information they need to give proper and complete advice to their clients. Read this article to learn how to dig deeper, spot relevant issues and ask all appropriate questions of a client.

4 Avoiding administrative dismissals: Rule 48 Transition Toolkit provides advice and tools lawyers and law firms can use to lessen the risk of a claim under the new rule.

5 Manage malpractice risk by recognizing cultural diversity: In the context of legal services, cross-cultural misunderstandings and other culture-related factors can occasionally lead to malpractice claims against lawyers. Understand more from this article.

6 Litigation claims trends: errors & insights: This fact sheet examines the most common civil litigation-related errors that LAWPRO sees, and the steps you can take to reduce the likelihood of a litigation claim.

7 Self-represented litigants: A survival guide: Having a self-represented litigant on the other side of a matter can be very frustrating for you and your client. This article will help lessen those frustrations.

8 Real estate claims trends: A detailed review of where and why real estate claims happen – and what can be done to avoid them.

9 Six things I hate to read in a real estate claim file: LAWPRO President & CEO Kathleen Waters runs through the unfortunate explanations we see on all too many real estate claims files.

10 Unbundled legal services: Pitfalls to avoid: “Unbundled” or limited scope legal services are here to stay; but providing these services creates risks that must be managed. Read this article to understand and avoid those risks.

11 Landmines for lawyers when drafting wills: LAWPRO claims counsel Pauline Sheps outlines some of the areas of greatest malpractice danger for wills practitioners.

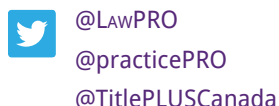
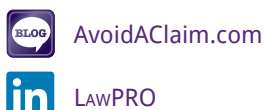
12 Diversify without dabbling: Before expanding your practice, expand your competence. Dabblers – lawyers working outside their usual area of practice – cause a significant number of claims. Read this to understand why.

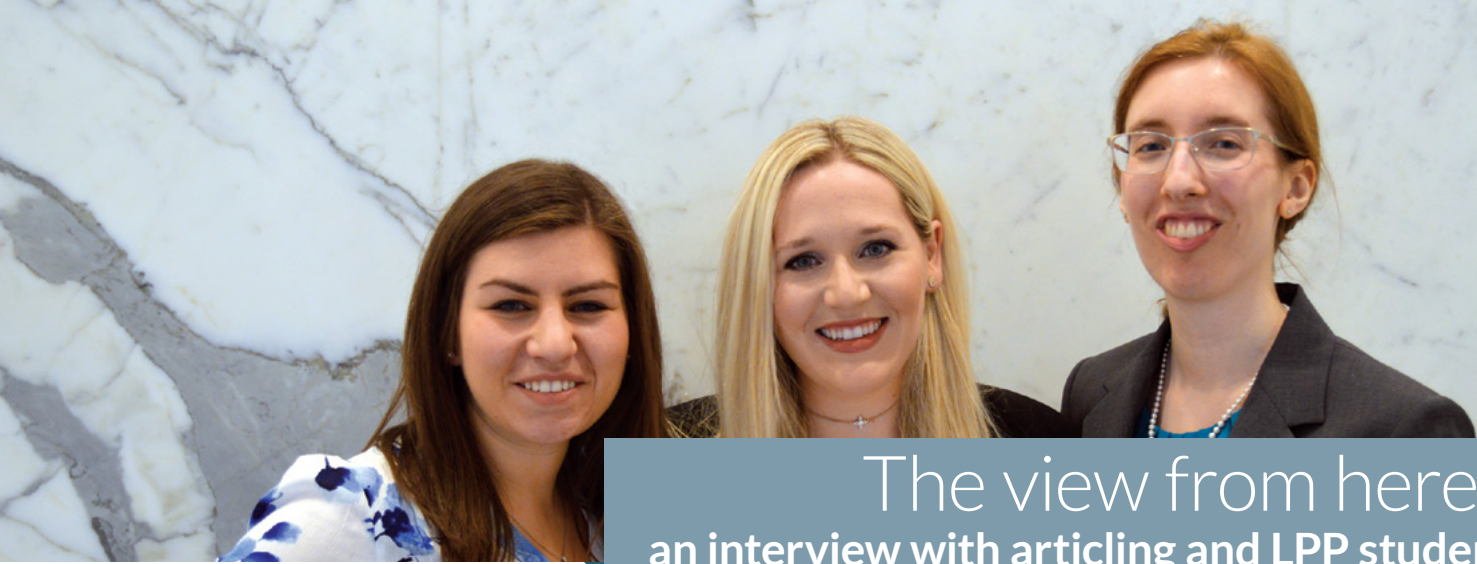
13 Wondering when to report that claim or potential claim? Do it now: Late reporting of a claim can have severe consequences. Read this article so it doesn't happen to you.

14 The morning after mediation: Settling a matter can require lots of give and take and some compromise, with the result that clients may have second thoughts about what they agreed to the day before. Avoid this predicament with the advice in this article.

15 A checklist for avoiding conflicts on lateral transfers: Lateral transfers need to be a good fit and having the right credentials is important, but so is avoiding conflicts of interest. Get the advice to do it right here.

For an electronic version of this brochure with links to these resources, visit practicepro.ca/topresources





The view from here – an interview with articling and LPP students

LAWPRO articling students Madeleine Tyber and Anne Laverty and LPP student Jennifer Lillie share advice and insights for law students looking ahead.

Be confident

Buzz among law students is that they don't know anything when it comes to articling and that they will face a steep learning curve. This is one of the rumors that worried Anne before she started at LAWPRO: "I was happily surprised to learn that I was more prepared from law school than I had thought. I found that I can rely on what I learned in law school in combination with my job training. You have to trust that law school teaches you to be successful at articling and in your career." Madeleine agrees, and said that if there was one piece of advice she could go back and give herself at the beginning of her articling term it would be to be more confident. After handing in her first assignment she received feedback that she was too hesitant and was clearly stuck between saying what she really thought and giving a conservative answer. "I think that it's normal to be intimidated when you start articling and doing work for real clients, but you should remind yourself that you are here for a reason and trust your knowledge and instincts."

Ask for help

All three students agreed that it is important to ask for help during your time at law school and during articling. The students all found their career services offices to be a valuable source of information, from mock interview apps or events, connecting with past articling students, or helping decide what practice area is right. The students agreed that the career services offices at their schools were a great place to look for help and the earlier you make a connection with them the more they will be able to help you when you really need it.

Both Anne and Madeleine have been surprised how friendly and willing to help everyone has been at LAWPRO. "It surprised me that I could ask anyone a question, not just my principal – every lawyer and staff member was always happy to help," said Anne. Madeleine also encourages students to stay in touch with their law school friends once they start articling. "It is beneficial to you in your career and personally to have those people to talk to and share your experiences with. You can talk to people who haven't gone through it, but they don't have the same understanding and empathy."

Find what works for you

The transition from academic life into the working world can be difficult for many students. Jennifer shared that the LPP program was a great stepping stone between law school classes and real articling work: "It gave me a chance to gain experience with practical work without having real clients right away. I was able to increase my confidence without worrying about the impact on a real person and now I feel much more prepared."

All three students agreed that there are many habits that can help you feel more organized, such as checking your email first thing in the morning and making daily lists to prioritize important assignments. Anne shared one thing that she does every day that helps her maintain her focus and productivity: "I always make sure to leave the office at lunchtime to walk around and take a mental break. If I do that, I come back after lunch and, as cliché as it sounds, I am reenergized and refocused to get back to work."

Adapting to office work

All three students agreed that learning how to research and write outside of the classroom has been an adjustment. "One of the most challenging things when you are assigned a research question is knowing when to stop. I would put off handing in an assignment because I would want to do one last check on it, then I would do one last check and find something and open up a whole new area of research, said Madeleine. I think a lot of lawyers struggle with this and especially when you are just starting out, it is hard to know when you are finished." The students agreed that when you are unsure if your research is sufficient it is best to speak to whoever assigned the work and explain what information you have so far and ask them if they think it is sufficient or if there is anywhere they would recommend you look for more information. Jennifer added that when writing out of the classroom you need to focus on the question or the use of the information versus your own education. You have to learn to be concise – there is no need to explain everything you learned in your research if it is not relevant to the answer. ■

Sarah Van Schepen is Communications Co-ordinator at LAWPRO.

Resolve to get your law practice off to the best possible start!



Professional liability claims can take the wind out of the sails of anyone's legal career, but can be especially demoralizing for a new lawyer. Your best chance at avoiding claims is to develop great working habits right from the start. Here are some practice 'resolutions' that you may want to consider. Want more? Read the whole resolutions feature on the practicePRO website at practicepro.ca/resolutions

Want to avoid the most common claims in your particular area of law? Try these resolutions...

...to avoid litigation claims

- I will talk to my clients more often and not rely on email so much.
- I will make sure to have written confirmation of instructions and advice.
- I will enter target dates a few days early to avoid last minute complications.
- I will maintain current knowledge of administrative dismissal rules (see the Rule 48 Transition Toolkit at practicepro.ca/rule48).
- I will create more detailed time dockets.
- I will review my file before closing it to make sure every task is accounted for.

...to avoid corporate-commercial claims

- I will not dabble in areas outside my expertise.
- I will follow the firm's conflict checking system and take action on conflicts.
- I will take the time to catch all the details and do the job right.

...to avoid real estate claims

- I will ensure I meet with my clients in person at least once.
- I will remember that the lender is also my client in most residential transactions.
- I will make sure I take my instructions from the person with the true interest at risk in the transaction.
- I will document my conversations with and instructions from the client.
- I will not give my electronic registration password to my clerks or anyone else.

...to avoid family law claims

- I will make better use of reporting letters and checklists. (Check out LAWPRO's *Domestic Contracts Matter Toolkit* at practicepro.ca/familytoolkit).
- I will be aware of the limitations of my legal knowledge.
- I will proactively direct and control client expectations.
- I will learn to say "no" and not take on a potentially difficult client.

...to avoid wills and estates claims

- I will ask probing questions when meeting with a client to prepare a will.
- I will not act for family members or friends.
- I will confirm as best I can the capacity of the testator and watch for undue influence.
- I will take the time to compare the drafted will with my notes.
- I will review the completed will with my client.

...to avoid criminal law claims

- I will take the time to ensure the client understands my recommendations.
- I will discuss with the client the potential consequences of pleading guilty (and document it).
- I will promptly notify LAWPRO of any appeals based on "ineffective assistance of counsel."
- I will meet with my client in my office whenever possible.



I will download the claims fact sheet for my area of practice from practicepro.ca/factsheets

Want to run an efficient and successful (and hopefully claims-free) practice? Try these resolutions...

...for better case management

- I will complete a conflicts check before opening a file.
- I will open a file for every matter I handle (doing “off-books” work not only bypasses firm administrative procedures and checks, it often leads to short-cuts and mistakes).
- I will use a tickler system for limitations periods and time-sensitive tasks.
- I will have signed retainer agreements or engagement letters in all my files.
- I will send a final reporting letter at the end of every retainer.
- I will not handle matters I am uncomfortable with, because dabblers are more likely to face a malpractice claim.

...to avoid doing things that annoy clients the most

- I will promptly return phone calls and reply to emails.
- I won't make clients wait in reception.
- I will deliver on promises of performance.
- I will be prepared for client meetings.
- I will keep my clients informed during long periods of inactivity.
- I will not send large bills without warning or explanation.
- I will apologize if I fall down on the level of service my clients deserve.

...for stress relief, wellness and balance

- I will take a real lunch break.
- I will read a good book.
- I will get help if I need it.
- I will make time for exercise.
- I will go outside to improve my mental health.

...to better set and control client expectations

- I will carefully explain how the matter will proceed.
- I will avoid legal jargon when explaining things to my clients.
- I will give the client a realistic indication of how long the matter will take.
- I will provide the client with a full picture of all costs and disbursements.
- I will clearly explain to the client all possible outcomes or results.
- I will answer all my clients' questions to their satisfaction, and will confirm my advice in writing.
- I will immediately highlight for clients any unexpected changes that arise.

...to better document files

- I will document all important instructions, advice, conversations, and decisions in my files.
- I will be especially careful to document situations where my client wanted me to follow a course of action that I did not recommend or that could have possible negative outcomes.
- I will also be extra careful to document my files for difficult or emotional clients.
- I will get signed directions for major decisions on a matter.
- I will use written offers to settle.
- I will not document nasty or embarrassing views of my client or other parties.
- I will keep draft versions of documents in the file.
- I will keep a copy of the final version in the file.

...to capture more time, avoid fee disputes (and make more money)

- I will get a sufficient retainer at the start of a matter.
- I will ask clients to replenish the retainer before it runs out.
- I will bill my matters regularly, and stop work if I am not paid (subject to getting off the record where appropriate).
- I will use electronic timesheets and enter my own time as I complete tasks throughout the day, using standard billing codes and including explanatory details.
- I will record every minute I spend on a file, and make necessary adjustments later.
- I will docket all my administrative and other non-billable time.
- I will review detailed time and billing reports for my practice.
- I will use the reports in my accounting software to monitor retainer amounts, Work in Progress (WIP) hours and outstanding accounts.
- I will keep in mind that suing for fees may trigger an allegation of negligence.

...to improve my skills with the help of LAWPRO and practicePRO resources

- I will visit the New Lawyers Page (practicepro.ca/newlawyers) to access the *LAWPRO Magazine* archives and many other useful practice resources.
- I will borrow a book from the practicePRO Lending Library (practicepro.ca/library).
- I will regularly use practicePRO checklists and precedents (practicepro.ca/checklists).
- I will check the AvoidAClaim.com blog to confirm my fraud suspicions. ■

Dan Pinnington is Vice President, Claims Prevention & Stakeholder Relations, and Tim Lemieux is Claims Prevention & Stakeholder Relations Co-ordinator at LAWPRO.

Student to lawyer: 20 tips for a smooth transition



This is an abridged version of the LawPRO article: “20 tips for a successful transition” – a guide for law students through the transition from student life to legal practice. See practicepro.ca/20newlawyertips for the full article.

- 1** Honestly assess your strengths and preferences to identify what makes sense for you in terms of the type of firm and area of law you want to practice.
- 2** Consider all the options: big firm, small firm, solo practice, government, in-house. Don’t just pursue the opportunities everyone else is pursuing – reflect on what is the best fit *for you*.
- 3** Create and prioritize a list of your options (from your most desired choices, to alternatives you’d accept).
- 4** Identify what makes you unique and use that to sell yourself.
- 5** Consider if you have what it takes to be a sole practitioner. Take our self-assessment quiz on page 19 to help you decide.
- 6** Be prepared to work within the realities of articling, the Law Practice Program (LPP) and the job market. Strive to be both positive and realistic.
- 7** Be prepared to deal with uncertainty. You can’t control all the factors that influence your career path; but you can commit to making the best decisions possible under the circumstances.
- 8** Be ready to adapt to changing circumstances and external factors. Your vision of the kind of practice that’s right for you will likely evolve as you gain experience. Be flexible and open to opportunities.
- 9** Prepare your resume and the supporting information you will use to sell yourself in interviews. Consider including writing samples and references – with appropriate permission.
- 10** Contact potential employers in the order in which you have prioritized your options. Research employers online – or even better: network with friends and family to learn about opportunities.
- 11** Don’t have an existing network of contacts? Begin building one! A good first step is to polish your social media presence. Visit practicepro.ca for our article “The essential LinkedIn Dos and Don’ts for law students.”
- 12** Make a good impression at a job interview by preparing answers to the probing open-ended questions you’re most likely to be asked. (See our list of sample questions at page 20).
- 13** Once you have a job, get delegated tasks done right by understanding parameters and deadlines and asking for feedback.
- 14** Good client communication is essential. See the Fall 2011 edition of *LawPRO Magazine* for useful articles about communication.
- 15** Find a mentor who can help you improve your skills. There are mentoring programs available from the Law Society (lso.ca), the Ontario Bar Association (oba.org) and the Advocates’ Society (advocates.ca).
- 16** Make time for ongoing marketing and client development efforts. For marketing tips go to practicepro.ca/20newlawyertips, to see the original “Student to lawyer: 20 tips for a successful transition.”
- 17** Be nice! The legal world is very small – you will meet the same people over and over again – and your reputation will get around.
- 18** Have a life outside of law to help deal with the stresses of the job. While at school, you can find help for serious stress from on-campus providers; or contact Homewood Health at myassistplan.com to access confidential member assistance services.
- 19** Take care of yourself physically and mentally to avoid burnout. See article “Where to look for help” on page 21.
- 20** Trust your instincts, think long-term and be prepared for unexpected turns in your career. ■

Do you have what it takes to be a sole practitioner?

One-third of the more than 26,000 lawyers in private practice in Ontario are sole practitioners. As a solo, it's great to have the freedom that comes with being your own boss, but you also have full responsibility for all aspects of the operation of your law practice. Do you have what it takes to be a sole practitioner? See the self-assessment quiz to answer that question.

The chart helps identify your strengths and weaknesses and gives you a better idea of whether you're cut out for solo or small firm practice.

Ask yourself whether you possess some or all of the skills listed below. Rate your skills by circling the appropriate number, using a scale of 1-5, with 1 as low, and 5 as high.

Skills	Rating
Getting clients <ul style="list-style-type: none"> projecting confidence in your skills networking client service follow-up asking for referrals identifying client needs tracking competitors 	1 2 3 4 5 <small>LOW</small> <small>HIGH</small>
Marketing <ul style="list-style-type: none"> advertising/promotion/public relations annual marketing plans marketing strategies pricing 	1 2 3 4 5 <small>LOW</small> <small>HIGH</small>
Financial planning <ul style="list-style-type: none"> cash flow planning bank relationships management of credit lines monthly financial statements 	1 2 3 4 5 <small>LOW</small> <small>HIGH</small>
Accounting <ul style="list-style-type: none"> bookkeeping monthly profit and loss statements/balance sheets quarterly/annual tax preparation billing, payables, receivables 	1 2 3 4 5 <small>LOW</small> <small>HIGH</small>
Administrative <ul style="list-style-type: none"> scheduling payroll handling benefits administration 	1 2 3 4 5 <small>LOW</small> <small>HIGH</small>
Personnel management <ul style="list-style-type: none"> hiring employees motivating employees general management skills firing employees 	1 2 3 4 5 <small>LOW</small> <small>HIGH</small>
Personal business skills <ul style="list-style-type: none"> oral presentation skills computer skills fax, email experience written communication skills word processing skills organizational skills 	1 2 3 4 5 <small>LOW</small> <small>HIGH</small>
Intangibles <ul style="list-style-type: none"> ability to work long and hard family support ability to work alone ability to manage risk and stress ability to deal with failure ability to work with and manage others 	1 2 3 4 5 <small>LOW</small> <small>HIGH</small>

How did you do?

TOTAL

- If your total is less than 20 points, you should reconsider whether owning a business is the right step for you
- If your total is between 20 and 25, you're on the verge of being ready, but you may be wise to spend some time strengthening some of your weaker areas
- If your total is above 25, you're ready to start a sole practice now

Sample interview questions

Prepare in advance to increase your chances of a successful interview. How would you answer these questions?

Background questions:

- Tell me a little about yourself. What made you decide on law school?
- What do you hope to get out of a legal career?
- What do you know about [our firm]?
- How do you think [our firm] can help you achieve your career goals?
- If you took out a full-page ad in the newspaper and had to describe yourself in only three words, what would those words be?

Independence/sense of self/judgment:

- Describe what success means to you.
- Do you think of yourself as a risk-taker, or someone who plays it safe?
- How would you describe your standards of performance?
- Describe a (recent) situation in which you had to quickly establish your credibility and gain the confidence of others. What did you do?
- What do you think has contributed most to your success so far?
- What are some of the things (weaknesses) you are still working on in yourself?
- Describe a time when you had to take on something very new or different and you had little or no guidance and support in doing so. How did you handle it?
- A senior partner left an assignment for you before leaving on vacation. Now, you can't reach him/her and don't understand the assignment. What do you do?

Conscientiousness/work ethic:

- Describe a situation in which you had to work under pressure. How did you handle it?
- Do you anticipate problems effectively or just react to them?
- Tell me about a time when you went beyond the call of duty or delivered results beyond what was expected. Why did you do that?
- How would you clarify an unclear assignment?
- What kind of work environment are you most comfortable in (structured/unstructured)?
- Tell me about a time when you were assigned an unwelcome task. What did you do?
- Have you ever made an error in judgment that you had to address with your employer? How did you handle it?
- What part of your current workload do you find most challenging?
- What distinguishes you as a candidate?

Motivation/initiative:

- Would you describe yourself as a self-starter? If so, why?
- Would people describe you as a competitive person?
- Describe two things that motivate you at work.
- Give me an example of something you've done that demonstrates initiative and willingness to work.
- What kinds of responsibilities are important to you in your work?

Achievement/accomplishments:

- What work or personal accomplishments are you most proud of?
- What accomplishments gave you the most satisfaction?
- Have you ever accomplished something you did not think you could? How did you do it?
- Give me an example of how you have shown initiative.
- What is the most challenging thing you have ever done?
- What would you consider to be a stimulating work environment?
- Describe a significant risk you took to accomplish a task.

Interpersonal skills/communication:

- Describe a (recent) experience when you worked in a team environment. What was your role?
- Describe a situation where you had to give constructive criticism to another person. How did you go about this?
- Can you describe a situation where you worked for a difficult boss? What happened and how did you handle it?
- Have you ever had to resolve a conflict with a co-worker? How did you resolve it?

Organization:

- Describe your study habits.
- How do you manage your time/organize your workload?
- Describe a situation in which you've faced competing priorities. How did you handle it?
- How do you plan to achieve your career goals?
- Tell me about a time when you organized a project/completed a job where the directions were vague.
- When you are under a lot of stress, what is your typical reaction?

Where to look for help



The Member Assistance Program (MAP), offered by Homewood Health provides a wide range of services and resources to lawyers, judges, paralegals, law students, and other legal professionals, as well as their families.

Perhaps you're stressed, not sleeping, dealing with family conflicts or suspecting you drink too much. Or you may be searching for more information before deciding whether you need to speak to someone about stress, relationship problems, depression, or substance abuse. Whatever leads you to reach out for help or guidance, lawyers often report they felt that "something changed" as soon as they took that step.

Below are some of the many services offered by MAP. Visit myassistplan.com for the full list of services and resources.

Health Risk Assessment

Login to take this survey about your lifestyle and general health. It takes about 10 minutes and you get a report on actions you can take to improve your health. The survey asks questions about your eating and drinking habits, your weight, how much exercise you get, your blood pressure, how well you can relax, and other aspects of mental and physical health. The resulting downloadable report gives detailed explanations of your "scores" and advice on how to make improvements in areas of concern.

Counselling: in person, telephonic and e-counselling

When you contact MAP, you have the opportunity to speak with an experienced counsellor, including one who is a former lawyer. You can also be connected to a peer volunteer who is a member of the profession. Your conversations are completely confidential, and there is no waiting list. You can speak to a counsellor immediately in a number of ways: arrange an in-person visit, speak on the phone, or take advantage of secure and private e-counselling.

e-counselling can be done in two ways:

- **Private Conversations** are similar to email, so you can compose and edit your messages (or save as drafts to revisit later) and receive replies within 2 business days, or
- **Chat** is a secure and confidential instant messaging "chat room" format.

MAP resource library for legal professionals

The library offers an extensive selection of articles on childcare issues, caring for aging parents, financial health, relationships, and other life challenges that can add to the stresses of a legal career. An

additional series of wellness articles are aimed at those who manage others to help guide them through such issues as job loss, illness or losing a loved one.

Below is a selection of articles and studies featured on the main MAP site:

- Stressbusters: Sanity Savers and Practical Tips
- Lawyer Distress
- Strategies for the At Risk Lawyer
- Why Lawyers are Unhappy
- Guidelines for Legal Practitioners with Suicidal Colleagues
- Depression and Anxiety in Law Students

The health & wellness library

Looking for information you can trust? The health and wellness library is an updated collection of articles and other resources written by qualified experts in their field. It includes information designed to improve health and wellness, and assists you in improving your work-life balance. The library provides you with a wealth of exclusively Canadian content and has information on drugs, disease, natural products, tests, procedures, and general health.

e-counselling

Homewood offers a number of e-learning courses that lawyers can do from their desks. They are designed to improve personal health and well-being and/or workplace effectiveness, and deal with such topics as stress, workplace change, improving resilience, and preparing for retirement. Each course contains an interactive audio/video component, written exercises, and links to additional information on that topic.

Completing a Homewood e-learning course qualifies for one \$50 LawPRO Risk Management credit per policy year.

To get a sense of what the courses are like, see the reviews of "Taking Control of Stress" and "Embracing Workplace Change" on the AvoidAClaim blog. ■

Tim Lemieux is Claims Prevention & Stakeholder Relations Co-ordinator at LawPRO.

Planning to do real estate work?

A primer on title insurance and the TitlePLUS program

If you're planning to do any real estate work when you go into practice, you'll soon hear about a resource used by many real estate practitioners – title insurance. It's a type of insurance coverage that lawyers across Canada are telling their clients about to help protect them against some typical problems that might crop up after closing – problems that in the past might have led to the client filing a malpractice claim against the lawyer.

Several companies offer title insurance – including LAWPRO, through its TitlePLUS title insurance program. This article provides a basic overview of the what and why of title insurance, how our TitlePLUS program is different, and where you can find more information.

What is title insurance?

As its name suggests, title insurance is an insurance policy for purchasers, mortgage lenders and existing owners of real property that provides compensation for losses suffered because of problems with title, survey, zoning and other issues with the property – even if they are not discovered until years after the transaction is completed.

Some of these issues are unpredictable or undetectable – such as forgery, fraud, missing heirs, and unregistered easements. Other problems that can affect a property and may be covered under a title insurance policy include issues such as construction liens, access rights and conflicting interests in a property.

When the lawyer in the transaction has secured a title insurance policy for the owner or mortgage lender, it is the title insurer – and not the lawyer or client – who assumes the risk for matters covered under the policy¹ and, if there are losses, pays compensation.

It is important to understand that title insurance replaces the title opinion and not the lawyer in the transaction. The role of the real estate lawyer remains just as important to ensure the client's interests are properly addressed and protected. In fact, depending

on the issue, a client may prefer that the lawyer do a search to determine the status of a matter rather than depend on title insurance and the right to be able to make a claim to an insurer at a later date.

What's different about the TitlePLUS title insurance program?

LAWPRO's TitlePLUS program is different in several ways:

1. Title + legal services coverage: With TitlePLUS coverage, the legal services that you – as the lawyer in the transaction – provide are also covered by the policy.² So if as part of your services you make an error or overlook something (e.g., fail to register a document or remove an encumbrance, incorrectly adjust items on closing), the TitlePLUS policyholder – your client – can seek compensation directly from us. In other words, the error will not result in a claim under your LAWPRO errors and omission policy if you obtained a TitlePLUS policy for your client.

2. Online software that makes closings easy: We make it easy for you to undertake real estate transactions by providing you with access to an online system to order title insurance policies.

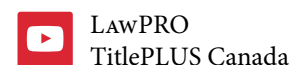
3. It's all-Canadian: In fact, TitlePLUS title insurance is the only all-Canadian title insurance product on the market today.

4. We advocate for the real estate bar: Each year, LAWPRO undertakes an extensive public awareness/education campaign on how a lawyer protects consumer interests in various scenarios – from buying a home or cottage to drawing up a power of attorney to the perils of running a home-based business. In the past few years, this effort to put lawyers at the forefront has reached millions of consumers across Canada.

How can you find out more?

Go to titleplus.ca for information on the TitlePLUS program, including How To videos.

For more information on some of the tools and resources for home buyers, see titleplus.ca/rsreg or watch our videos on YouTube. ■



¹ Title insurance policies may vary. Refer to the policy for full details, including actual terms and conditions.

² TitlePLUS policies issued with respect to properties in Québec and OwnerEXPRESS® (existing owner) policies do not include legal services coverage.

Li Cheng on TitlePLUS title insurance, RealtiWeb, and being a new lawyer

In what ways do you think the TitlePLUS program might benefit new real estate lawyers?

The TitlePLUS® program¹ is integrated with LawyerDoneDeal's RealtiWeb® which is a conveyancing platform that new real estate lawyers can take advantage of without paying upfront software fees. That's very important for new lawyers. You and your clerks can log in from anywhere with a secure internet connection to review, monitor and work on files. This reduces cost and allows you to control the progression of files. Since it includes comprehensive Legal Service Coverage,² the TitlePLUS program gives you peace of mind.



What challenges have TitlePLUS staff helped you overcome?

TitlePLUS staff are very helpful in offering support when you encounter difficult issues with a file. They are available by phone when you encounter things that you've never seen before and help you through difficult title issues.

"New real estate lawyers face a variety of challenges for which I believe the TitlePLUS program provides valuable benefits."

Do you have any special advice for new lawyers?

If you're going to start out on your own, you have to realize it's a tough market out there. However, this also gives you the opportunity to be your own boss. It's important to think of your practice as a business that is based on a model of workflow that needs to be highly structured. You also have to be organized in terms of getting clients and your pipelines ready. For instance, get to know some realtors in your area who can start funneling deals to you. One way to do this is to attend open houses. I established a relationship with the realtor I used to purchase my own house. When they realized I was a new lawyer, they invited me to their First Time Home Buyer session that was jointly held with a major lender, which gave me the opportunity to meet some mortgage brokers. Establishing relationships with other professionals involved in real estate can be a powerful tool for your practice – each connection can lead to referrals.

1-800-410-1013

titleplus.ca

¹ The TitlePLUS policy is underwritten by Lawyers' Professional Indemnity Company (LawPRO®).

² Excluding OwnerEXPRESS® policies and Québec policies.

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New lawyer cyber dangers and how to avoid them

Like the local bank, your practice holds valuable information and money. Your computer systems may contain client information, trade secrets, and intellectual property. Your trust accounts have large sums of money. A cyber breach or trust account theft will harm your clients and potentially cripple your practice. Security guards, specialized safes, and sophisticated procedures protect the local bank. What safeguards have you put in place for your practice?

Perceived to be less sophisticated than banks and big companies, lawyers make easy targets for tech-savvy criminals. The payoff, which can include emptying trust accounts and taking advantage of confidential information, is big for hackers. Young lawyers can be especially vulnerable given their lack of experience.

Bad cheque frauds

Bad cheque fraud occurs when a fraudster, posing as a legitimate client, retains a lawyer on a contrived legal matter. The fraudster may ask for help with collecting a business debt, facilitating a loan, enforcing an agreement against an ex-spouse, or collecting a fee for trademark or copyright infringement. Whatever the legal issue, a common red flag is that the matter must be resolved quickly and with little effort. A cheque arrives from the opposing party, and the lawyer deposits the cheque. The client demands the funds from the cheque be released immediately. The lawyer releases the funds before the cheque clears. The fraudster vanishes into thin air, and the lawyer discovers, too late, that the bad cheque bounced.

These deceptions are sophisticated. Fraudsters use realistic looking fake identification. They will have all the usual supporting documents a real file will have. They will seek to add you on LinkedIn and may appear in your social network as “friends” of people you know. We have even seen fake websites created to support these frauds. Organized crime

is behind these frauds and more money and effort is invested into duping you than ever before.

Spot the red flags: Fraudster clients are often in a rush and pressure you to take shortcuts and get the deal done quickly. They have no issue with paying higher fees. They may use names that do not match their email addresses and often express a preference to only communicate by email. Without explanation, the payment amounts may not match the expected payments and no explanation is forthcoming. The cheque is drawn from an unrelated party. And in all cases, fraudsters demand the funds from the cheque to be transferred before the cheque clears.

Protect yourself with these tips: Never disburse funds from your trust account until you are sure the incoming funds are real and in your account. Be aware the bank can reverse a bad cheque, even a certified cheque or bank draft, after any amount of time. Familiarize yourself with the requirements of LAWPRO’s coverage for counterfeit cheques and bank drafts. Cross-check names online and on practicePRO’s AvoidAClaim.com blog where you can find the names of confirmed fraudsters. Look up addresses using Street View in Google Maps, and conduct reverse searches on phone numbers using canada411.ca. And if you are in doubt, call LAWPRO. We will help you determine if the matter is legitimate.

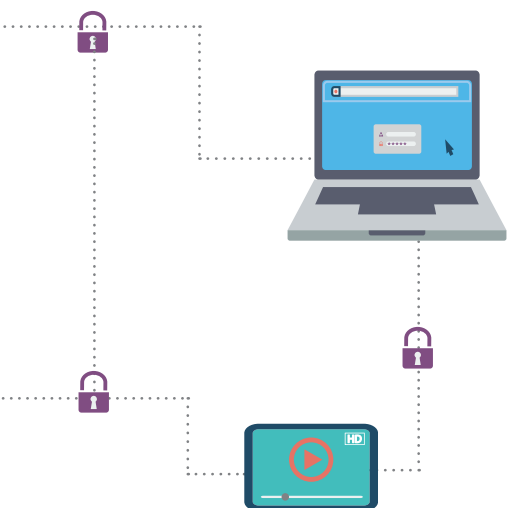
Email dangers

Email is the most frequent way law firm systems are compromised. This occurs when someone opens an infected attachment, clicks on a link in an email, or responds to a phishing message. Once installed, malware can give hackers access to your system and/or destroy your data. Educate your staff about the dangers of email.

Phishing – don’t take the bait

Phishing is the attempt to acquire sensitive information such as usernames, passwords, and credit card details by masquerading as a trustworthy entity in an email. Phishing scams are usually bulk emails sent to large numbers of people. Even if only two or three per cent of recipients fall for them, hundreds or even thousands of people can be victimized.

Phishing messages take the form of an email, allegedly from your bank or another business you know that suggests your account has been compromised or that payment is overdue. They will have the same layout, logos and links as legitimate emails from these companies. They try to create a sense of urgency and ask you to login to reset your password or verify a payment was made. However, the link you click takes you to an imposter website that looks much like the familiar company site, and when you login you are actually giving your



password or other personal information to the hackers. They will use your information for malicious purposes such as ID theft or credit card fraud.

Prevent phishing by putting your cursor over the link in an email. Your email program will show the actual web address at the bottom of the screen. If it is not familiar to you, it is likely a phishing attempt.

Spear phishing – a bait just for you

The “spear” in spear phishing alludes to the fact that messages are targeted to specific individuals. Spear phishing messages are more convincing because they are personally addressed, appear to be from someone you already know, and may include other detailed personalized information. In some cases a phone call will come in as a follow-up to the message. In one case, a senior accounting staff member at a large firm received a request on an active file, purportedly from the firm’s managing partner, to send a bank account number and account signatures to a person in Europe so they could verify a certified cheque was from the firm.

Follow firm processes and procedures for the review and approval of financial transactions – and don’t bypass them due to urgent circumstances. Never share confidential client or firm information without being

sure it is appropriate to do so by getting confirmation from someone familiar with the file. Be on the lookout for and question any last minute changes on fund transfers or payments.

Loss of client data on portable devices

Laptops, tablets, and mobile phones may contain confidential and sensitive information. Should a portable device be lost or stolen, client data may go with it. Prevent the intrusion by ensuring all portable devices have a strong password and are encrypted. A good practice is to enable the device to allow a remote wipe of all data.

Other devious cyber frauds

There is no end to the efforts and imagination hackers will put into infiltrating law practices. In 2012, a Trojan banker virus infected an Ontario law firm. This virus presented a spoofed version of the website of the firm’s bank on the bookkeeper’s computer, and passwords entered on the fake site were passed to the hackers, who then used them to wire funds from the firm’s trust account.

LAWPRO has also recently seen instances where a fraudster hacks into a client’s email and surreptitiously monitors emails going back and forth between the lawyer and the client. At the opportune time, usually just before a real estate deal is closing or the loan funds are to be advanced, the hacker sends an email redirecting where the funds should go. This change of instructions appears to be coming from the client via the client’s email, but if the lawyer follows these instructions, the money goes to the fraudster.

Ransomware is an under-reported but increasingly common form of attack. It is usually spread by clicking on an infected email attachment or website and encrypts all the data files on a firm’s computers. A message then pops-up stating that if you don’t pay

a certain amount of money within a tight deadline, the files will be destroyed.

Poor tech hygiene often weakest link

As with brushing your teeth, maintaining good tech hygiene needs to be done regularly and with care.

Passwords should be used at entry points and changed regularly. A good rule of thumb is a 12-character password which includes mixed lower and upper case letters, and symbols. Poor passwords are one of the main ways hackers gain access to law firms.

Operating systems (Windows, Linux, OS X) and other software should be updated regularly. Once out-of-date (some lawyers still use the now-defunct and unsupported Windows XP), operating systems are vulnerable as known weaknesses can be exploited. Firewalls, which protect access to the network, should be turned on. Anti-virus software should be installed and updated. Networks and systems should be checked regularly.

Protect by being proactive

The profession handles massive amounts of information and money. Organized crime and other entities with significant resources continue to find inventive ways to hack in. The need to be vigilant and keep up with technological safeguards is high. Hackers will look for and exploit the weakest link in your systems and hardware.

Be proactive and take the steps discussed here. See the *LAWPRO Magazine* “Cybercrime and Law Firms” for more information on how to keep your professional and personal data safe. The magazine is chock-full of simple tips you can use now to improve your cybersecurity. ■

Ian Hu is Counsel, Claims Prevention and practicePRO at LAWPRO.

Caron Wishart scholarship



The Caron Wishart Memorial Scholarship, initiated by LAWPRO and supported by many members of the bar and the Government of Ontario's funds matching program, is awarded each year to a second year University of Toronto Faculty of Law student. This year's recipient is Timothy Shin.

Timothy is involved in many extracurricular activities at law school and in the community. He has volunteered at the Landlord and Tenant Board, served as a pro bono student intern at an NGO in North York and participated in the Cassels Brock Cup moot competition.

Outreach

As part of LAWPRO's public awareness efforts to promote the role of lawyers, we have produced a new video titled "What does your real estate lawyer do for you?"



LAWPRO's videos on topics like buying a cottage, why everyone needs a will, and special considerations for condo buyers are available for lawyers to use to help promote their services. Look for LAWPRO on YouTube, or find them on titleplus.ca under the "How your lawyer can help" button.



Practical help for Ontario consumers

Major life decisions – like buying a house or choosing a rental apartment – are easier with solid information and the right help. To support Ontario consumers in navigating real estate purchases, residential tenancies, and mortgage financing, and to communicate how a lawyer can help, LAWPRO has created a series of free online consumer guides, available at lawpro.ca/myhome. Brochures advertising these resources have been provided to Ontario MPPs for distribution to their constituents.

LAWPRO's commitment to corporate social responsibility

To support the broader Canadian community, LAWPRO employees select five charities each year. Funds are raised through employee-led events and denim Friday contributions, and the company matches those donations. The selected charities for 2017 were: Fanconi Canada, Ovarian Cancer Canada, the Toronto Humane Society, the Good Shepherd Refuge Social Ministries, and the Equality Effect. In 2017, LAWPRO raised over \$31,300 which was distributed between the five charities.



\$31,300

IN DONATIONS THROUGH THE COMPANY'S ANNUAL CHARITABLE GIVING PROGRAM

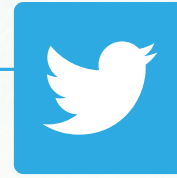
LAWPRO employees can also give back by requesting one "charity day" per year during which they work for a registered charity of their choice. In 2017, several of our employees took advantage of the charity day by helping International Justice Mission, Bruce Trail Conservancy, Toronto Star Santa Claus Fund, and Daily Bread Food Bank.

In addition, LAWPRO supports Canadian Cancer Society Daffodil Days, Casserole Campaign for the Homeless through the Good Shepherd Centre, and "Partners for Blood" Blood Drive through Canadian Blood Services.

**LinkedIn:
LawPRO**



The LAWPRO LinkedIn page will keep you informed about our corporate news and connect you with other key legal stakeholders. Find and share topical and thought provoking information with other LinkedIn users.



Twitter:
@LawPRO
@practicePRO
@TitlePLUSCanada

@LAWPRO, @practicePRO and @TitlePLUSCanada dispatch updates and reminders as well as articles, checklists and other useful information. Follow them to join the discussion.



YouTube:
LawPRO
TitlePLUS

LAWPRO and the TitlePLUS program share educational videos to encourage the public to access professional legal services when buying a home, planning an estate, or managing other life transitions.



Facebook:
LAWPRO insurance
TitlePLUS Home Buying Guide – Canada

The personal face of LAWPRO is highlighted on our Facebook page. Like our page to get to know us and learn about our social responsibility efforts and activities. The TitlePLUS Facebook page provides resources for home buyers.



AvoidAClaim.com blog:
AvoidAClaim.com

The latest claims prevention information, fraud warnings, resources and tools for your practice are featured on the blog. Subscribe to get updates by email or RSS feed.

LAWPRO®
How to find us:
lawpro.ca

4 out of 5 lawyers will face a malpractice claim



Improve your odds.

Check out these resources from the practicePRO program:

- **AvoidAClaim.com** blog to get the scoop on claims and how to avoid them
- **practicepro.ca/newlawyers** for tips, tools and resources on how to succeed in the practice of law
- **lawpro.ca/newcalls** for information on insurance coverage you will need when you go into practice



Risk management



Professional liability insurance

The practicePRO® initiative is the claims prevention program provided by LAWPRO® – the malpractice insurer for Ontario lawyers. LAWPRO also provides excess insurance and title insurance through its TitlePLUS® program.



Risk management
practicepro.ca



Additional professional
liability insurance
lawpro.ca/excess



Title insurance
titleplus.ca



AvoidAClaim.com



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LAWPRO insurance
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