

LAWPRO

magazine

2020 | Student Issue 8

special
student edition

THE FUTURE
LOOKS



BRIGHT

Common
practice pitfalls

Student to
lawyer tips

Life after
graduation

What is LAWPRO®

And why should I care

Almost half of Ontario lawyers will experience a malpractice claim in their career. Being a great lawyer isn't always enough. Sometimes there is an honest oversight, or an unfair accusation from a client, but whatever the cause, a malpractice claim should be defended and addressed. That's where LAWPRO comes in.

LAWPRO provides primary errors and omissions insurance coverage to every Ontario lawyer in private practice, as required by the Law Society of Ontario. This coverage protects lawyers from the potentially catastrophic financial consequences of professional malpractice claims. When a potential claim arises, LAWPRO helps lawyers respond to the claim, defend the claim, and, if appropriate, settle the claim or pay damages. This insurance coverage also supports the interests of those who have a legitimate malpractice claim against a lawyer and are hoping there will be funds available to compensate their losses.

In this magazine, you will learn about the primary, excess, and title insurance provided by LAWPRO. You'll also learn what LAWPRO does for Ontario lawyers *before* a claim arises through the practicePRO 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 and resources* at page 11 inside.

LAWPRO also offers title insurance via its TitlePLUS program, which protects property purchasers, owners, and mortgage lenders against losses associated with title problems.

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TitlePLUS Home Buying Guide – Canada

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What can I do to avoid malpractice claims?

Our claims counsel have many years of experience defending claims and a detailed understanding of the circumstances that often lead to claims. For example, did you know that problems with lawyer-client communications are the single largest source of claims? Take a look at the rest of the content in this issue and visit our websites (lawpro.ca and practicepro.ca) for information on the most common pitfalls in each practice area and tips on how to avoid claims in your practice.

Is LAWPRO part of the Law Society?

LAWPRO is owned by the Law Society of Ontario, but it is still an independently operated company governed by its own board of directors and executive and subject to insurance industry regulations. Every year at fall convocation, Law Society Benchers are given an opportunity to review the program. Of course, we welcome comments, questions, and concerns from members of the Ontario bar at any time.

Does every lawyer need insurance from LAWPRO?

Certain categories of lawyers, such as government lawyers, in-house lawyers, or lawyers that are not currently practising, are exempt from the requirement to carry mandatory insurance coverage. For more information, see *What you need to know about LAWPRO's mandatory professional liability insurance* on page 4

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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 them when delivering legal services.

No lawyer is immune to a claim; in fact, our records suggest that almost half of all 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 14 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 they 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



67%

14% errors of law

19% other

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 and Claims Analyst at LAWPRO.

WHAT YOU 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 *Going into private practice* on the next page.

If you are not in private practice and meet certain criteria, you are likely exempt from the mandatory insurance requirement. See *Not going into private practice* on 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. 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 Real Estate Practice Coverage Option (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 2020 is \$2,950 plus PST.



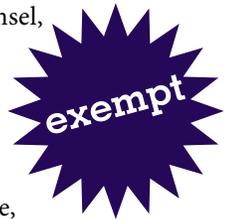
New lawyers receive a discount: Lawyers new to the bar in the current year receive a 50 per cent discount from the standard base rate in their first full year of practice. Additional discounts are available in the second, third, and fourth years (40, 30 and 20 per cent, respectively). New lawyers who practise for less than 200 days in their first year will be eligible for a "first year" discount in both their first and second years of practice. 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.

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. Go to lawpro.ca to complete these steps online.

What happens if...

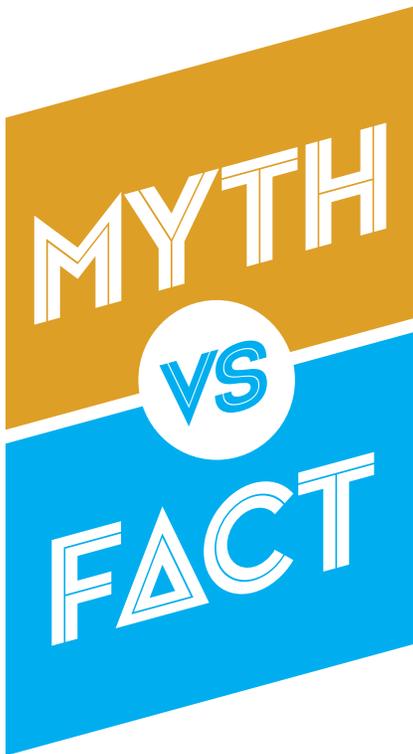
I meet the general criteria for exemption, but later find myself providing legal advice to someone other than my employer, or handling a legal matter for a family member or friend?

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.



HOW DO I FIND OUT MORE?

For more information, visit lawpro.ca/newcalls



LAWPRO is not like your auto insurer

A lawyer dispels 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 almost half of all lawyers can expect to have at least one malpractice claim in the course of their career. Many 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 their 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 their 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. In 2019, 35 per cent of LAWPRO claims were closed with no costs whatsoever, defence costs were incurred on only 51 per cent of the files, and an indemnity payment was paid on only 14 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: Lawyers have no insurance coverage after they 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 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 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 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 lawpro.ca for a copy of the policy and coverage. 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.

COMMUNICATING LIKE IT'S 1876:

THE CONTINUING IMPORTANCE OF TELEPHONE SKILLS FOR LAWYERS

When the Western Union Telegraph Co. famously declined to purchase the telephone patent from Alexander Graham Bell, it was allegedly because they wondered why anyone would want to use such a frivolous and impractical device when a clear and concise written message could just as easily be sent by telegraph.

This assessment seems less absurd today than it once did. For younger generations, communicating by telephone is quickly becoming an anachronism—the “phone” component of smartphones a vestigial relic.

One recent study found that 73 per cent of millennial employees primarily use email to communicate at work, while only 19 per cent still primarily use a telephone. With less telephone usage, our comfort with the device can fade and our skills can atrophy—leading to anxiety and lack of confidence. Another study found that 81 per cent of millennials sometimes feel like they have to summon the courage to make a phone call.

But despite the changing ways we communicate with one another in the modern world, the legal profession is still a place where the ability to confidently and successfully communicate and negotiate by phone is a fundamental skill—one that was never covered in law school.

Communication breakdowns and misunderstandings cause close to 47 per cent of malpractice claims.

We spoke with Deborah Glatter, a management consultant for various Bay Street firms who previously led Cassels Brock’s professional development department and worked with the Law Society of Ontario designing and teaching the bar admission course for new lawyers, and Sandra Forbes, a partner at Davies Ward Phillips & Vineberg LLP with 27 years of experience as a commercial and civil litigator. They provided us with their thoughts on when phone calls should be preferred and the bad telephone habits they often see in the legal profession, including the advice they have for lawyers looking to improve their ability to advance their clients’ interests over the phone.

Five times it’s best to pick up the phone

1) When the client prefers phone calls

If a client or third-party usually reaches you by phone, you can assume it’s their preferred method of communication. Deborah says, “you should determine the form of communication in some part by virtue of how people are communicating with you. If I have a client who only communicates by email, I might not pick up the phone, and vice-versa.”

2) Delivering bad news

Bad news shouldn’t be delivered in an email. It’s difficult to convey empathy without a true conversation, and

it's important to communicate to the client that you care about their interests and share their disappointment, lest they question how hard you worked to avoid such a turn of events.

3) Scheduling and other non-substantive matters

Written communications can be easily misunderstood.

A quickly dashed-off email can leave the recipient confused or with the wrong impression. Any time more than one email is needed to confirm a non-substantive issue, such as scheduling a meeting or court date, or if there is any concern that the other person has misunderstood what was intended, it's best to pick up the phone.

Sandra advises that a phone call will often expedite scheduling issues: "I get lawyers who are frustrated because they sent an email asking for dates and they can't get a response. So I'll just say 'get on the phone and call them.' There comes a point where you find you're not getting anywhere with written communications and getting someone on the phone can be very effective."

Of course, if you come to an agreement, you should follow up with an email to confirm it in writing.

4) Asking for favours and addressing outstanding accounts

It's harder to ignore someone when they have you on the phone. Sandra suggests if you need a favour from opposing counsel, such as adjourning a court date, it's easier to get what you need if they put a voice to the request.

Similarly, Sandra says lawyers should follow-up with clients regarding unpaid fees by phone: "It's more effective to call the client and say 'the account that we sent three months ago remains unpaid, do you have any questions about it? We would really appreciate it if you would bring these accounts up to date.' This has more impact than writing another 'Further to my letter of such and such' message, which looks like a form letter and won't have much effect."

5) Putting the brakes on an escalating conflict

Sometimes you may want to have a discussion before putting anything in writing. Sandra suggests there are "circumstances where someone may write you an email or letter and it's clear that your only possible response to them would take everyone down an unhelpful path. It's a good idea to call the other person and say 'Is this really what you want to do? Maybe we should think about another option.'"

Similarly, a phone call can help unwind an escalating dispute. In Sandra's experience, "if somebody is being difficult or rude by email, I usually try to call them, because that will often deflate the situation. You humanize yourself that way and can often avoid the animosity and dispute that might otherwise arise."

Six bad telephone habits (and how to fix them)

1) Not listening

For Sandra, the biggest problem she sees is lawyers doing a lot of talking, but not a lot of listening: "People have a natural inclination when they get on the phone to feel like they have to make their point and convince the other side. Unfortunately, that means they're often not listening. They try to talk over others and act like the last word is going to win the day. That's really not the case though."

As Deborah explains, "in terms of your tone, you want to provide active listening cues. Silence may not be reassuring to the speaker, so things like a simple 'uh-huh' can be beneficial because you don't want to interrupt. Small vocal acknowledgments from time to time let the other person know that you're listening. If there's a pause, it's helpful to repeat a word or phrase back to the other person and acknowledge what was just said. Things like 'I realize how important this is to you' in a tense conversation can go a long way. When you're wrapping up, it's good to ask 'Is there anything else you would like to add?'"

2) Lack of preparation

Sandra says, "it's important to set the stage at the beginning of the call for what you want to accomplish. Not doing that can lead to a wide-ranging discussion that becomes very inefficient. Before an important call, I'm going to think about what I want to say, what I want to accomplish, and what I'm going to say in response to what the



other person will likely say. That may mean thinking about the call for 15 seconds, it may mean writing an outline for five minutes, or it might mean sleeping on a strategy for the conversation overnight. Everything is a form of advocacy and if you're calling somebody to achieve something, you need to put your best foot forward to be successful."

Deborah suggests that an outline can help keep a conversation on track: "While you don't need to write out the narrative in advance, it's important to write down a few key points before the call. That will give you some assurance that you will accomplish everything you need without having to call back later."

3) Yelling

Unfortunately, one downside to using the phone to discuss a contentious matter is the possibility that someone will let their passions inform their volume. This undermines the productivity of the conversation. "It's hard to manage your own emotional state when somebody is yelling at you," Deborah says, "but if you respond in the same way, it escalates the situation. It's okay to say 'do you realize you're yelling at me? I'd like you to stop.' If you're speaking with someone other than a client, and you're unable to bring the tension down, you just have to say 'the tone of the conversation isn't productive. I think we need to speak again when we can control the emotions here.'"

Some aggressive phone conversations can be avoided by establishing a positive tone at the start of the call. Sandra says, "you'll have the most success if you make the other side feel like things are their idea. So it's good to start with a positive comment on their interests in the matter at hand, such as saying 'I've been thinking about your suggestions from our last conversation.' You should try to make your points in a context where the other side's defences aren't immediately raised."

4) Leaving muddled voicemail messages

"One thing that maddens me," says Deborah, "is when I pick up a voicemail and it sounds like the speaker is in a race against time. I can't tell where the first name ends and the last name begins and I waste an inordinate amount of time replaying the message to just get the information down."

Sandra agrees that long and confusing voicemails are a widespread and frustrating problem. She says "if I call someone and they're not there, but I'm not ready to leave a voicemail message, I won't leave it. I'll hang up and compose what I want to say and phone them back so they have a crisp, clear voicemail that will facilitate a response. When people are not prepared, they tend to repeat themselves, go on forever, and end up contradicting themselves."

The voicemail should briefly state the purpose of your call and whether or when you intend to call back. You should end the message by

slowly stating your own phone number—preferably twice to ensure the listener has time to write it down—and repeat your name at the end if the other person doesn't already know you.

5) Indiscrete cell phone calls

Some lawyers are rarely in the office and practice from their cell phones. But lawyers should take care when taking or making a call outside the office. "Aside from the fact that it's annoying to hear someone speaking loudly on their cell phone in public," Sandra says, "there are confidentiality concerns. If you're in a public area, you really can't have a conversation that mentions names, and it may not even be safe to speak in generalities."

Sandra suggests taking the time to find some privacy before talking about a legal matter by cell phone: "If someone calls me on my cell phone and it's urgent, I'll say, 'I'm on my cell right now, so how urgent is this? Can I call you back later when I'm in my office?' If not, I'll try to find a place close by where there is as much privacy as possible."

6) Not memorializing the phone call

Always make a written record of a phone conversation with a client or opposing counsel, including any substantive issues discussed, instructions received, or agreements reached. Habitually doing so can prevent serious headaches and malpractice claims down the road.

The generational telephone gap

While strong telephone skills are important for every practice, cultural and technological changes will likely continue to minimize the volume of calls most lawyers make. Even so, both senior and junior lawyers should keep in mind the communication preferences of their clients and colleagues and adapt accordingly.

Deborah points out that senior lawyers can sometimes take offence if a junior associate often uses email to communicate, rather than a phone call or in-person conversation: "I think some younger associates don't understand that when they're dealing with older lawyers, they often didn't grow up with keyboarding skills and it's sometimes very time consuming and cumbersome to communicate by email."

At the same time, Deborah says senior lawyers need to understand that younger associates will sometimes consider it rude to use the phone: "It means the caller is prioritizing their schedule over the schedule of the person they're calling. It's assuming that they have time to set everything else aside and talk right now."

Of course, telephone communications being one-sided impositions on another person's time was a feature from the technology's inception. After all, the first spoken words transmitted by wire were Alexander Graham Bell summoning his assistant with the utterance, "Mr. Watson—come here—I want to see you." ■



LAWPRO's best claims prevention tools and resources

LAWPRO sees the same errors time and time again. Lawyer-client communication problems, inadequate investigation or discovery of fact, missed deadlines and procrastination are the most common causes of claims.



The top 15 things you can do 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 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. 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 uncomfortably challenging.

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 Manage client expectations with good communication: 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 challenging 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. Refrain from making nasty or embarrassing comments (which may end up in 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 last minute as unexpected events 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 or getting details of injuries on a tort claim. 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, 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 – managing client expectations with good communication 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 Perspective on the future of law
- 2 How to safely put your data in the cloud
- 3 *LAWPRO Magazine* – December 2013: Cybercrime and law firms
- 4 Keeping your passwords strong and secure
- 5 Don't take the bait on a spear phishing attack
- 6 Danger: When a hacker emails you instructions in the name of your client
- 7 Fifteen tips for preventing identity theft and online fraud
- 8 Does your firm need cybercrime insurance?
- 9 Technology and stress: Good tool, bad tool
- 10 Docketing dos and don'ts
- 11 Artificial intelligence and the self-driving lawyer
- 12 Backup best practices and strategies
- 13 Outsourcing your law firm's cyber security
- 14 Artificial intelligence: What is AI and will it really replace lawyers?
- 15 Essential dos and don'ts for LinkedIn users

All available at practicepro.ca



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

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 or failing to consider a possible action until it's too late. 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: These pamphlets describe cybercrime and bad cheque fraud scams, and frauds targeting real estate lawyers. They list the "red flags" that 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 Real estate file management checklist: Even the most routine real estate transaction has many steps and the details may seem obvious but it is easy to let one or two slip through the cracks. This checklist can be a valuable risk management tool.

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 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 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.



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, Employment, Immigration



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

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 Tips for navigating the new Simplified Procedure: The new Simplified Procedure seeks to provide a more streamlined process to resolve claims up to \$200,000. Lawyers need to adapt to the faster environment and manage clients, experts, and costs effectively.

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 Don't let claims follow you into retirement: While it's impossible to be certain whether you'll be "home free" from claims after you retire, you can take steps to limit the potential for claims to derail your financial plans. This article provides an overview of insurance considerations for lawyers making the transition out of traditional practice.

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: This article 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 requires 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.

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LIFE AFTER GRADUATION

REFLECTIONS FROM
LAWPRO STUDENTS
ON MOVING FROM
LAW SCHOOL TO THE
LEGAL PROFESSION

Even after three years of law school, the articling or LPP experience can be an unfamiliar landscape. New graduates are faced with myriad choices affecting their future, and there are many new skills to learn in a short amount of time. But the first months of a new legal career are also an opportunity to develop important practice management techniques that will serve a lawyer well their entire career.

We asked LAWPRO's articling and LPP students about their own experiences deciding where to go after law school and what they've learned from the profession so far.

Eli Goldberg – Articling student

Although Eli is now pursuing a career in litigation, he wasn't always so sure about it. "For some reason, before law school, I didn't think I would like torts," he says, "but I had a professor who had practised prior to teaching, and he really inspired me to go into that field."

So when Eli was applying for articling positions, his primary goal was gaining litigation experience. "I also wanted a place where I'd have access to strong mentors," he adds. "Most lawyers who work as claims counsel have several years of experience in private practice, and being able to learn from them gives me access to a lot of knowledge."

Eli found it was helpful to meet with employees at a firm or organization before his interviews. "I spoke with compliance counsel at LAWPRO shortly before my interview," he recalls, "and she gave me a good idea of what LAWPRO does and her own experiences as an articling student."

Eli notes that he's built a lot of new skills since starting at LAWPRO, many of which weren't covered in his classes. "In law school you learn the law, but you don't learn how to be a lawyer," he says. He points to negotiation skills as an important example: "You develop a tough but fair approach, which I think will serve me well."

He says his experiences so far have "reinforced that I really like what I do, and litigation specifically is something I want to continue with."

Erika Henderson – LPP student

Erika came to law school expecting to end up in family law. "Things have changed quite a bit since then," she says. Once she arrived, she found herself "intrigued by things I didn't even know about. I was figuring out where I wanted to go and what I wanted to do."

That's why Erika sought an LPP position that would provide her with opportunities to explore various areas of the law. "I was looking for something where I could get a lot of experience and get my hands into a little bit of everything," she says.

Luckily, Ryerson's LPP program built in opportunities for students to learn what options are available. She recalls during the program that they "often met with practising lawyers who act as mentors, which was a great opportunity to speak to them about what they do and where they work."

After starting at LAWPRO, Erika was surprised at how quickly students are thrown into thorny legal problems: "So much of legal work is making judgment calls. Sometimes there's no right answer for things. And right out of the gate you're making these determinations, not just told that there's a particular process you have to follow."

Ian Sinke – Articling student

Unlike some students, Ian always knew he wanted to go into litigation. But before he went to law school he "didn't realize how important solicitor work was. You always just picture a lawyer going to court."

As such, Ian was looking for a position that would give him perspective on the entire profession. "Having the opportunity to do rotation work on the solicitor side illuminates a lot of stuff you might otherwise not understand. It's really beneficial, even if you're not going to practice in that area."

Now that the interview process is behind him, Ian observes that "the articling positions that are heavily discussed and promoted in law school are not necessarily the only articling experiences available. For example, LAWPRO isn't something that ever came up, but when I talk to experienced lawyers now, they always know the value and importance of what I'm doing. So I'm really glad I ended up here; it's worked out really well."

One important skill he's re-enforced through his articles is a strict adherence to operating his practice in a careful way. As an example, he says lawyers should remind themselves to be consistent with things like witnessing documents: "even if something was signed only 15 seconds earlier, and I know there were no issues with it, I still insist on literally being present when it's signed. Because I know the value of being able to swear to a judge that every single time I've witnessed a signature in my practice, I have seen the person do it." ■

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 purchase 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).
- 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 endeavour not to 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.
- I will make time for family and friends.
- I will take the time to do things I enjoy.

...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 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 of documents 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 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 keep up-to-date on claims prevention and fraud matters. ■

Dan Pinnington is President & CEO and Tim Lemieux is Claims Prevention & Stakeholder Relations and Claims Analyst 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. Visit practicepro.ca for our article “It takes a village to build a lawyer.”
- 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 the article about the Member Assistance Program on page 21 and visit practicepro.ca to download our recent issue on lawyer wellness: “Finding your way. Coping with health and wellness issues.”
- 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 27,000 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
<p>Getting clients</p> <ul style="list-style-type: none"> projecting confidence in your skills networking client service follow-up asking for referrals identifying client needs tracking competitors 	<p>1 2 3 4 5</p> <p>LOW HIGH</p>
<p>Marketing</p> <ul style="list-style-type: none"> advertising/promotion/public relations annual marketing plans marketing strategies pricing 	<p>1 2 3 4 5</p> <p>LOW HIGH</p>
<p>Financial planning</p> <ul style="list-style-type: none"> cash flow planning bank relationships monthly financial statements management of credit lines 	<p>1 2 3 4 5</p> <p>LOW HIGH</p>
<p>Accounting</p> <ul style="list-style-type: none"> bookkeeping monthly profit and loss statements/ balance sheets quarterly/annual tax preparation billing, payables, receivables 	<p>1 2 3 4 5</p> <p>LOW HIGH</p>
<p>Administrative</p> <ul style="list-style-type: none"> scheduling payroll handling benefits administration 	<p>1 2 3 4 5</p> <p>LOW HIGH</p>
<p>Personnel management</p> <ul style="list-style-type: none"> hiring employees motivating employees general management skills firing employees 	<p>1 2 3 4 5</p> <p>LOW HIGH</p>
<p>Personal business skills</p> <ul style="list-style-type: none"> oral presentation skills computer skills fax, email experience written communication skills word processing skills organizational skills 	<p>1 2 3 4 5</p> <p>LOW HIGH</p>
<p>Intangibles</p> <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 	<p>1 2 3 4 5</p> <p>LOW HIGH</p>

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?



Many students and lawyers find themselves confronting mental health and wellness issues during their career. If you find yourself dealing with depression, anxiety, addiction, or other mental health or wellness concerns, know that you're not alone. The Ontario Member Assistance Program ("MAP") operated by Homewood Health provides resources and counselling at no cost to Ontario lawyers and students.

Increasing awareness and new resources available to legal professionals in Ontario are building a healthier, more resilient, and stronger profession.

The MAP offers a wide variety of online resources available through the online portal of homeweb.ca, along with in-person professional assistance.

Short and longer-term counselling

Confidential short-term and crisis counselling is available in-person, online, or over the phone from experienced therapists who specialize in issues such as stress, anxiety, substance abuse, depression, burnout, and other personal and mental-health issues.

The MAP provides secure and private online counselling sessions, either through private and confidential message exchange, where a counsellor will respond to a private message within two business days, or through real-time interaction in a private chatroom environment via a secure web board, where all communications are confidential and private.

Longer-term counselling—up to 20 sessions—is available for members seeking treatment for depression or trauma related issues.

Peer-to-peer support

Designed specifically for members of the Ontario legal profession, the MAP's peer-to-peer support service connects members with a peer who has experienced and overcome the same issues they may be experiencing.

Lifestyle coaching

The MAP's "Life Smart" resources provide coaching on a variety of subjects such as childcare and parenting, elder and family care, financial and legal issues, nutrition and smoking cessation, as well as career, retirement, and workplace issues.

Online lifestyle and learning resources

Historically, despite the MAP's commitment to privacy and confidentiality, many lawyers have remained reluctant to reach out for necessary assistance due to concerns that their health issues may become known to colleagues or the Law Society. For that reason, the MAP provides self-directed online resources.



Member Assistance Program

Myassistplan.com

A curated collection of Homewood's resources are available to Ontario lawyers through the myassistplan.com online portal, which provides a large online library of health and wellness assessments and self-directed learning resources, including videos, articles, podcasts and e-courses designed to improve personal health and well-being. Resources can be accessed on any desktop or through Homewood's mobile app. Homewood offers licensees the ability to create an individual profile and receive guided, personalized content and recommendations, including a self-paced online cognitive behavioural program called "i-Volve." Members can easily access articles on subjects such as anxiety, PTSD, grief and loss, mindfulness and meditation, understanding and treating depression, and myriad other topics, or take online courses that can be completed in a single sitting aimed at taking control of anger, career, stress, and other aspects of their lives.

12weekstowellness.com

Homewood also provides an online, goal-oriented wellness resource under the banner of "12 weeks to wellness." Individuals set their own goals regarding lifestyle habits, weight, peace of mind, self-esteem, and other wellness aspects, and receive coaching while tracking their progress through assessments and a personal profile. ■

PHISHING

SCAMS



Be the one that got away

Phishing involves the use of an email, text message or phone call that appears to come from a trusted source or institution, vendor or company, but is actually from a third-party impostor. Phishing messages are intended to trick you into giving fraudsters your information by asking you to update or confirm personal or online account information. Personal information and identity theft and/or payment scams are the motives behind most phishing scams. Fraudsters cast a wide net and make thousands of phishing attempts – they only need one or two dupes to make it pay off.

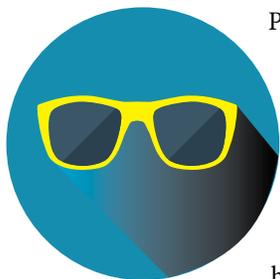
TIPS TO HELP YOU IDENTIFY A PHISHING EMAIL

- *An irregular salutation from someone you are familiar with, such as "Hello Mr. Smith," instead of "Hi Johnny."*
- *"...suspicious transaction," "...account outstanding": An alert to reset password or login to your account to review invoice or payment.*
- *"...your account has been hacked": A request to update your information and go to a website or attachment, then prompting you to enter your account number, password, and personal information.*
- *"...won a big prize," "...refund to you": A request to go to a website or open an attachment to claim monies.*
- *"...document I promised": Posing as someone you know who may send you documents, a request to open an attachment.*
- *A call from a fraudster claiming to be from a legitimate corporate or government entity saying that you owe money or face civil/criminal charges.*
- *Requesting payment in Bitcoin.*

Phishing is also becoming more sophisticated. Fraudsters can conduct research about you through the internet and other means to obtain information unique to you, including your practice area, your clients, and your personal life. A “spear” phishing attempt is a phishing message that is personally addressed to you, will appear to be from someone you already know (such as a senior partner at the same firm), and may include other detailed personalized information.

Fraudsters do their best to make phishing messages look official and legitimate. They will mimic real communications from the company or entity they are supposedly from by using the same layout, fonts, wording, message footers and copyright notices, etc. as official messages. They will often include corporate logos and even one or more links to the alleged sender’s real website.

How to spot phishing messages

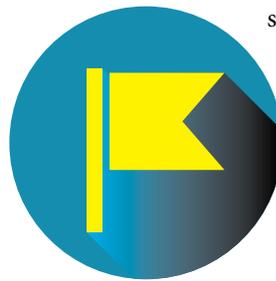


Phishing scams work because they are convincing and prey on your trust of the source. If you get a phishing message from a bank and you don’t have an account there, you aren’t likely to fall for

the scam. However, if you have an account at that bank, the message may look legitimate to you and you are more likely to fall for the scam. Many phishing messages will include a link or attachment that you are asked to click so you can update your information. After doing so, the webpage or attachment you will see (which will also have text and logos to make it look official) will prompt you to enter your name, account number, password and other personal information – thereby giving it to fraudsters.

Red flags

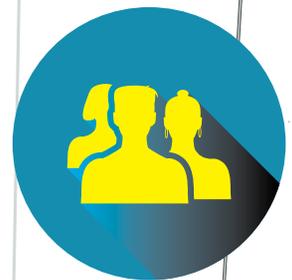
- The link you are asked to visit is different from the company’s usual website URL (place your mouse over the link and look at the taskbar in your window to see if the link matches. It should take you to the proper website).
- The main part of the sender’s email address is not the same as the company’s usual email address.
- Spelling and grammar mistakes.
- A sense of urgency – money has to be transferred quickly without the usual checks and balances.
- The promise of receiving money or another big prize.
- Anyone asking for money – even if you know them.



should never send you an email asking to send your username, password or other information to them in an email message. If in doubt, call the company yourself using a phone number from a trusted source. Don’t use the number in the email – it could be fake too!

Anyone can be targeted

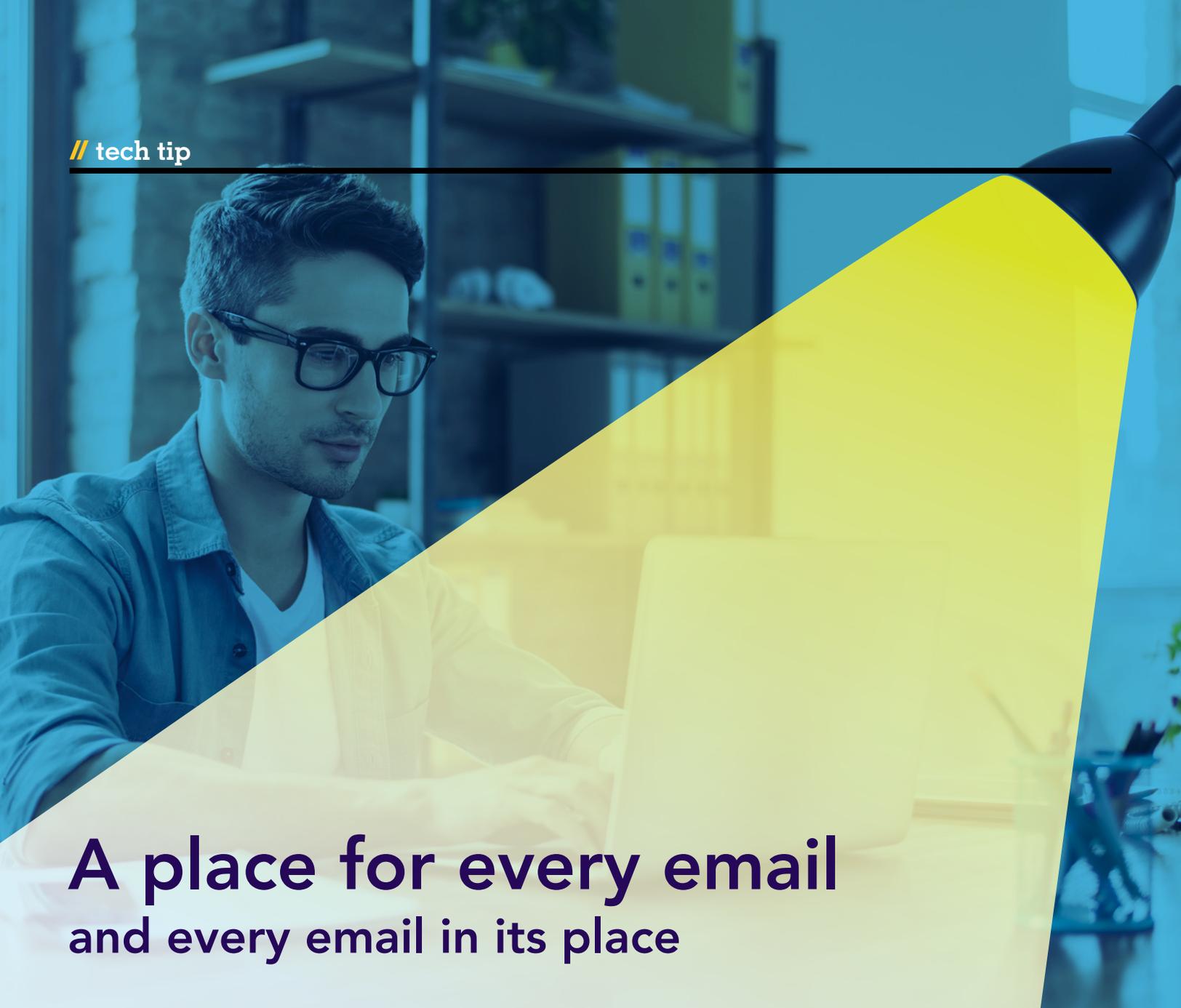
Follow firm processes and procedures for the review and approval of financial transactions – and don’t bypass them due to urgent circumstances. Never share confidential client or firm information without being sure it is appropriate to do so by getting confirmation from someone familiar with the file. Be on the lookout for and question any last minute changes on fund transfers or payments. ■



Don’t take the bait

Never respond to phishing requests for personal information in the mail, over the phone or online. Most importantly – this is probably the most common way that personal information is stolen – never ever reply to unsolicited or suspicious emails, instant messages or web pages asking for your personal information (e.g., usernames, passwords, SIN number, bank account numbers, PINs, credit card numbers, mother’s birth name or birthday), even if they appear to be from a known or trusted person or business. Legitimate businesses





A place for every email and every email in its place

Improving your inbox organization

In a modern law firm, it is not uncommon for the bulk of a file to be located in the lawyer's inbox. This includes records of client instructions, agreements between counsel, strategy discussions, and scheduling confirmations. This can also include attachments and documents circulated between lawyers and clients that are sometimes never stored in a file management system or separate drive and are only accessible by digging through ancient conversations.



While your email application's search algorithm can help navigate a cluttered inbox, it can quickly become frustrating when an old message requires either an accurate recollection of the precise language used in the relevant communication or a laborious review of triaged yet still-voluminous lists of old conversations.

Equally important: If a file must be shared or transferred to an associate or new counsel, making sense of a lengthy file-history can be frustrating if communications are only organized chronologically. You never know when a colleague may need to make sense of the way you have stored key information on the file.

Here are a few simple and straight-forward ways to keep your inbox organized, save time, and ensure your files are easily comprehensible.

Subfolders and subject headings

A good way to keep track of email communications is to start with a standardized format for subfolders.

Email folders can be organized by client, with subfolders for distinct matters and files. These subfolders can be further delineated by distinct action items or steps within a given matter (such as court applications, specific filings, third-party correspondence, etc.)



The format you use for organizing subfolders can then be extended to your email subject lines. A standardized subject format such as "*Client – Matter – Topic*" will allow you to easily locate what you need using the application's search function (e.g. *Parking Co. – Hamilton Lot Purchase – Easement*).

The subject line of received emails can be easily altered to conform to your personal format in Outlook and many other email

applications by opening the email, double clicking on the subject line, changing the text, and then saving the email with the new header.

Using Rules

To save even more time, you can create a "Rule" that will automatically sort incoming emails from specified senders into the correct folder and subfolder. Custom Rules can be created that will automatically sort your messages based on your naming format, such that many of your incoming messages will be properly and permanently organized without any additional effort on your part.

The Rules window is accessible in Outlook from the Rules button on the ribbon, and most if not all email applications provide similar functionality through the options or settings menu. In Gmail, for example, this is referred to as a Filter and can be created in *Settings > Filters and Blocked Addresses > Create New Filter*, then check both the "Apply the label" and "Skip the Inbox" boxes when selecting the destination folder.

If you subscribe to newsletters or otherwise receive regular emails from a particular source that are not of an urgent nature, creating a Rule to automatically sort such messages from that sender into a designated folder will help keep your inbox uncluttered and ensure important messages are not missed or forgotten under a pile of content that can be more appropriately reviewed at a later time.

Automatically filing replies in the same folder as the original message

In addition to storing and sorting incoming emails, it's a good idea to keep track of your outgoing messages. Another way to automate your inbox is to have outgoing messages automatically filed in the appropriate folder, rather than manually moving them from the default Sent folder.



In Outlook, this can be done in settings, through *File > Options > Mail > Save Messages*. You need to check the box labeled "Save copies of messages in the Sent Items folder," and the box labeled "When replying to a message that is not in the Inbox, save the reply in the same folder." In Gmail, this can be accomplished by putting your own email address in the "From" box when creating a new Filter.

This will keep your outgoing messages saved in the folder you have designated for your incoming messages on the same matter. If the message you are replying to was not already sorted into a subfolder by a Rule, remember that you will need to first move the message into its appropriate subfolder before replying to it.

Save time and stay on top of your tasks

Nobody wants to lose track of important action items or documents, and forgetting to respond to a client can be a serious problem.

Developing a habitual way of automatically sorting emails will not only save time during your work day, it may save the headaches that arise from a forgotten inquiry or task. ■



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. ■

 LAWPRO
TitlePLUS Canada

 @TitlePLUSCanada

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.

EVERYTHING YOU WANTED TO KNOW ABOUT BEING A LAWYER*

*But were afraid to ask

Don't know where to stand when you're tasked with arguing your first motion? Wondering whether you need to wear a gown for a settlement conference? You're not alone.

practicePRO provides easy to navigate guides like our "First Timer's Going to Court Cheat Sheet," with helpful tips and instructions for all those things you never learned in Con Law 101.



To download this guide and our other helpful precedents, charts, and checklists, visit practicepro.ca





LEGAL PODCASTS:

BECAUSE YOU CAN'T REVIEW A BRIEF WHILE COMMUTING

It can be difficult to stay up-to-date on new developments and ideas in the practice of law when there is already so much to do in the day. Subscribing to interesting and educational legal podcasts can keep you informed as well as entertained (especially during a long commute).

Here are four current podcasts that can help you improve your legal practice.

1) The Every Lawyer

Produced by the Canadian Bar Association, *The Every Lawyer* releases 20-30 minute episodes every two weeks that touch on legal practice tips, lawyer wellness, and Canadian legal trends. Recent topics include an exploration of the CBA's Asylum Seekers Toolkit, issues that arise when lawyers sit on boards of directors while managing a full-time legal practice, and a look at practising law with a hearing disability. It's hosted by Marilisa Silvery Sweeney—a lecturer at the Sauder School of Business—and Raymond Adlington, the President of the CBA. A French-language version is also available under the title *Juriste Branché*.



cba.org/Publications-Resources/Podcasts?lang=en-ca

2) Smashing Security

Hosted by computer security industry veterans Graham Cluley and Carole Theriault, *Smashing Security* is a weekly podcast that covers recent cybersecurity breaches from around the world. The hosts explain how

cybersecurity, hacking, and online privacy are changing and how recent online security failures occur and can be avoided. Recent topics include security vulnerabilities through SIM card swaps, protecting the contents of an email account, and the rapid evolution and dangers of digitally doctored videos spreading online. Episodes are generally 45 minutes to one hour in length.



smashingsecurity.com/episodes

3) Law Bytes

Hosted by Michael Geist, law professor at the University of Ottawa and holder of the Research Chair in Internet and E-Commerce Law, *Law Bytes* is a recent addition to the catalogue of Canadian legal podcasts, launched in March of 2019. Every week, Michael Geist explores global digital policy from a Canadian perspective, with recent topics including Geist's presentation to the Canadian Senate on open banking and regulatory concerns with respect to privacy and data protection, digital security dangers associated with the use of foreign

telecommunications technologies, and a review of the Standing Committee on Industry, Science, and Technology's recent report on the *Copyright Act*. Episodes are approximately 30 minutes in length.



michaelgeist.ca/category/podcasts-2/

4) The Lawyerist

A weekly podcast highlighting small firm lawyers and business leaders speaking on issues relevant to firm management, *The Lawyerist* is part of the Legal Talk Network, an American network of legal-related podcasts produced in association with organizations such as the American Bar Association and Thomson Reuters. Recent topics include online marketing through legal blogs and podcasts, data-driven legal practice, solving access to justice problems, and time management for lawyers. Episodes are approximately 30 minutes to one hour in length. ■

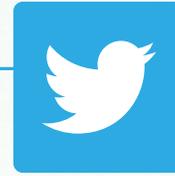


lawyerist.com/podcast/legaltalknetwork.com/

**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.



**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.



**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.

LAWPRO®
How to find us:
lawpro.ca



Risk management
practicepro.ca



Additional professional
liability insurance
lawpro.ca/excess



Title insurance
titleplus.ca



AvoidAClaim.com



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