

LAWPRO

magazine

2019 | Student Issue 7

special
student edition

Student to Lawyer

Common
practice pitfalls

Student to
lawyer tips

Life after
graduation

What is LAWPRO®

And why should I care

Four out of five lawyers in Ontario 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 *practicePRO resources help you succeed in practice* on page 23 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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LAWPRO insurance
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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Student Edition

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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.



Common practice pitfalls:

How to avoid them

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

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

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

What kinds of mistakes lead to claims?

Students in the midst of law school, with its mountain of reading on cases and substantive law, might be surprised to learn that "errors of law" are not the biggest pitfall to watch out for in the world of private practice. In fact, in the last 10 years, only about 13 per cent of LAWPRO malpractice claims were caused by lawyers getting the law wrong (except in very complex areas like family or tax law).

So, if knowing the law isn't the problem, what *is* the danger that new lawyers should be on the lookout for? In a nutshell, you could call it "human error": breakdowns in communication, poor calendaring and procrastination, and not digging deeply enough into a client's matter. These types of errors make up almost 69 per cent of the claims LAWPRO sees.

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

Client communication

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

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

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

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

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



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

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

Inadequate investigation

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

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

The best way to avoid these claims is to simply slow down. Take the time to read between the lines so you can identify all appropriate issues and concerns. Ask yourself: What does the client really want? Does everything add up? Are there any issues or concerns that should be highlighted for the client? If something seems missing, 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, independent legal advice, and real estate file management, 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. Use practice management software with tickler systems to alert you to approaching deadlines and be aware of the danger of the registrar dismissing an action for delay under Rule 48 of the *Rules of Civil Procedure* (see our Rule 48 Transition Toolkit at practicepro.ca/rule48 for help).

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

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

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

What 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. (You'll receive a mailing from us with instructions.) New lawyers can apply at any time after receiving a Law Society number from the Law Society of Ontario. While it's important to apply promptly for insurance, you do NOT need to delay beginning to practise. You can begin the practice of law immediately while you wait to receive your number, with one exception: if you intend to practise real estate law, you must wait until your compulsory 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 2019 is \$2,950 plus PST.



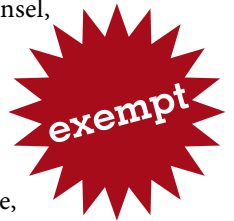
New lawyers receive a discount: Lawyers new to the bar in the current year receive a 50 per cent discount from the standard base rate in their first full year of practice. Additional discounts are available in the second, third, and fourth years (40, 30 and 20 per cent, respectively). New lawyers who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

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

What happens if...

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

Anytime you provide professional services, you expose yourself to a potential claim. Even if you are not in full-time private practice, if you contemplate providing even occasional legal advice or services, you will need to purchase insurance coverage (there are a few narrow exceptions, including one for certain kinds of *pro bono* work).

LAWPRO has created a series of *Insurance Matters* booklets to help individuals who feel they are exempt consider potential areas of exposure. Check out these resources online at lawpro.ca, or get in touch with us to request copies. ■



HOW DO I FIND OUT MORE?

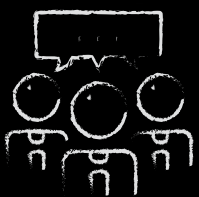
For more information, visit lawpro.ca/newcalls

Student to Lawyer

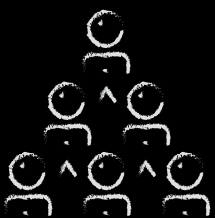
20 tips for a successful transition



Sole Practitioner



Small Firm



Big Firm

CHOOSE YOUR ROLE

There isn't a magic formula for mapping out a career in law. You will make some decisions on where you would like to go, but there are many things outside your control which will impact where you end up. Factors such as economic conditions, personal circumstances, and even a bit of luck will affect the career path you will follow.

Some law students have a very strong idea about the area of law they ultimately see themselves practising in. Other students may have no idea, or perhaps an idea of areas of law they would prefer to avoid. Your thoughts may change as you go through law school. Whether you already have an articling position, an LPP placement, or are still searching, it is worthwhile to spend time organizing your thoughts about the direction you would like your professional life to take. This can help you make better choices. This article outlines some tips and self-assessment questions that will help you find your way to a satisfying and successful legal career.

1

HONESTLY ASSESS WHAT MAKES SENSE FOR YOU

Regardless of what stage you are at in law school, you may have an idea of where it is you would like to end up. That could be in Toronto at a large Bay Street firm, a sole practitioner in a small community, or somewhere in between. When it comes to areas of law, work hours, working environments, types of work, remuneration and many other factors, Bay Street lawyers, smaller firm and solo practitioners live in very different worlds. Ask yourself what makes sense for you. This is a very personal question. Be honest – very honest. You will be happier and more successful if you can find the place where you best fit in. Do your best to figure out where that is.



2

A QUICK REVIEW OF THE OPTIONS

In Ontario there are nearly 27,000 lawyers in private practice (i.e. lawyers who work at a firm serving clients). The largest firms have several hundred lawyers. The smallest have a single lawyer. A job at a large firm may mean a bigger salary, and in some cases, a bigger time commitment. Some lawyers enjoy and thrive in the big firm environment, others do not. One-third of the lawyers in private practice work in sole practices and one-third work in firms with just 2-10 lawyers. There are a few thousand Ontario lawyers that have a corporate or “in-house” position. And while it is probably not something that many students contemplate as they are in the midst of working hard to get through law school, ultimately the realities of practice or other personal circumstances cause some to leave private practice and even the legal profession.

PLAN

2.
3.
4.

3

CREATE A LIST OF OPTIONS

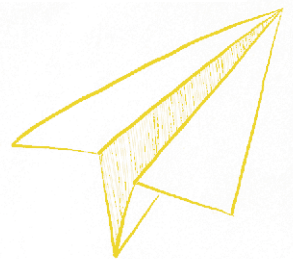
Where do you want to go? Consider your preferences and what you think makes sense for you. Write out a list of your options. Your list should include the most desirable options as well as others you might consider if your preferred choices do not work out. Think

broadly and keep alternatives open. You may have specific firms in mind, but you should keep an open mind and include groups or categories of firms that would be of interest.

4

WHAT MAKES YOU UNIQUE?

Every law student is unique, and the key to selling yourself is to tap into your own uniqueness. To do this, consider the work and personal experiences you have had, the education and training you have completed, and any other skills that you have learned before entering law school. Identify what makes you stand out from the crowd. This will let you sell yourself with more confidence and will also help you make choices about job opportunities that are the best suited to your abilities and preferences.



5

DO YOU HAVE WHAT IT TAKES TO BE A SOLE PRACTITIONER?

One-third of the nearly 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 (below) to answer that question.



Are you ready for sole practice?

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

Getting clients

- projecting confidence in your skills
- networking

- client service follow-up
- asking for referrals

- identifying client needs
- tracking competitors

Rating

1 2 3 4 5
LOW HIGH

Marketing

- advertising/promotion/public relations

- annual marketing plans
- marketing strategies

- advertising copy writing
- pricing

1 2 3 4 5
LOW HIGH

Financial planning

- cash flow planning
- bank relationships

- management of credit lines

- monthly financial statements

1 2 3 4 5
LOW HIGH

Accounting

- bookkeeping

- monthly profit and loss statements/balance sheets

- quarterly/annual tax preparation
- billing, payables, receivables

1 2 3 4 5
LOW HIGH

Administrative

- scheduling

- payroll handling

- benefits administration

1 2 3 4 5
LOW HIGH

Personnel management

- hiring employees
- motivating employees

- general management skills

- firing employees

1 2 3 4 5
LOW HIGH

Personal business skills

- oral presentation skills
- computer skills

- fax, email experience
- written communication skills

- word processing skills
- organizational skills

1 2 3 4 5
LOW HIGH

Intangibles

- ability to work long and hard
- family support
- ability to work alone

- ability to manage risk and stress
- ability to deal with failure

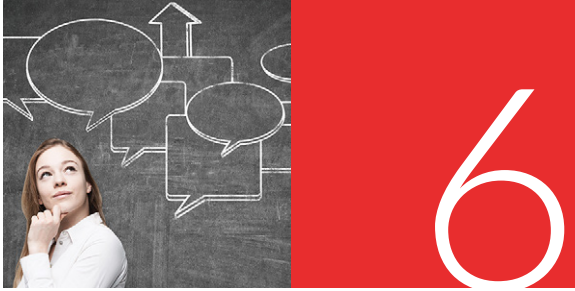
- ability to work with and manage others

1 2 3 4 5
LOW HIGH

How did you do?

- 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 may be ready to start a sole practice

Total:



A DOSE OF REALITY – THE JOB MARKET

After you have determined what you think your preferred career path will be, you need to consider the job market. Finding an articling position or post-articling job may be difficult right now, although the introduction of the Law Practice Program in 2014 expanded the

options for students. Unfortunately, you may end up taking a position that will not be your ideal in terms of size of firm, area of law or geographic location. These factors are beyond your control. You will need to work with them and make the best choices you can in the circumstances in which you find yourself.



BE PREPARED TO DEAL WITH UNCERTAINTY

Making decisions about your career path when you are a student is not easy. There is a great deal of uncertainty as there are many choices and limited information on which to base decisions. This uncertainty is compounded by many factors and unknowns beyond your control. You will not be able to eliminate uncertainty. Accept that there is an element of risk and chance. Work to gather all available information and make the best decision you can in the circumstances.



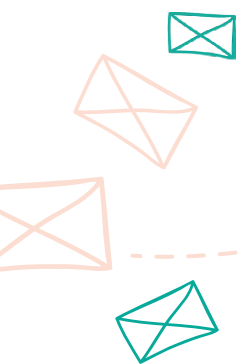
BE READY TO ADAPT

After you have assessed your preferences and mapped out your options, you should have an idea of where you want to go and what you need to do to get there. However, your personal circumstances and external factors can change. Make sure you consider new or changing circumstances and be alert for new opportunities. Your preferred path may change based on your articling or LPP placement experience or the work you end up doing in the early years of practice.



PREPARE YOUR RESUME AND SUPPORTING INFORMATION

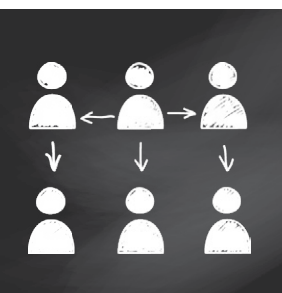
Prepare the bundle of information you will use to sell yourself in interviews. This includes a resume that highlights your background and why you are unique – remember, you want to stand out from the crowd. If you have them, collect writing samples to show your work. Identify your references and contact them for permission.



10

CONTACTING POTENTIAL EMPLOYERS

Contacting potential employers takes some legwork. Start with your most preferred options and work down your list. Go online and review firm websites; talk to friends and colleagues to get information about the firms you are considering. An inside introduction can help, so look to see if someone you know knows someone at any of the firms that interest you.

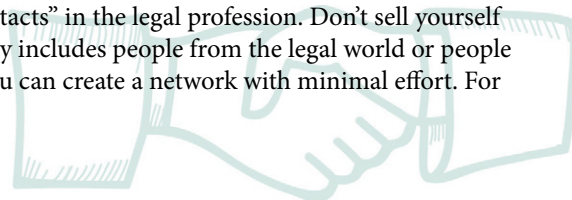


11

GET NETWORKING



even with finding a job. Many law students initially think they do not have “contacts” in the legal profession. Don’t sell yourself short. If you are active on social media you already have a network that probably includes people from the legal world or people that are connected to people in the legal world. If you aren’t on social media, you can create a network with minimal effort. For example, see page 26 for an article about how to get started on LinkedIn.



MAKING A GOOD IMPRESSION AT A JOB INTERVIEW

When it comes to getting a position, making a good impression is critical, both in your articling and LPP interviews and in any future interviews you might do. You can make a positive impression with good answers to the many difficult and awkward questions that will be asked of you. These questions are often fairly standard and you can and should prepare answers for them. See page 11 for a list of some of the questions you can expect in an interview for a position at a law firm.

How would you answer these job interview questions?

Job interviews can be very stressful. It’s not easy to answer questions about yourself, especially when they are open-ended questions that address your personality, work habits, ability to do teamwork and so on. Good answers are the key to a successful interview, and hopefully a job offer. The questions asked at job interviews are fairly standard. You greatly increase the chance you will give a good interview by preparing answers ahead of time. See the facing page for the questions you can expect in an interview for a position at a law firm.



Sample interview questions¹

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 an 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?

¹ Many of the questions in this article come from a *Sample List of Interview Questions* prepared by Karen MacKay of Phoenix Legal Inc.

13

DELEGATED TASKS DONE RIGHT

Delegation involves getting the job done through others. As an articling, LPP student, and new lawyer you can count on having many tasks delegated to you. Here are some tips to help you maximize the learning opportunities that delegated tasks present and to make sure the tasks delegated to you are successfully completed:

- Get clear instructions and all required information: Make sure you understand the specific issues of concern, but also look to appreciate the bigger picture so that you understand the reasons behind the work that you are doing.
- Get direction on any special parameters: Ask the person giving you the task if there are any parameters that will limit or direct what you are to do to complete the task. Are there resources to use or to avoid? How much time is to be spent on the task? Are there any cost sensitivities on the part of the client with respect to the amount that will be billed for the work?
- Get a realistic deadline: Most tasks will come with a deadline attached to them. Make sure you are aware of the deadline and that you can realistically meet it given the other tasks for which you are responsible. Talk about alternatives if the deadline is unrealistic given other deadlines you are facing.
- Understand the reporting mechanism: Are you expected to simply return the completed work, or are you to check in with updates as the work progresses?
- Confirm the instructions given to you: At the end of your discussion, reiterate the instructions given to you to make sure you properly understood them. Ask about anything you don't understand or are confused about.
- Ask for feedback when the work is done: Getting feedback is key to learning, especially if there were mistakes or complaints about the work. Hopefully any criticism given to you will be constructive criticism.



14

GOOD CLIENT COMMUNICATION IS ESSENTIAL

Start off on the right foot in your dealings with clients. LAWPRO statistics indicate that four in five lawyers will have at least one malpractice claim during the course of their career. The most common malpractice claims don't involve a failure to know or apply the law – errors of law lead to only about 13 per cent of the claims LAWPRO sees. Lawyer/client communication issues are

the most common cause of claims, accounting for more than one-third of the claims LAWPRO handles. These errors arise due to poor communication, miscommunication, or no communication whatsoever. Take the time to develop good interpersonal skills and to implement sound client communication practices. You can find more resources on client communication practices on practicepro.ca

15

GET A MENTOR TO IMPROVE YOUR SKILLS

Mentoring is one of the most effective ways to gain skills, knowledge, and wisdom about many topics that are not taught in law school. See our article, *It takes a village to build a lawyer* on page 15 of this issue to learn more about using mentors in your career.

MAKE TIME FOR MARKETING

Some lawyers find rainmaking very natural and easy, others struggle with it, and some are oblivious to the need to market their services. In today's competitive environment, marketing and client development are essential. Marketing legal services does not

lead to instant results. Not everyone needs legal services at the moment. Good marketing does pay off, but generally only slowly and with a steady effort over the long haul. Therefore it is critical that you market yourself on an ongoing basis, even when business is good. Most law firms of any size will have some kind of formal marketing and business development plan. As an articling student there are some marketing-type activities that you can undertake to foster positive relationships with the clients you are dealing with. You will have to work within the parameters of any existing plan.



Marketing basics

It's never too early to begin marketing services to existing and potential clients. As you work on a basic marketing plan, consider including the following activities and implementation schedule:

Each week:

- Take at least one current client, potential client, or potential source of referrals out to lunch (or just for a coffee).
- Send a handwritten thank-you note any time you: close a client file; receive an introduction or a referral; or receive any kind of advice, assistance, or support that goes beyond the call of duty.
- Post articles on interesting legal topics to social media along with comments explaining their importance (see *Essential LinkedIn dos and don'ts for law students* on page 26 in this issue).



Each month:

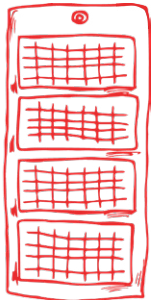
- Attend at least one civic, service, or community meeting.
- Try to add at least five new people to your professional contacts list.
- Make a telephone call to an old friend you haven't talked to in a while and just chat.
- Spend some time touring a client's place of business at no charge to the client.



- Send someone you know who received some good press a copy of the article and a congratulatory note.
- Attend an education program and sit with lawyers you don't already know.

During the next four months:

- Set up a public speaking engagement, or volunteer to help with one on behalf of your firm. Tell your clients about it.
- Read a book about marketing or law practice management.
- Host a social event or arrange a get-together.
- Do some volunteer work for the Law Society, the Canadian Bar Association, the Ontario Bar Association, or another law association.
- Schedule a time to review the last four months of your marketing efforts.
- Send cards to clients and other contacts on their birthdays and during the holiday season.



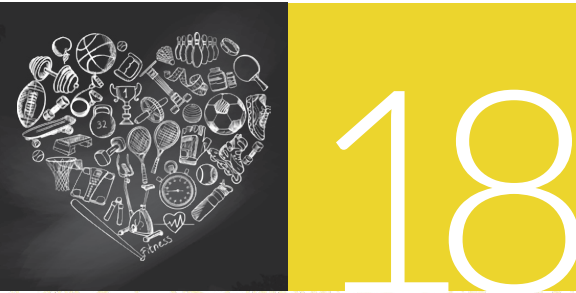
When choosing marketing activities, play to your strengths. If you're very social, find opportunities for face-to-face meetings. If you're a written communicator, keep those thank-you notes flowing. Remember that a diverse approach will often yield the best results. Make an effort to try some of those marketing activities that lie outside your comfort zone. With practice, you'll find that your efforts come more naturally. You'll also begin to see results.

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BE NICE!

You will find that the legal world is a very small one. You will meet hundreds of people through the course of your articling year or LPP placement. This will include lawyers and staff at your firm and at other firms, clients, court office staff and others. You can count on meeting many of these people again through the course of your career, so be professional and courteous with everyone you deal

with each and every day. Word gets around, and you never know how the people you interact with today will be in a position to help or harm you in the future. Always remember, what goes around, comes around. Be nice!



HAVE A LIFE

Many legal positions will put great demands on your time, sometimes far beyond the regular 9 to 5 workday. There is nothing wrong with working hard and being proud of the work you do as a lawyer. But don't neglect the people in your life, and make sure you spend time outside the law office setting! Your partner, kids, extended

family, friends and community are important. Make time for them. A strong social network outside the office will make it easier to deal with the stress at the office and can help keep your job in perspective. Sports or other hobbies will let you blow off steam, keep in shape or be engaged with non-legal tasks and people.



TAKE CARE OF YOURSELF

At times you will find the demands of working stressful, as well as physically and emotionally exhausting. You can count on being exposed to high levels of stress on a daily basis. Unfortunately, lawyers exposed to high levels of stress over the long term may misuse or become addicted to drugs or alcohol, and can have challenges to physical or mental wellness. These problems can be contributing factors for LAWPRO claims and Law Society complaints. So try to eat right, and get exercise. And if you feel stressed and burnt out, remember there are resources to help you. See the self-assessment tools and resources on the practicePRO wellness page (practicepro.ca/wellness) and page 17 for more information.



TRUST YOUR INSTINCTS

Throughout your career as a lawyer, there will be highs and lows, good times and bad. Follow your heart and your instincts. Be ready for the unexpected. Many of you will end up in a career that is very different from anything you are expecting or planning for today. It may even be outside the law. Good luck on your articling or LPP experience and with the other decisions you face over the coming months. ■



It takes a village to build a lawyer:



The importance of mentors in your legal career

As a lawyer, you may have a good understanding of where to find historical legal documents, cases, or precedents, but what about advisers, or mentors, or counsellors? Starting a legal career can be an isolating experience, with many new lawyers spending time working alone while drafting documents or doing research. That's why it usually takes a deliberate effort to find effective mentors.

Mentorship builds better lawyers, and it also builds happier lawyers. Professionals benefitting from mentorship often find they have higher satisfaction with their careers and are more likely to feel capable performing their daily tasks. A strong network of knowledgeable and helpful confidants may be the most important investment you will make in your career, and this article will give you a sense of how to start building that network from day one.

Multiple relationships for multiple roles

When building mentor-type relationships, it's important to keep in mind that it's relationships, plural.

In their paper, *Is More Truly Merrier?: Mentoring and the Practice of Law*, Fiona Kay and Jean Wallace conclude that "individuals benefit more from having multiple mentors over the course of their career." It is the ability of professionals to draw on a "constellation" of mentors and a broad and diverse range of individuals for mentoring support that best portends success. Having multiple mentors leads lawyers to higher job satisfaction, better perceived

career success, better earnings, and a sense of real social value to their legal work. It also provides a new lawyer with a variety of perspectives, drawn from a broad range of experiences.

More importantly, having multiple mentor-figures allows many types of individuals to play different roles in a lawyer's career. For example, as a lawyer, you will sometimes be looking for the assistance of **teachers**. Learning about an unfamiliar area of the law, or staying up-to-date on new developments, is the purview of continuing professional development, higher education, or self-directed learning. At other times, you may be in need of **sponsors**: people that are able to act as personal references and provide networking contacts. Perhaps most importantly, lawyers may, at different points in their career, need to look beyond their professional mentors and advisors if they require the assistance of **counsellors** or mental-health professionals. These relationships are important, normal, and can be accessed through the Member Assistance Program available to all Ontario lawyers and law students (see page 17 for more information on the MAP).

Two other important forms of mentoring relationships are those of **advisor** and **coach**.

An **advisor** is someone that can help with a particular problem and has particular practice area expertise. This relationship will often be characterized by questions and answers, and may be with someone you seek help from only once.

A **coach**, on the other hand, is someone that can help you improve a particular skill, such as client communications, time management, or business development. Coaching relationships are built on a specific goal you wish to work toward.

The Law Society of Ontario's Coach and Advisors Network

Sole practitioners or those practising in small firms often have the most difficulty finding mentors. And while lawyers practising in larger firms will often have access to mentoring-type figures in both formal and informal contexts, they can often benefit from seeking assistance outside the firm.

Addressing this need is the mandate of the LSO's Coach and Advisor Network (CAN). Launched in November 2016, CAN is offered to all Ontario lawyers and connects those looking for coaches or advisors with experienced counsel that can offer assistance. As of June 2018, the program coordinated more than 200 volunteer senior lawyers from around the province who each have, on average, more than 20 years of experience.

CAN focuses exclusively on coordinating coaching and advising relationships. Advisors within CAN respond to one-off inquiries, completed in a single, confidential telephone call, and are usually matched to a lawyer seeking assistance within three days.

A coaching relationship, on the other hand, consists of five one-on-one meetings between parties and is usually completed within three months. In addition to professional legal experience, coaches are trained by CAN on coaching techniques using texts, videos, and workshops.

Tina Lee is a senior lawyer that acts as a coach with CAN. As someone who started her own employment law firm, she helps lawyers at various stages of their career. She says that the newer lawyers she works with are "bright legal minds, who just need experience. I think the biggest benefit they receive is having someone listen to them and confirm that everything they're feeling and experiencing is normal."

Tina says that she wishes she had reached outside of the firms she worked at earlier in her career for more coaching and mentoring assistance, because there are benefits to speaking with people that don't know you personally, saying "it can sometimes be very hard to ask questions, but there's never a dumb question. One thing I hear from young lawyers using CAN is that, since it's structured and through the Law Society, there's peace of mind that they're not going to be judged by anyone they know. So it can build confidence to be able to just ask these questions and get answers."

Kerry Boniface, the director of CAN, stresses that finding the right fit is important, saying, "we're happy to do a rematch, and you can use the service as often as you want. You can have both an advisor and a coach at the same time, or multiple advisors." Matches are made based on the particular goals of the lawyer requesting assistance, and on their request can also take into account gender, ethnicity, and shared communities of interest.

Antonio Urdaneta is another lawyer with experience as both a mentee and a mentor with CAN. When he first moved his practice to Canada from his native Venezuela, he benefited from senior lawyers sharing their knowledge and providing important contacts, which led to volunteering opportunities, which led to career opportunities. Now, as an established workplace lawyer himself, he gives back, in part, by acting as a coach and advisor to other lawyers.

Antonio suggests that anyone looking to establish mentor-type relationships should first ask themselves what they want in their careers. Speaking about the mentor-figures in his own career, he says, "for some particular points I needed a coach, for other areas I needed a mentor, or an advisor. If I was looking for help with technology, that may be a different person than someone that can assist with business development, for example. I was then able to manage my expectations for each relationship."

Making and using your team

Knowing who you can and should consult to address particular problems or goals is one of the most important things you will do in your career.

While CAN provides invaluable coaching and advising services, it's important to remember that it is just one piece of a successful support system for a legal career. Some particular issues and questions, such as ethical conundrums, can be best assisted by a call to the LSO's Practice Management Helpline. Wellness and mental health problems, which affect many lawyers and non-lawyers, can best be addressed through assistance from the counsellors and wellness professionals available through the Member Assistance Program. And a phone call to LAWPRO, of course, will provide lawyers with assistance pertaining to potential or actual malpractice claims.

As you build your support network, don't be afraid to ask for help from those who are best able to provide it. Whether it be career or life advice, skill coaching, specific file advice, or professional counselling services, a larger team will allow you to receive the best assistance possible, while not expecting any individual mentor figure to provide help outside of their own expertise and knowledge. ■

Shawn Erker is Legal Writer and Content Manager at LAWPRO.



Counselling and wellness assistance



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

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

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

Health risk assessment

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

Counselling: in person, telephonic and e-counselling

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

e-counselling can be done in two ways:

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

MAP resource library for legal professionals

The library offers an extensive selection of articles on childcare issues, caring for aging parents, financial health, relationships, and other

life challenges that can add to the stresses of a legal career. An additional series of wellness articles are aimed at those who manage others to help guide them through such issues as job loss, illness or losing a loved one.

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

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

The health & wellness library

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

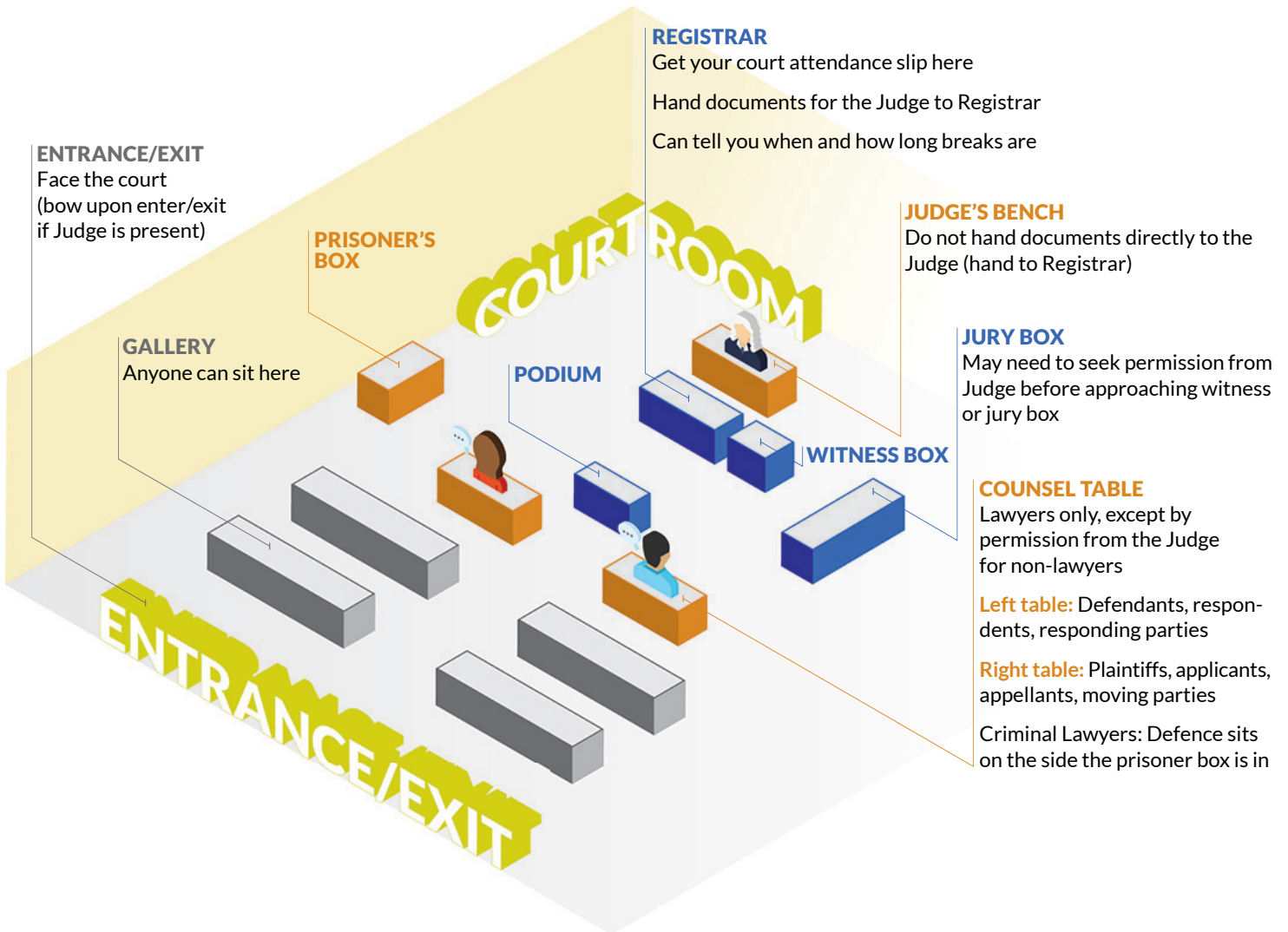
e-counselling

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

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

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

The First Timer's Going to Court Cheat Sheet



WHAT TO DO WHEN ENTERING THE COURTROOM

1. Arrive on time. Even better, arrive early
2. Approach registrar and find your matter(s) on the matter list and keep track of your matter number(s)
3. Introduce yourself to opposing counsel
4. Fill out counsel slips, available from registrar, for each matter you are appearing for
5. Take a seat at counsel table or gallery
6. Wait until your matter is called

WHAT TO DO WHEN IT'S YOUR TURN

1. When called, approach the podium or front-most counsel table
2. Moving party/plaintiff typically goes first
3. Identify yourself and the party(ies) you represent. Spell your last name
4. Make submissions
5. One speaker at a time: Stand when making submissions, sit when not. If opposing counsel begins to speak, sit down
6. Stand and bow when Judge enters and leaves



What to wear

GOWN

When you attend a trial, motion, or appeal at Superior Court, Court of Appeal, Federal Court, and Supreme Court.

Gowning tips

The gown includes waistcoat, barrister's robe, winged collar shirt, tabs, black or charcoal pants/skirt with nylons, black shoes. Change into Gown in the washroom/locker room. Do not change while in court.

The gown is a uniform, not a fashion statement. No accoutrements. Shirt tucked in. Waistcoat buttoned up.

When out of court, remove gown.

Pregnant? Modify as you see fit.



SUIT

When you attend an assignment, trial scheduling court, settlement conference, trial management conference (can vary: check region-specific practice direction), pre-trial conference, the Ontario Court of Justice, and small claims court.

Suiting tips

Traditional business attire. Keep your suit jacket/blazer on, shirts tucked in and buttoned up, and ties on.

Court tips

Tips for motions

- Confirmation of Motion form – First thing Judge sees and relies on
- Bring all materials before the court, including a draft Order and a draft Costs Outline
- If the motion is resolved, provide Judge with draft order to sign and return to you. Then file with Registrar (Don't forget to obtain copy of signed order for your own file.)

Courtroom decorum

- During opposing counsel's submissions, stay seated. Do not interrupt. You can reply when it's your turn
- Keep a poker face when you disagree with a submission
- Do not address witnesses by first name. Use formal name, unless witness says otherwise
- Do not eat in the courtroom
- Turn off cell phones, ringers and notifications
- Do not socialize and laugh with colleagues in the gallery during a hearing

Treat
everybody
professionally.
Court staff are
eyes and ears of
the Judge.

How to make an objection during witness testimony

1. Stand up immediately
2. Say "Objection, Your Honour"
3. Explain what you are objecting to
4. Explain the basis of your objection

Terms of art

"My friend" = Opposing counsel

"Your Honour" = Judge, Master

"I submit" = I argue that...

"Good morning/afternoon, Your Honour" = A nice way to start your submission

"Thank you" = A nice way to end your submission

Claims prevention tips

- Get instructions from client and DOCUMENT
- Give recommendations and DOCUMENT
- Explain possible outcomes, and with each outcome, discuss: timelines, risks, legal consequences, and costs consequences. Calculate dollar amounts (costs, fees, HST, etc.) as necessary

New Lawyers Resources practicepro.ca/newlawyers

Check out our New Lawyers Resources on our website. We have interviewing tips, booklets to help you manage the lawyer-client relationship, resources for going solo, and articles to help you succeed. ■

Life after graduation:

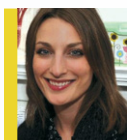
Profiles and advice on succeeding during the first years of a legal career

After the congratulations, after the regalia, after the degree that's been rolled and tied with ribbon, what comes next?

It's important to keep an open mind when starting your legal career. Many lawyers end up in positions very different than they were expecting, but still very rewarding. Remember that every role is an opportunity to learn, improve, and set yourself up for additional success down the road. The best legal job is the one that's right for you.

We asked some recent graduates what it was like for them to find their first positions out of law school and what they learned along the way.

From the public sector to private practice



Allison P. Williams always had an interest in public service. Throughout law school, she was drawn to positions aimed at assisting vulnerable people.

She acknowledges that it can be challenging to feel like you're "picking your path early in your career," and "this meant my choices would be a lot more limited." But Allison believes her narrow search was to her advantage, as she only applied for positions where she had a "demonstrated and authentic interest," and therefore could thoroughly prepare and show commitment to the prospective position.

Her search led to an articling position at Ontario's Office of the Children's Lawyer. She says one of the best aspects of the job was "being exposed to larger issues while also having the opportunity to do legal work on specific files. For example, I had the benefit of helping the Children's Lawyer prepare presentations and reports on incorporating the call to action from the Truth and Reconciliation Commission Report."

Allison found that her articles allowed her to build key skills, saying, "in government, you learn important habits regarding papering files, taking notes, sending follow-up emails, and documenting any attempts you make to communicate. You're constantly writing memos about

the path you take, because you never know when a file will be picked up by someone else. It's the hit-by-a-bus principle. If I were hit by a bus, I want my files kept in a way where I wouldn't be embarrassed to have someone else look at them."

Allison now uses these same skills every day in her current private practice, where she continues to help vulnerable groups in the areas of immigration, refugee, and family law. But she acknowledges moving to private practice was a transition. "The biggest shock for me was having to deal with billing, docketing, and charging clients for your time. When you're drawn to law specifically to help people, that can be a bit of a challenge," she says.

Allison's advice for other students looking for their first position is simple: "It's important to get in touch with what's going to make you happiest. Everyone is always just figuring that out all the time. It's a work in progress over the course of your career."

Striking out on your own



Carissa Wong came to law after working for a number of years in environmental management in the United States, and that perspective helped guide her choices.

Her path to an articling position began before her first day at law school, when a senior contact at the Ecojustice Clinic at the University of Ottawa convinced her to return to Canada and enter law. That same contact then helped her secure her articling position at the Ecojustice Clinic and acted as her articling principal.

"I found it was important to be proactive as an articling student and to drive my own experience," Carissa says, "because you have to get the best practical training you can while you're there. Having a mentor can be critical in helping you navigate this, especially a mentor with whom you can connect, because mentorship is friendship."

That practical training became especially valuable when Carissa decided to start her environmental law practice as a sole practitioner. She explains, "I was called to the bar at 38, so I had different work-life balance needs than younger entry-level associates, such as an intention to settle down and have a family. But I also had different skills to offer than what was being sought in traditional law or policy posts. So without seeing a better fit for myself, I embarked on my own. As a sole practitioner, you have some of the best opportunities for self-determined schedules and balance."

Starting her own firm was a challenge, with a constant need to keep costs low and

stay out of debt, but Carissa points to her supportive spouse, previous experience in environmental management, and contacts in the relevant field as helping her get off the ground. "My articles were a stepping stone," she says, "from which I built relationships and connections. For anyone starting out, you are finding your community of practice, so you have to look for positions where you can build a family."

Carissa found that the skills she developed during her articles helped her build her practice from the ground up, especially her interpersonal and relationship skills: "Clients end up working with you because they trust you. You need to build this trust and become the best lawyer for them. You also need to develop and leverage relationships with colleagues and mentors. Treat colleagues as clients and find a mentor whose practice is well-established in your area of interest. Because giving and receiving support is almost the only way to build a client base in a saturated legal market."

Carissa encourages other young lawyers looking to make a difference or start their own firms to follow their dreams, but urges them to remember the importance of protecting and maintaining their health and wellness, saying "no one is going to be there to help you if you fall down, so you need to vigilantly support and nurture your mental health in order to succeed."

Working in criminal law



Ben Elzinga Cheng also entered law school as a mature student after pursuing a career in the hard sciences. For him, it

was a desire to work with and advocate for others that led him to transition to law, saying "in grad school, I often had more enjoyment teaching or collaborating than working in a lab."

Ben knew there was a good chance he would end up in criminal law. Before starting law school, he took time off to

raise a family and work in a drop-in help centre for low income and marginalized persons. He says, prior to law school "it was criminal law issues that were the most fascinating to me, so that's what I wanted to do."

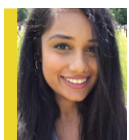
During his legal studies he pursued that interest through clinical and volunteer opportunities. "I can't emphasize enough how important clinical experience and working in places like the Downtown Legal Services is while in law school," he explains. "While there, I had the opportunity to work on a project with a lawyer from the firm I would later article with. I got a really good vibe from him and learned that his firm was the type of place I wanted to work at, and he liked my work as well. Getting that sort of experience with practitioners and meeting people is very useful."

Even with previous clinical experience, Ben still found his articles provided valuable skill development. He says, "for example, learning client management, in terms of how to explain and talk about the process, was very important. People who come to our firm are charged with criminal offences, so it's important to be realistic about what's going to happen. But you also need to try to alleviate some of their stress and learn how to read them, so you can ensure everyone understands each other. A lot of that just comes with experience and is an ongoing process."

He adds, "the other thing you learn is to be very careful about instructions and taking notes. You have to make sure everything is in writing, because if you're going to be depending on something someone said, or an agreement with the Crown, it's best to have a contemporaneous note or written communication."

The LAWPRO experience

In 2018-2019, the LAWPRO team was joined by three recent graduates as part of the Law Society of Ontario's licensing process: Niveda Anandan, Chantelle Dallas, and Arlind Selimi.



Niveda took a broad approach in her search for articles. She explains, “I knew I wanted to do litigation but I didn’t know exactly where I wanted to go. So, what I liked about LAWPRO was being exposed to many different areas of the law. That was a key consideration for me.”

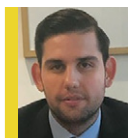
During her articles, Niveda found one of the key skills she developed was communicating with both colleagues and clients, saying, “with co-workers or your principal, you have to communicate expectations very clearly from beginning to end. You never want to just assume that others know what you know. And you need to also communicate your own understanding by confirming instructions by email, in case you misunderstood.” She goes on to explain that this applies just as much to senior lawyers, saying “when you work in the claims department, you see the kinds of mistakes other lawyers make, and communication failures are a big part of it. That, and missing deadlines,” she adds with a laugh.

Niveda is happy she obtained the position at LAWPRO, because, as she explains, “I’m glad I’m starting my career knowing what *not* to do. You have to report a potential claim as soon as you can, because if we can repair a claim, that’s better for everyone. Admitting you made a mistake is hard, but this is about squashing hubris and knowing you’re human and there’s a responsible way to deal with it.”



Chantelle, for her part, took a narrower approach to her search for articles. “I was primarily focused on finding a positive work environment,” she says. “I asked around about the people, the work-life balance and the general atmosphere at each potential firm or workplace. I’m very happy to say that this fit the positive profile I heard about.”

Chantelle found the articling experience surprising in some ways, saying “you really see that lawyers don’t know everything, and it’s important for all of us to always be learning. Good lawyers aren’t afraid to say ‘I don’t know, but maybe I can look into it.’ LAWPRO is constantly providing tips about practice management and risk management because even lawyers who have been practising for many years aren’t aware of certain things and can improve their practices.” At the same time, she found that not knowing everything is not equivalent to having nothing to contribute, saying “as students, we shouldn’t be afraid to share our opinions. If something doesn’t make sense, or seems incorrect, our instincts are valid. We all have a solid education and bring a fresh perspective, so we have to be confident and believe in ourselves.”



Arlind joined the LAWPRO team during the work-place-ment portion of the Law Practice Program, after completing the training portion at Ryerson University. He was particularly interested in joining LAWPRO

because of the variety of work and legal experience he would be exposed to, saying, “my number one priority is gaining the skills I need to be an excellent lawyer. Every position and opportunity is always what you make of it. If you put in the work, you will learn a lot.”

Arlind explains that the fast pace of his LPP training has been a crucible for developing organization and time management skills that will serve him through his career: “We are given numerous projects to work on simultaneously, with short deadlines, so it is necessary to become adept at using scheduling, organization, and communication software to plan and docket everything that is going on.” Arlind explains that these experiences have positioned him well: “I definitely feel more confident now that I understand what it takes and how to succeed as a lawyer.”

Stay happy and keep learning

A legal career is a work in progress. Every lawyer, regardless of seniority, is always learning and looking for new opportunities. But an opportunity is only valuable if it’s taking you in the right direction. Remember to keep asking yourself what type of legal work you want to pursue, what type of clients you want to work with, and what kind of environment you want to work in. Each job is an opportunity to learn how to be a better lawyer, and, perhaps more important, learn what kind lawyer you want to be. ■

Shawn Erker is Legal Writer and Content Manager at LAWPRO.

practicePRO resources help you succeed in practice



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practicepro.ca website

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AvoidAClaim.com blog

Daily insights on claims prevention and practice management, and warnings about current frauds targeting lawyers

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Articles and supplemental resources from all past issues of *LAWPRO Magazine* are available online (listed chronologically and by topic/issue).

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Practice aids

There are numerous practice aids available that will provide you with practical information and advice for dealing with a wide variety of practice management-related issues.

Better client service

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- Dealing with difficult clients
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- Retainer precedents
- ILA checklist, commercial transactions checklist, domestic contract matter toolkit
- Real estate file management checklist

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- Improving practice finances
- Building mentoring relationships
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practicepro.ca/practice



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.

TitlePLUS title insurance is the only wholly Canadian owned title insurance product available in Canada

How can you find out more?

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

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

In a landscape of limited options,
the TitlePLUS program¹ remains committed
to keeping the lawyer involved
in the real estate transaction



for lawyers
by lawyers

To learn more,
call 1-800-410-1013
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The only wholly Canadian owned
title insurance available in Canada



¹ The TitlePLUS policy is underwritten by Lawyers' Professional Indemnity Company (LAWPRO). Please refer to the policy for full details including actual terms and conditions.

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Essential LinkedIn dos and don'ts for law students



With over 500 million users in more than 200 countries (including at least a million lawyers) and web traffic that ranks it one of the most visited sites on the planet, LinkedIn is the social networking tool of choice for professionals.

LinkedIn (LI) can also be useful to law students in a number of ways. First, it can help with your job search. A LI network can be helpful for finding people you (or your contacts) know at law firms or companies you are interested in. Second, it gives you some online profile. Potential employers are likely to Google you and look at what you have posted in social media circles. They will also look to see your online connections and friends.

If you aren't on LI, you should take the plunge. It is very easy to create and maintain a presence on LI. And, when one considers ethical obligations and other practical dangers, LI is the safest social media tool for lawyers to use.

In this article I share my thoughts on the basic do's and don'ts of how a law student can create and build a presence on LI.

Creating a profile

Your profile is the foundation of your LI presence. Here are some tips for creating an impressive LI profile:

X Don't list every job you ever had: Some of you were lucky enough to have really interesting, exciting or unusual summer jobs. Good for you, but will it really impress the firm where you want a job (or a potential client when you are

// tech tip

a lawyer)? In many cases, probably not. Include a reasonable level of detail about your pre-law school work experience if you think it will impress a potential employer.

✓ **Do list other relevant or interesting background:**

You should include other relevant background information in your profile. The LI profile page outlines what you should include. Give details about your college or university degrees; affiliations, articles or books you have written; awards you have won; volunteer experience and so on. Note that you can change the order of the sections on the profiles page – put the sections that highlight your strengths at the top of your profile.

✗ **Don't use formal and dry CV-speak:**

Inject a little personality to let people know more about you. Ask yourself what prospective employers really want to learn about you.

✓ **Do make your profile public:** While your LI contacts will always see your full profile, LI allows you to selectively hide details of your profile from other LI users on the Settings & Privacy page. This defeats the purpose of being on LI. Most of you should share all or most of your profile with everyone.

✓ **Do create a LI vanity URL:** By default, your LI URL will be alpha-numeric gibberish. A LI URL that includes your name is far more friendly. You can personalize your LI URL by clicking Settings & Privacy > Privacy > Edit URL. I suggest you use the following: `linkedin.com/in/FirstNameLastName`.

Collecting contacts

Collecting a network of contacts is the very essence of LI. Here are some tips for building a good collection of LI contacts.

✓ **Do consider the quality, not the quantity, of your LI contacts:**

We all want to be popular but ultimately, the quality of your contacts is more important than the quantity. While a high number of LI contacts may look impressive at first, potential clients will dig deeper and judge you by the details in your profile and the quality of the people in your network.

✓ **Do make it easy for people to connect with you:** LI allows you to limit invitations to connect to people in a contact list or people that already know your email address (Settings & Privacy > Communications > Preferences). Don't make it hard for people to connect with you. Configure LI so that anyone can send you an invitation to connect.

✗ **Don't accept LI connection requests from people you don't like, respect or know:** Politely say “no thanks” or just ignore the invite. This can be awkward, especially when people are pesky and keep extending invites to you. Protect your reputation by making sure you like and respect the people you connect with. Don't accept connections from total strangers.

✓ **Do be careful about conflicts of interest:** You may need to be cautious about connecting with the judges, experts or opposing counsel that might be involved with matters a potential employer is handling. Having such people as contacts could help you get a job, but they could also create a conflict of interest for a firm that wants to hire you.

✓ **Do send personalized contact requests:** Generic connection requests are cold and impersonal. Few things will make a stronger positive first impression than a personalized invitation to connect. This is especially helpful if the invitee may not be sure of or recall their connection to you.

✓ **Do use the “My Network” feature:**

Look for My Network on the top bar, and click on it to see contacts “Recommended for you.” It generates this list by using keywords and by looking at the contacts of your contacts. It does a good job of finding people that you will know.

✓ **Do mine the contacts lists of people you know:** Once you connect with someone in LI, you can see their list of contacts. As many of us work and socialize with the same smallish group of people, looking at the friends of your friends will help you find other people you know. The “Invite accepted” email is a great reminder to do this.

✓ **Do use lists of other groups of people you know:** I have had great success adding contacts by reviewing lists of names from some of the organizations I participate in (e.g. members of the Ontario Bar Association).

This works well, as many LI users do not list the different groups they belong to or the activities they participate in.

✓ **Do use the “Search” feature to find other contacts:** Enter the names of companies or other entities where you know people to add people to your contacts list.

✓ **Do remember to invite people you are connecting with in other social media channels to LI:** While you will not want to add everyone you connect with in other social media tools, this will get you a few extra contacts.

✓ **Do cross-market your LI presence:** Let people know you are on LI by adding the LI logo or your LI URL to your email signature (make it a link), and anywhere else it will be visible to people that might want to connect with you.

Posting updates

Most LI users are in a mad dash to collect contacts, and they are watching other LI users do the same thing. Unfortunately, they are missing out on one of the key benefits of LI: Being visible to your contacts by sharing information with them.

✓ **Do post regular updates,** but don't overdo it. Do what is right and works for you. At the start, that might be one update a week. Over time it might grow to a single daily update or even three daily updates. Get on a regular schedule, and stick to it. Even better, post longer updates (click on "write an article") as they get more exposure from LI.

✓ **Do share interesting ideas, news, links or information:** Strive to post updates your contacts will feel are worthy of reading. Send information that is practical, helpful, interesting or informative. On occasion, even funny things are fine.

✗ **Don't blast all your updates out at once:** It's great to be efficient and work on your updates at one time (e.g. first thing in the morning over your coffee), but remember that not everyone is online all the time. To give yourself greater visibility, use tools like HootSuite or TweetDeck, which allow you to schedule your LI updates for a later point in time.

✓ **Do be professional:** What goes around comes around, and it doesn't matter if it's in person, in print or online. Be professional at all times, because everyone is connected to everyone on the web. When using LI you must comply with the *Rules of Professional Conduct* at all times.

✗ **Don't use LI messages for lawyer/client communications (a tip for when you are working):** You can't assume messages sent through LI

are private. Don't use it for lawyer/client communications.

✓ **Do inject some personal info, but not too much:** Social media connections are built on personal relationships. You need to share some personal information so your contacts can learn more about you. But always remember that LI is a professional network and most things that happen in Vegas, the bedroom or the kitchen are not appropriate for posting on LI.

✗ **Don't automatically blast all your other social media updates to your LI contacts:** You can and should mention content that you post on your blog or in other social media channels, but don't bore us all by blasting everything through LI. As a filter, note that you can configure your LI account to display only tweets with the #in or #li hashtags.

How to be more visible

As I stated above, posting regular updates is key to getting value from LI. But there are other simple things that you can do to give yourself greater visibility with your contacts.

✓ **Do comment on the updates your contacts post:** If you like, agree, or even disagree with something one of your contacts has posted, share your two cents by posting a comment on the original post. For reputation building, try to post comments on the updates of respected or well-connected contacts.

✓ **Do ask questions:** Social media is all about two-way communication and interactions. Asking a question in an update is a great way to engage your contacts in a discussion. And if you ask a question, make sure you read and comment on the answers!

✓ **Do tweak your profile:** By default, LI will automatically post an update every time you change your profile. You can turn this off, but I don't think you should. Make it a habit of tweaking your profile once or twice a month.

✓ **Do join a LI group:** LI has a groups feature. Groups help people that are interested in a particular topic, entity or event find each other. There are also groups for events, associations and other entities. I guarantee there are groups on many topics relevant to your area of practice. Click on "My Network > Recommended for you > Groups" and enter some keywords to search for groups that are of interest to you. But be warned: Some groups have far too many consultants and vendors aggressively marketing themselves.

Power user tip

For those of you that are already using LI and want to take it to a higher level, I offer the following tip:

✓ **Do look at and tweak your LI settings:** I have mentioned the LI Profile configuration page several times. Visit this page and look at the various settings you can change. Most of you will want to go with the default settings, but you may find there are configuration options that will make LI operate in ways that are better suited to your personal preferences.

So there you have it: Some simple rules to govern your use of LinkedIn. Start building your LinkedIn network now. Not only might it help you find a job, it will be a useful professional networking tool for marketing when you become a lawyer. ■

Dan Pinnington is President & CEO at LAWPRO.

Caron Wishart scholarship

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

Aya is involved in many extracurricular activities at law school. She is one of three Student Directors at Artists' Legal Advice Services, serves as the Director of Submissions at the University of Toronto Faculty of Law Review, and is an executive member of the Faculty of Law's Peer Mentorship Program.



Outreach

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

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



The right tool for the job is right at your fingertips

Our practicepro.ca resources are designed to help you navigate the risks in your practice, so you can focus on helping your clients.



LAWPRO's commitment to corporate social responsibility

To support the broader Canadian community, LAWPRO employees select five charities each year. Funds are raised through employee-led events and denim Friday contributions, and the company matches those donations. The selected charities for 2018 were: Good Shepherd Refuge, Ovarian Cancer Canada, Fanconi Canada, Toronto Humane Society, and Food Allergy Canada. In 2018, LAWPRO raised \$32,450, which was distributed among the five charities.

\$32,450

IN DONATIONS THROUGH THE COMPANY'S ANNUAL CHARITABLE GIVING PROGRAM

LAWPRO employees can also give back by requesting one "charity day" per year during which they work for a registered charity of their choice. In 2018, several of our employees took advantage of the charity day by helping St. Agnes Kouying Tsao Parish, IJM Canada, and the Toronto Star Santa Claus Fund.



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



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