

LAWPRO ROADSHOW

GTA West and North East

Presented by:

Raymond Leclair, Vice-President, Public Affairs

Safiyya Vankalwala, PracticePRO Manager & Counsel

Leanne Fasciano, Communications Counsel

AGENDA

- 1) LAWPRO 101
- 2) The Primary Policy
- 3) My LAWPRO (portal)
- 4) Claims reporting
- 5) Claim trends and current issues
- 6) Fraud and cyber claims
- 7) TitlePLUS
- 8) Excess insurance
- 9) Run-off coverage
- 10) Wellness
- 11) PracticePRO
- 12) AI in the legal world

LAWPRO 101

lawpro.ca



An innovative provider of insurance and services that enhance the viability & competitive position of the legal profession



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About

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History

- The “insurance crisis” led to our creation in 1995
- LSUC Insurance Fund had \$200M in unfunded claims after real estate crash
- Insurance Task Force was formed
- It recommended the creation of independent insurance company
- Convocation adopted that recommendation and the Lawyers’ Professional Indemnity Company (LPIC) was born

Mandate given to LPIC by Convocation

- Operate independently with own Board of Directors
 - Operate in commercially reasonable manner
 - Premiums are to reflect the risk of claims
 - Resolve claims fairly and expeditiously, but not on a no-fault basis
-
- Financial Services Regulatory Authority (FSRA) regulated insurance company

LAWPRO Today



- Primary E&O program for **32,000+** Ontario lawyers in private practice
- Run-off for over **80,000** other LSO licensees
- Excess insurance for small firms
- TitlePLUS supports real estate bar
- PracticePRO helps with claims prevention

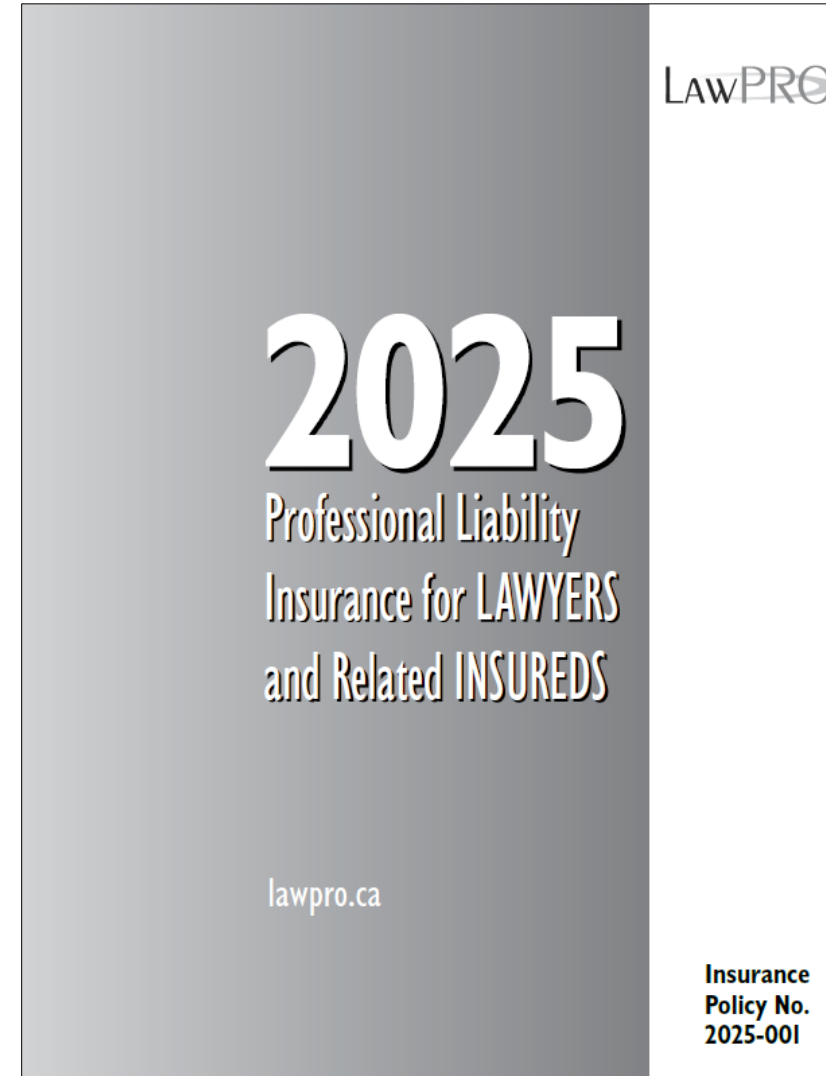
LAWPRO benefits the profession

- Guaranteed insurance for all lawyer licensees
- Consistent coverage for all lawyer licensees
- Making reasonable settlements where a lawyer truly made a mistake and defending lawyers where no clear error was made or damages suffered
- Proactive claims prevention efforts and practical resources to help reduce claims risks ([PracticePRO](#))
- Proactive help to prevent claims and reduce impact (repairs)
- Automatic, free Run-off coverage of \$250,000
- A built-to-purpose Excess insurance program for small and medium sized firms
- Coverage for lawyers doing *pro bono* work in a wide variety of circumstances
- Financially stable and can therefore be relied upon to pay claims

Why LAWPRO is better than a commercial insurer

- Higher premiums (commercial insurers will want to make a profit)
- Insurance broker commission (+15% premium)
- Insurers could refuse to insure lawyers with claims history or higher claims risks
- Inconsistent coverage, terms, and conditions
- Different policies with separate premiums if you switch firms and for post-retirement coverage
- Less principled approach to handling claims and shaping standards of practice
- Less proactive assistance on repairs and claims prevention
- Less coverage for pro bono work
- Less reliable as would leave market if not profitable

The Primary Policy



Mandatory "Primary" Policy

- Lawyers, paralegals and Multi-Discipline Partnerships
- Covers "Professional Services"
- Individual lawyer is insured
- \$1 million per claim / \$2 million aggregate
 - Be mindful of Sublimits
- "Claims made" policy

FAQS Regarding Coverage

LAWPRO's [FAQ page](#) covers the frequent questions we get regarding what is covered or not under the Policy:

- Mediation and estate trustee services
- *Pro bono* work
- Practice in other provinces
- U.S. or international law
- Being a director of a corporation

Specific circumstances must be considered to determine if there will be coverage

Coverage Options

- Innocent Party
- Real Estate Practice Coverage Options (REPCO)
- Part-time (<20 hours/week, <750 hours/year and <\$100,000 gross billings)
- Restricted area of law (criminal and/or immigration)
- Intellectual Property Business Coverage

Premiums reflect risks...

Premium Discounts

- Risk Management Credit - Up to \$100/year
- New call discount
 - 50%, 40%, 30%, 20% first 4 years
- Restricted area of practice discount
 - 50% if solely criminal or immigration
- Part-time discount
 - 50%
- Designated government agencies (and CSO's)
 - 75%
- Pro bono work
 - No premium required in some situations



Transaction Levies

- A greater volume of work means a greater claims risk
- \$100 per litigation matter commenced
 - Not family law matters
- \$65 per real estate transaction

Deductible Options

- \$5,000 default
 - Options for \$0, \$2,500, \$10,000 and \$25,000
 - Premiums are impacted depending on option selected
- Double deductible for conflicts of interest claims
- Your deductible + \$10,000 for certain administrative dismissal claims

2026 Program Update

- Renewal under way
- 2026 launches January 1
- No change to base premium: \$3,250!
 - Same since 2023

My LAWPRO

 Home

Policy Number: 1-

PL Status: **Primary E&O Active**

Total Due
\$ 1711.14

Current Due
No Dues

PL Effective Date
Jan 01, 2025

PL Expiration Date
Jan 01, 2026

[Update Payment Information](#)

[Pay Now](#)



Exemption / Increased Run-off



File Transaction Levies / Exemption



Update Personal Information



Risk Management Credit



View Documents



Increased Innocent Party



Certificate of Insurance



View Activity Log

Top 6 things you can do at My LAWPRO

1. Renewal: renew your yearly policy
2. Premiums: pay your premiums and update credit card number
3. Update information: address or firm change
4. Risk Management Credit: complete declaration by Sept. 15
5. Levy filings: civil and real estate
6. Additional coverage: apply for increased Run-off or Innocent Party coverage

Firm Renewals

 Home



Member List



File Transaction Levies / Exemption



Update Personal Information



Increase Innocent Party



Certificate of Insurance



View Documents



View Activity Log



Make Payment



Payment Information



Apply for Excess Insurance

- Firm application
- Firm contacts

Reporting a Claim



50% will report at least one claim

When to Report – common scenarios

- Email from client that they are unhappy with your legal services
- Asked to be a witness
- Asked (or court order) to produce a file

Note: Reporting to LAWPRO does **not** trigger

- your deductible or
- any claims history levy surcharges

How to Report

www.lawpro.ca



An innovative provider of insurance and services that enhance the viability & competitive position of the legal profession

Home	Your Policy	Claims	FAQs	Excess Insurance	Risk Management
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Claims

Provide notice of real or possible mistakes immediately: early notice gives us the best chance to help put things right. Late notice often allows small problems to become big ones, and they can jeopardize coverage. *If you report a claim, your deductible will not be triggered and there will be no surcharged increase to your premium unless LAWPRO defends a legal proceeding, attempts a repair or makes a payment that resolves all or part of the claim (See "[This is not a claim, but...](#)" and [Wondering when to report that claim or potential claim? Do it now](#)).*



PROVIDE NOTICE OF A CLAIM

Provide notice to LAWPRO if you or your firm:

- A. Received a demand for money or services (including in a pleading) in relation to alleged inadequate professional services;
- B. Received an allegation (including in a pleading) of inadequate professional services;
- C. Are aware of circumstances that could lead to either A. or B.; or
- D. Have been asked to give evidence about file handling and/or have been asked or ordered to produce a file in circumstances that could potentially lead to a claim.

If you are unsure if your matter needs to be reported as a claim, email practicepro@lawpro.ca with details of your situation.

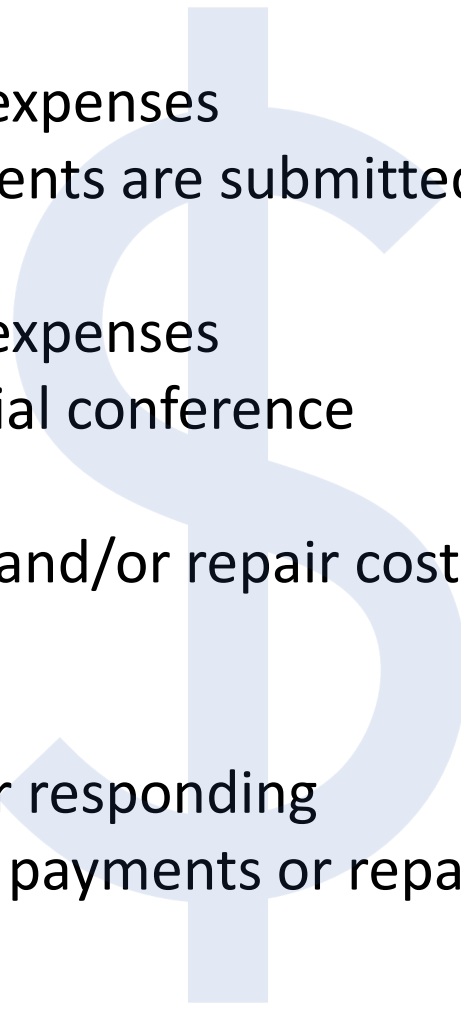
After you Report

- Reporting does **not** trigger deductible
- The Claims Professionals at LAWPRO evaluate the circumstances to identify the most appropriate response
- Issues are addressed through repairs, settlements, or defenses
- Claims Professionals work closely with defense counsel to oversee the claim
- Litigation is undertaken when no obvious error or damages are present

Repair

- Repairs occur when there is an evident or potential mistake by the lawyer
- Attempt made to rectify issue before claim arises
- Common examples:
 - Correct error in a Will
 - Motion to restore matter struck from trial list
 - Amend an error in a contract
 - Take steps to fix potential issues with title

Deductible

- 50% of deductible – applied to investigation and defense expenses
 - when Statement of Defence or any responding documents are submitted
 - 50% of deductible – applied to investigation and defense expenses
 - at start of process, during examinations or after pre-trial conference
 - Balance of deductible applied to judgments, settlements, and/or repair costs when such expenditures become due
 - If claim is resolved before a Statement of Defence or other responding documents are filed, deductible only applies to indemnity payments or repair costs incurred
- 

Claims surcharge levies

Alongside the base premium, the following amounts will be applicable over a period of 5 years after a claim has been settled:

- 1 claim settled: \$2,500 (totals \$17,500 over 5 years)
- 2 claims settled: \$5,000
- 3 claims settled: \$10,000
- 4 claims settled: \$15,000
- 5 claims settled: \$25,000
- 6 claims settled: \$35,000
 - Additionally, there will be \$10,000 for each claim settled beyond 6

Claim Trends



Claim statistics

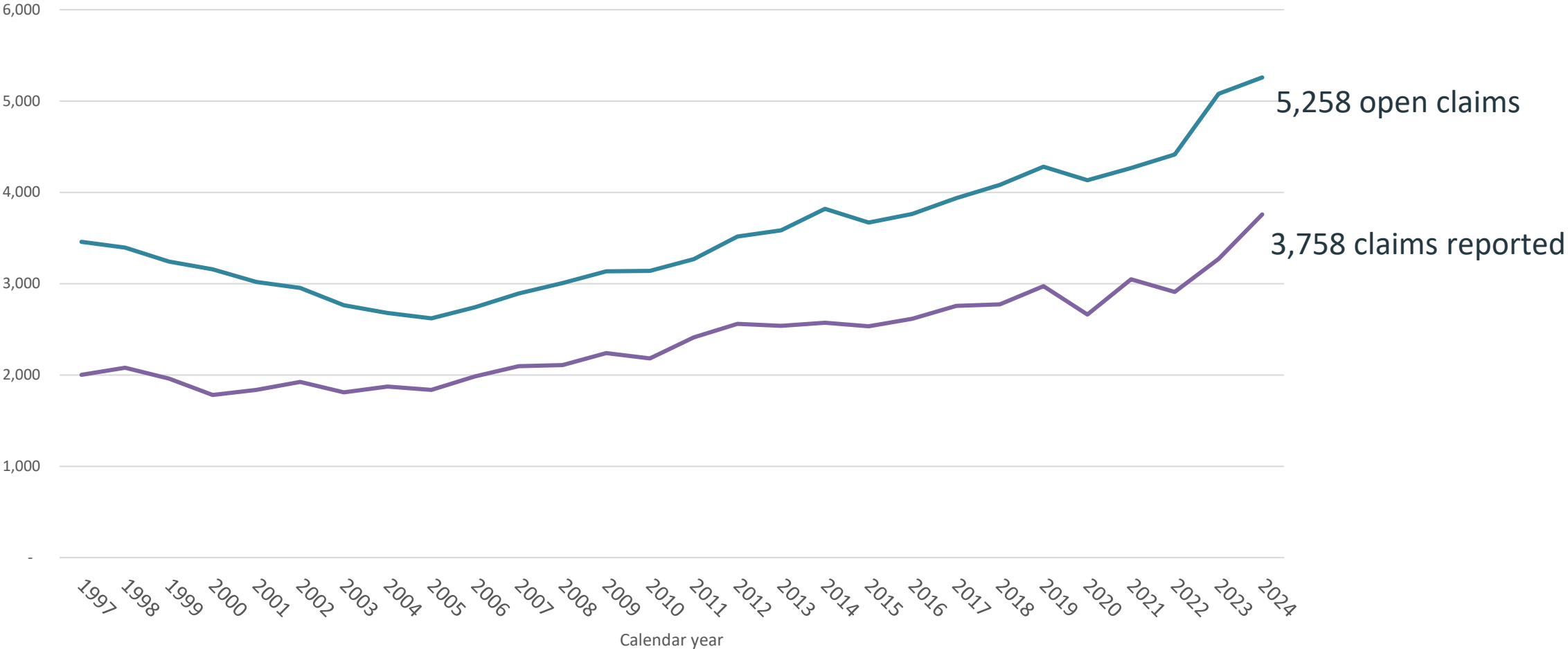
Claims are typically reported 2 - 3 years after the service is provided

Most claims activity during 6 - 25 years in practice

Claim type is consistent regardless of size of firm

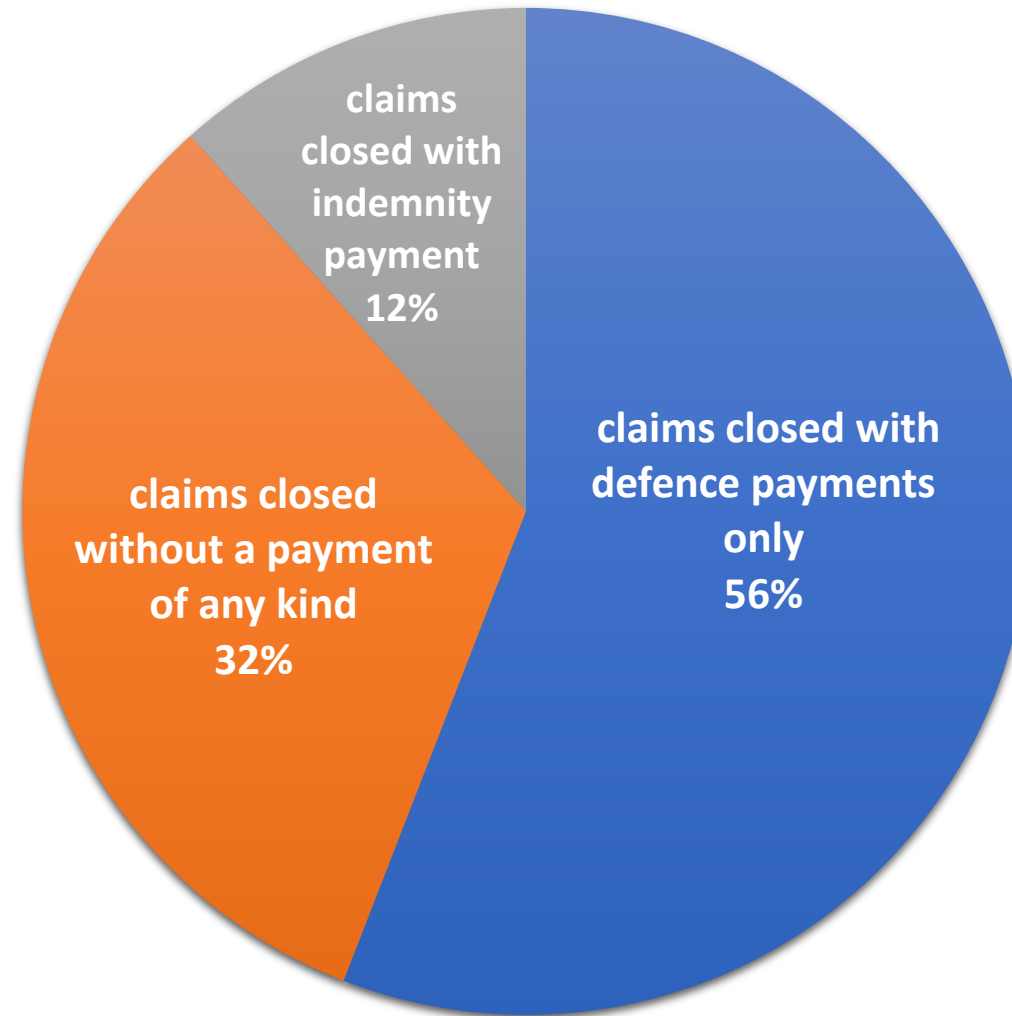
No claims sensitivity for any geographical region

Reported and open claims

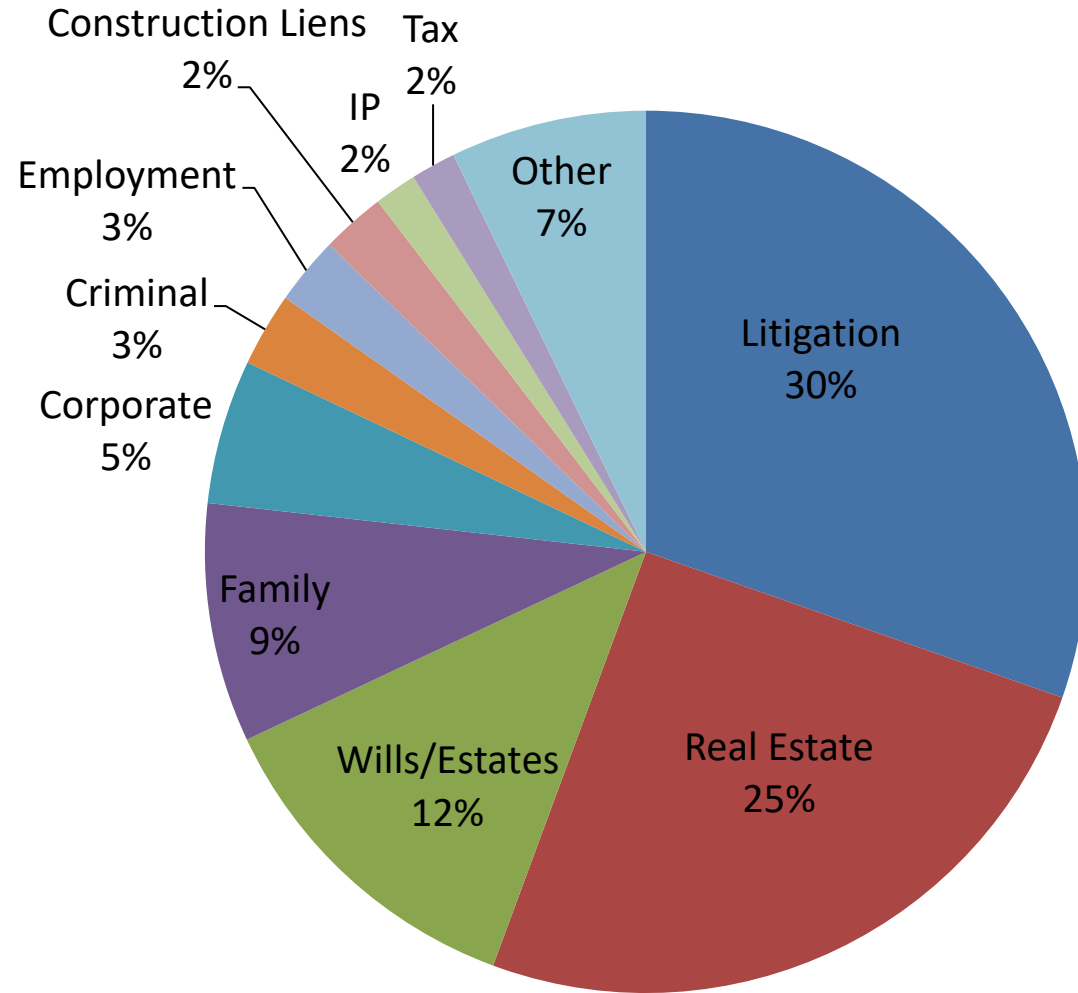


Claims by Outcome

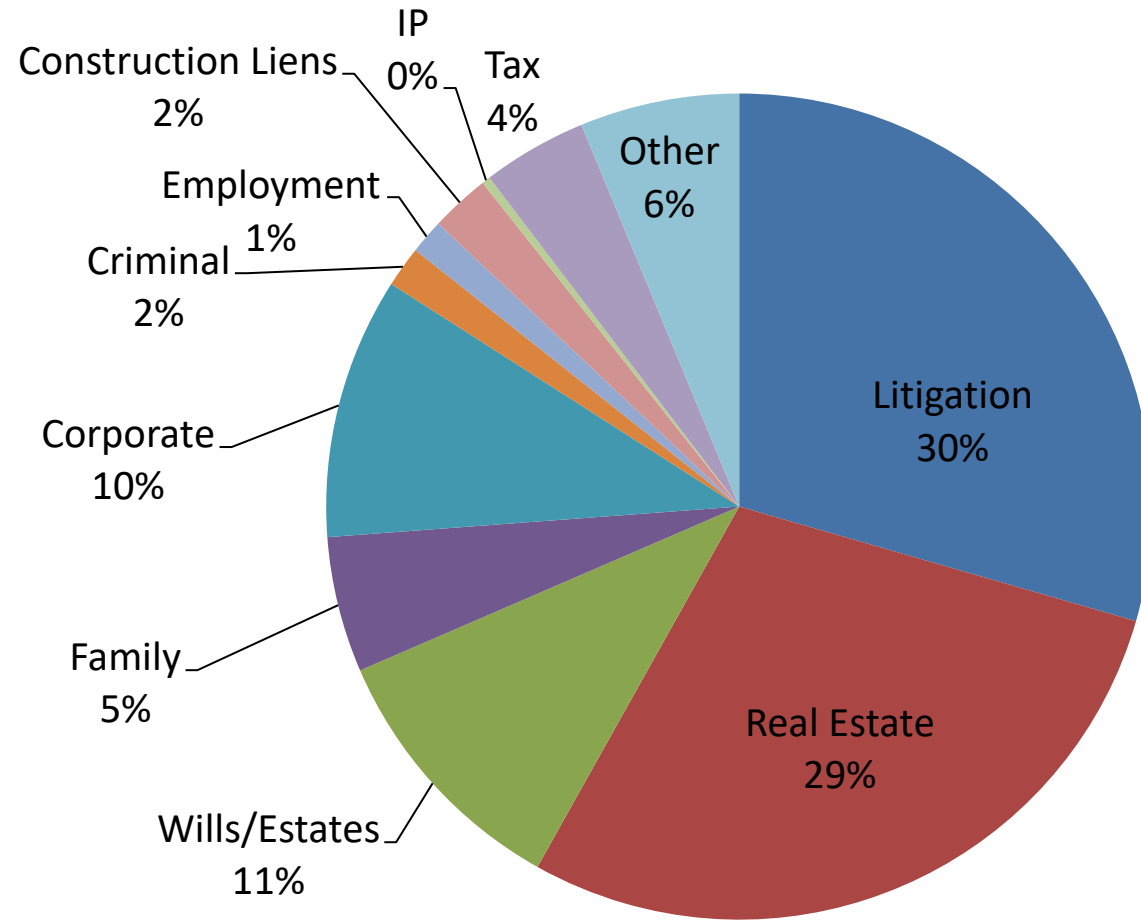
In 2024, 88% of claims files that came in were closed without any indemnity payments, whether by settlement or judgment



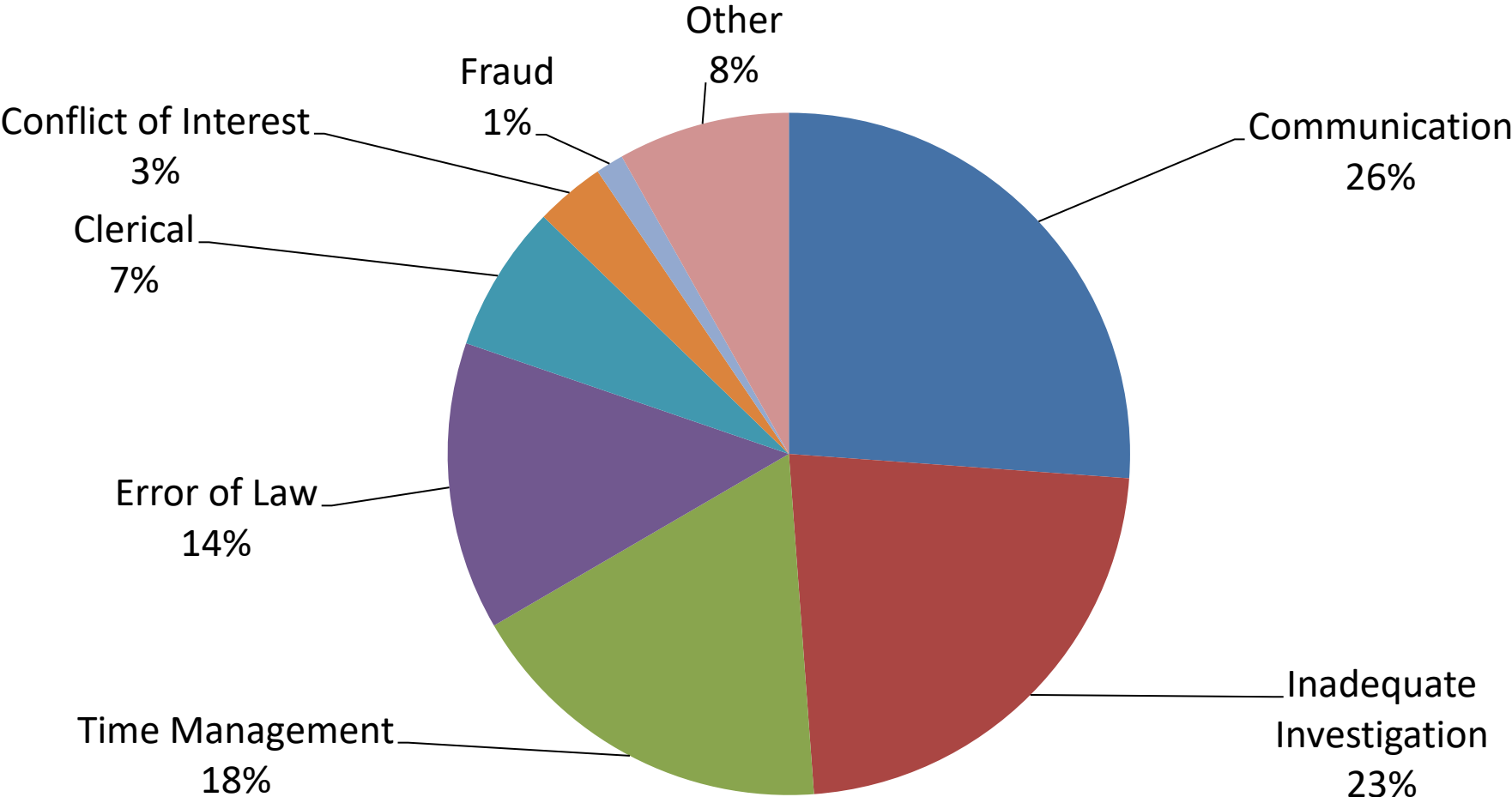
LAWPRO claims by area of law (count 2014-2024)



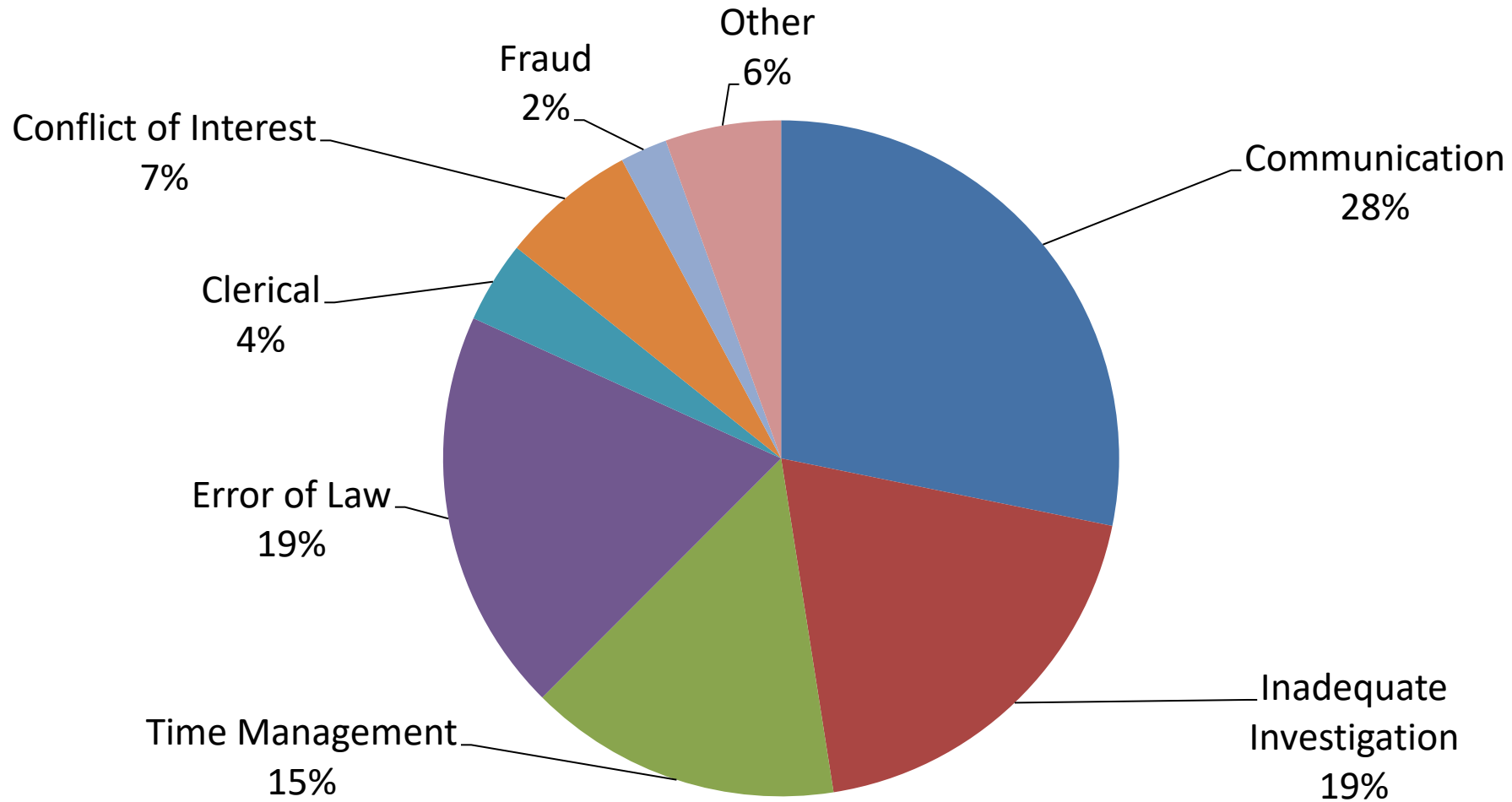
LAWPRO claims by area of law (cost 2014-2024)



'Global' Descriptions of Loss (2014-2024 by count)



'Global' Descriptions of Loss (2014-2024 by cost)



Poor Communication

Failure to follow
client's
instructions

Failure to obtain
consent/inform
client

Poor
communication
with client

Often,
he/she/they
said...

Inadequate Discovery or Investigation of Facts

Real Estate: Not looking at restrictions when client says they want a pool in the backyard

Corporate: Not understanding what the shareholder's intent is

Personal Injury: Failing to ascertain all medical reports

Commercial Lease: Not doing a title search

Wills & Estates: Not asking if the spouse is a married spouse or common law

Family: Pension valuation missing

Not investigating or not documenting!

Time Management Errors

Failure to know or ascertain deadline

Failure to calendar properly

Failure to react to calendar

Procrastination or lack of follow up

Failure to Know or Apply the Law



Clerical/Delegation Errors

Misfiled or lost documents

Basic clerical errors

Not completing critical steps

Lack of training, supervision or poor delegation



Do Your Homework

Know the law

- Don't dabble or handle a matter you are uncomfortable with



Know the facts.

Don't rush. Ask:

- What does the client *really* want/need?
- Read between the lines
- Is there anything unusual?



Do good work

- Be prepared
- Appropriate due diligence
- Meet deadlines

File Handling Procedure

Formal Processes

Written retainer

Checklists and systems

Interim and final reporting letters

File retention policy

Conflict check

Follow firm procedure

Listen to your instinct: who is your client?

Take action when conflict is identified

Create a Paper Trail

Confirm information,
instructions, advice
and work done in
writing

Get signed directions
on major decisions

Make detailed
contemporaneous
dockets

Use written offers to
settle

Be clear when
retainer is over

Client Management

Manage expectations from client intake through end of matter

Don't assume client understands and explain consequences of decision

Keep client informed

Be clearly about fees, collect a retainer upfront, and bill regularly

Don't tolerate inappropriate behaviour

Know when to say goodbye

Precedents

Be cautious of:

- Ambiguous clauses
- Conflicting clauses
- Missing clauses



Get a mentor!

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[recently updated!](#)



Malpractice Claims Fact Sheets

LAWPRO REAL ESTATE CLAIMS FACT SHEET



RISK MANAGEMENT TIPS

- Meet clients in person at least once**
Meet with the client in person to review the transaction and understand client instructions, particularly with regard to the client's intended use of the property. Not every matter is straightforward, and you don't want to have to address a problem that was only noticed the day of closing, or never noticed at all.
- Remember, the lender is also your client in most residential transactions**
The lender is also your client and is owed a duty of care. Provide any information to the lender that is material to the lender's decision to advance funds under the mortgage. Lending clients can sue lawyers for failing to disclose all relevant information they know or ought to have known.
- Document your conversations with and instructions from the client**
This is the best defence against a malpractice claim. Clients may only be involved in one or two real estate transactions in their lifetime and will remember the details, while the lawyer who sees countless transactions will likely have little specific recollection of one matter. Keep notes of your conversations and document discussions and your actions in a detailed reporting letter to the client.
- Do not give your Teraviva password to anyone**
Your Teraviva PIN is only valid for your transactions. Entering an empty PIN may be in a busy real estate practice to let the clerk register instruments requiring a lawyer's electronic signature... just don't.
- Review the title insurance policy with your client**
You should have a solid understanding of the title insurance policy and be able to explain standard coverages, exclusions and property-specific exceptions. It is also important to have a detailed understanding of the client's planned use of the property to ensure the coverage obtained applies to those uses.

LAWPRO WILLS AND ESTATES CLAIMS FACT SHEET



RISK MANAGEMENT TIPS

- Ask client probing questions**
Some lawyers are asking the questions that could uncover facts that could cause problems later. They also do not make it clear what information the client needs to provide. Are the beneficiaries identified correctly? Who are the gift owners? How all assets identified and how are they reported? Was there a previous marriage? Ask, ask, ask. And then do a reporting letter to confirm everything that was discussed.
- Take time to compare the drafted will with your notes**
It sounds like obvious advice, but we see claims where the will did not adequately reflect the client's instructions, or overlooked some important contingencies. Many of these errors can be spotted by simply reviewing the notes from the meeting with the client. It can help to have another lawyer proofread the will, or set aside for a few days and reread it with fresh eyes. When you review it, consider the will from the position of the beneficiaries or disappointed would-be beneficiaries. Ask yourself if you were going to challenge this will, on what basis would you do so?
- Confirm as best you can the capacity of the testator and watch for undue influence**
With greater numbers of elderly clients, lawyers need to be vigilant about these issues. Meet with the client separately from those benefiting from a will change, and have written proof that the client understands what they are asking and the advice you've given. And while it is difficult to be completely certain of capacity, be sure to document the steps you've taken to satisfy yourself that the client's capacity has been verified.
- Don't act as family members or friends**
We see claims where lawyers didn't make proper enquiries or make proper recommendations because they assumed they had good knowledge of their family or friends' personal circumstances. It's best not to act for them, but if you must, treat them as if they were strangers. Remember, if a claim arises it will likely be not from the friend you are acting for, but from a disappointed beneficiary with whom you have a personal relationship with you.

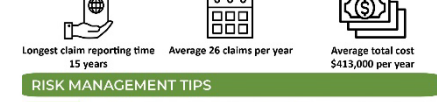
LAWPRO CRIMINAL CLAIMS FACT SHEET



RISK MANAGEMENT TIPS

- Ensure the client understands your recommendations**
Failing to effectively communicate with the client is the biggest claim pitfall in the criminal law area. A lawyer may not realize that the client doesn't understand all the implications of choices proposed. A lawyer should provide detailed recommendations based on a full analysis of the case, including a reminder that the plea decision is the client's alone. Documenting these communications (using a checklist and taking notes provides a valuable record of your efforts in the event you are faced with a claim).
- Ensure you have all the facts**
Lawyers should enquire about clients' circumstances - for instance, immigration status or residence - to ensure that advice taken from their details fits accurately. Clients whose immigration status may be at risk should be advised to consult an immigration lawyer, and that advice should be documented.
- Discuss potential consequences**
We frequently see claims involving a failure by the lawyer to communicate the potential ramifications of guilty pleas and custodial sentences on employment or immigration status. For instance, a truck driver convicted of a DWI may become unemployed as a result. A non-Canadian sentenced to six months or more may lose the right to apply for permanent residency. We have also seen claims alleging lack of communication about defence choices, such as a decision not to call the accused as a witness, or failure to apply for participation in an ignition interlock program.
- Promptly notify LAWPRO of potential claims**
Early reporting of client complaints offers the best opportunity for claims repair. Lawyers are encouraged to report allegations immediately, even when they are unsure of the facts, so that LAWPRO counsel can provide risk management advice. In an appeal alleging ineffective assistance of counsel, the Crown may ask the trial lawyer to sign an affidavit supporting the ground of appeal. If asked to do so, you should call LAWPRO right away so that we can advise whether preparing an affidavit is necessary, and if so, how it can be done so that evidence is maintained and there is no admission of negligence.

LAWPRO IMMIGRATION CLAIMS FACT SHEET



RISK MANAGEMENT TIPS

- Don't overpromise, and keep your client informed**
Claims against immigration lawyers are often prompted by a client's disappointment about the outcome of a residency application or refugee claim. Manage client expectations by fully exploring admissibility criteria, requirements and the need to have documents provided in a timely manner to comply with deadlines. Keep clients up to date on the status of their applications. An unhappy client who feels neglected or ignored will likely take steps to challenge your representation. Keep good notes on communications with clients which can later go into a reporting letter or follow-up letter.
- Know the changes in the law and program criteria**
Over the past few years the Immigration and Refugee Protection Act has been amended several times. Ensure you refrain from an "assembly line" approach to processing applications. Challenging, refugee, residency, work permits etc. all have time sensitive deadlines and the programs and criteria change frequently.
- Discuss potential consequences of criminal matters**
We frequently see claims involving a failure by the lawyer to communicate the potential ramifications of guilty pleas and custodial sentences on immigration status. A non-Canadian sentenced to six months or more may lose the right to apply for permanent residency. When meeting with a new immigration client, be sure to ask about criminal convictions and charges. If a client is facing a criminal charge, advise them to retain competent criminal counsel.
- Make clients aware of deadline and documentation requirements**
Make sure the client is made aware of all deadlines for submitting documents to you and knows the consequences of a delay or failure to provide documents. Give the client a response date that allows for follow-up (i.e. outside the response date imposed by the government entity).
- Promptly notify LAWPRO of potential claims**
Early reporting of client complaints offers the best opportunity for claims repair. Allegations of ineffective assistance of counsel should be reported immediately. Early reporting allows LAWPRO to investigate, ensure the protocol is met and limit there is no admission of negligence.

LAWPRO EMPLOYMENT LAW CLAIMS FACT SHEET



RISK MANAGEMENT TIPS

- Maintain written confirmation of instructions and advice**
As in all areas of law, documentation is crucial to helping LAWPRO defend you in the event of a claim where you may have no recollection of the details years later. Take notes on your conversations with the client and the details of settlement offers, the scope of your retainer (especially in limited retainer cases), your advice on accepting offers, the likelihood of winning or losing a case and the risks involved.
- Create detailed docket notes**
Use the table above, detailed docket notes offer the benefit of being protective to you as a lawyer not being aware of the correct forum to bring a client's matter (Superior Court, Federal Court, Ontario Labour Relations Board, etc.) or not being aware of the related deadlines and limitation periods.
- Do not dabble in employment law**
A lawyer should either be an expert in employment law or refer his or her client to an employment law specialist. We see a number of claims in this area resulting from a lawyer not being aware of the correct forum to bring a client's matter (Superior Court, Federal Court, Ontario Labour Relations Board, etc.) or not being aware of the related deadlines and limitation periods.
- Be prepared for nuisance claims**
The emotional toll of a job loss and resulting legal claim can leave lawyers in this area more likely to have claims made against them for "livid rights violations" or "malicious prosecution" alleging wrongful dismissal or retaliating against the client. These often coincide with Law Society complaints or Human Rights Tribunal claims against a former employer [and the lawyer who represented them], and in several cases are brought by self-represented or unrepresented litigants. LAWPRO has yet to see an instance of this type of claim, but they cost on average \$20,000 to resolve. While they may be difficult to guard against, taking the above advice to keep detailed notes, documenting instructions, as well as maintaining high standards of professionalism in heated disputes will help ward off these accusations.

LAWPRO CORPORATE/COMMERCIAL CLAIMS FACT SHEET



RISK MANAGEMENT TIPS

- Carefully document instructions, advice and steps taken**
Claims can be brought even when you have acted in good faith. There may also be changing and unrealistic expectations. This makes it especially important that you manage their expectations from the very start of the retainer. Helping clients avoid disappointment and surprises will significantly lower your claims exposure.
- Follow the firm's conflict checking system and take action on conflicts**
Most law firms have rigorous conflicts checking systems that do a good job of catching potential conflicts. The problem is that these warnings are often ignored. Listen to your instincts and ask yourself "who is my client?" You can't always objectively judge your own conflicts, so get the opinion of someone outside the matter. Send clients for I/A when appropriate. Keep in mind that conflicts can arise unexpectedly even in the middle of a matter. If there's a real or potential conflict, decline or terminate the retainer, even if it means turning down work for a good client or turning down substantial fees.
- Take time to catch and consider all the details**
Whether it's misreading (or not reading) information on a corporate document, not doing a little search on a corporate lease matter or failing to ensure that merged corporations don't lose a grandfathered exemption, rushing or taking shortcuts can come back to haunt you. Take the time to do the job right, even if it takes a bit longer or involves coming back on another day. Make sure clients understand the risks if they instruct you to take shortcuts (usually to reduce fees), and that those discussions are documented. Do not be pushed into taking shortcuts that make you uncomfortable.
- Do not dabble in areas outside your expertise**
Corporate/commercial law is complex and diverse, so don't stray outside your area of expertise. If necessary, recommend your client retain the services of an expert in specialized areas like tax, IP or franchise law if you don't have a thorough knowledge of those fields.

LAWPRO FAMILY LAW CLAIMS FACT SHEET



RISK MANAGEMENT TIPS

- Proactively direct and control client expectations**
Family law claims can be brought even when you have acted in good faith. There may also be changing and unrealistic expectations. This makes it especially important that you manage their expectations from the very start of the retainer. Helping clients avoid disappointment and surprises will significantly lower your claims exposure.
- Carefully review agreement terms to clients**
Carefully explain divorce contracts or settlement agreements so that clients cannot later allege that they did not understand the contents of these agreements.
- Be aware of the limitations of your legal knowledge**
Family law is one of the most complex practice areas, with federal and provincial statutes and voluminous case law. No lawyer can hope to be an expert in all aspects of this field, so it's important to know when to seek advice from more specialized counsel (e.g. for estate planning) or third party experts (i.e. tax advisors, accountants, appraisers or actuaries).
- Make better use of checklists and reporting letters**
LAWPRO's [Estate/Trusts/Divorce/Child Support](#) checklists and forms that contain issues lawyers should consider as they conduct the interview on a domestic contract matter and when they meet with the client to review and sign the document. A final reporting letter detailing what you did and what advice you gave can be a great help. In the event of a claim, which may arise long after you've forgotten the details of a particular file.
- Don't lower your standards for limited scope matters**
A limited scope retainer does not mean less competent or lower quality legal services. Identify the discrete collection of tasks that can be undertaken on a competitive basis and confirm the scope of the retainer in writing. Clearly document all work and communications. Recognize that unbundled legal services are not appropriate for all lawyers, all clients, or all legal problems. Sample retainers and checklists can be found on the [Limited Scope Representation](#) resources page at [practising.ca/limitedscope](#).

LAWPRO FRANCHISE LAW CLAIMS FACT SHEET



RISK MANAGEMENT TIPS

- Familiarize yourself with the Ontario *Wishart Act* disclosure requirements**
Lawyers acting for franchisees or franchisees should ensure that their clients are aware of the disclosure obligations which the Act (and the courts) place on franchisors. Inadequate disclosure creates a franchisee's right to rescind the franchise agreement within two years and to receive extensive damages.
- Do not dabble in franchise law**
Franchise law is a complex area of law. Lawyers doing work in this area should have sufficient expertise to handle that work, and if not, they should refer the matter to someone who has franchise law expertise. The client should also retain a chartered accountant familiar with franchises. The detailed financial disclosure requirements can be beyond the scope of a lawyer's expertise.
- Beware of 'franchises in disguise'**
A lawyer might fail to identify a commercial transaction as a franchise arrangement when dealing with a new franchisee - when the party behaving as a franchisor is not fully aware that they are creating a franchise. This goes back to the point about not dabbling - as anyone knowledgeable in the area would immediately recognize a franchise agreement, regardless of what it's called.
- Avoid limited retainers**
Limited retainers, even if they are reduced to writing, tend to be ineffective in franchise cases. In the context of a franchise to franchise purchase in particular, lawyers who think they are just acting on the "retainer" may not deal with the financial aspects of the case, which can lead to disaster. You can't treat a franchise like a typical asset purchase.
- Carefully document instructions and advice**
Many of LAWPRO's larger franchisees have lodged allegations that a lawyer failed to advise the franchisor or franchisee regarding proper disclosure. Regularly, lawyers' files often have little or no documentation that the statutory provisions of the Act and the consequences of non-compliance were explained to the client. As a result, liability is often a foregone conclusion or turns on a credibility contest, which commonly favours the client.

LAWPRO LITIGATION CLAIMS FACT SHEET



RISK MANAGEMENT TIPS

- Familiarize yourself with Limitations and Notice Periods**
We continue to see claims related to lawyers' unfamiliarity with the limitations rules and notice periods, in addition to issuing a claim within the applicable limitation period. Lawyers need to know notice provisions that apply in certain cases (i.e. Crown and municipal liability, construction law matters). Take the time to review limitations and notice periods on the [practising.com Litigation Period Resources](#) page.
- Keep your files moving using practice management tools**
Consider the key deadlines and the steps you will need to take to move your client's matter forward. Identify the appropriate limitations periods and advise them. Use practice management software and matter systems to alert you to approaching deadlines and to keep your files moving. For more time management tips, visit [practising.com/time-management](#).
- Avoid administrative dismissals**
Under Rule 18.13 of the Rules of Civil Procedure, matters commenced after January 1, 2011 will be dismissed if the claimant and lawyers read things into emails that aren't there, miss the meaning of what is said, or read between the lines and make assumptions. During a long litigation matter, arrange some face-to-face meetings, or at least a phone or video call if distance is an issue.
- Talk to clients more often. Don't rely solely on email**
Lawyers are increasingly using emails to communicate with clients, and this is resulting in misunderstandings. Clients and lawyers read things into emails that aren't there, miss the meaning of what is said, or read between the lines and make assumptions. During a long litigation matter, arrange some face-to-face meetings, or at least a phone or video call if distance is an issue.
- Have written confirmation of instructions and advice**
As in all areas of law, this is crucial to helping LAWPRO defend you in the event of a claim as you may have no recollection of the details years later. Take notes on your conversations with the client, and document in writing things like the details of settlement offers, the scope of your retainer (especially in limited retainer cases), your advice on accepting offers, and the likelihood of winning or losing a case and the costs involved.

LAWPRO IP LAW CLAIMS FACT SHEET



RISK MANAGEMENT TIPS

- Ask for, and make sure you receive receipt of correspondence**
When sending correspondence to your clients, especially foreign clients, ask them to confirm receipt of that correspondence. If you don't, receive confirmation within a reasonable time, followed up to ensure the correspondence was received.
- Review delegated work**
To run an efficient and profitable IP practice you probably delegate appropriate work to a clerk. Remember that as the lawyer you are ultimately responsible for the work of a clerk, so take care to review delegated work, especially if there is something unusual involved in the matter.
- Check and double-check dates**
Dates related to fees are one of the most common causes of claims in IP law. Encourage lawyers to take time to double check that correct dates are entered on all accounts and diary systems.
- Carefully document instructions, advice and steps taken**
Taking detailed notes and documenting client conversations can minimize misunderstandings and help give clients reasonable expectations, which in turn can help avoid fee disputes.
- Don't leave matters to the last minute**
GCs in the hub of making payments and completing filings well before actual deadlines. In the event there is an unexpected problem, the extra time will allow you to take corrective action before the deadline has passed. Document your advice to clients about the need for timely instructions.
- Don't give advice on foreign law**
Remember that the LAWPRO policy provides protection for claims that are the result of your "professional services" for others involving the practice of the law of Canada, its provinces and territories. What will not be covered can be very fact-specific, but you should expect you are not covered for work involving non-Canadian law. If your client requires assistance in a foreign agent consider having your clients retain foreign agents directly. Being the conduit for communications with foreign agents increases your exposure to a claim.

Current Claim Issues



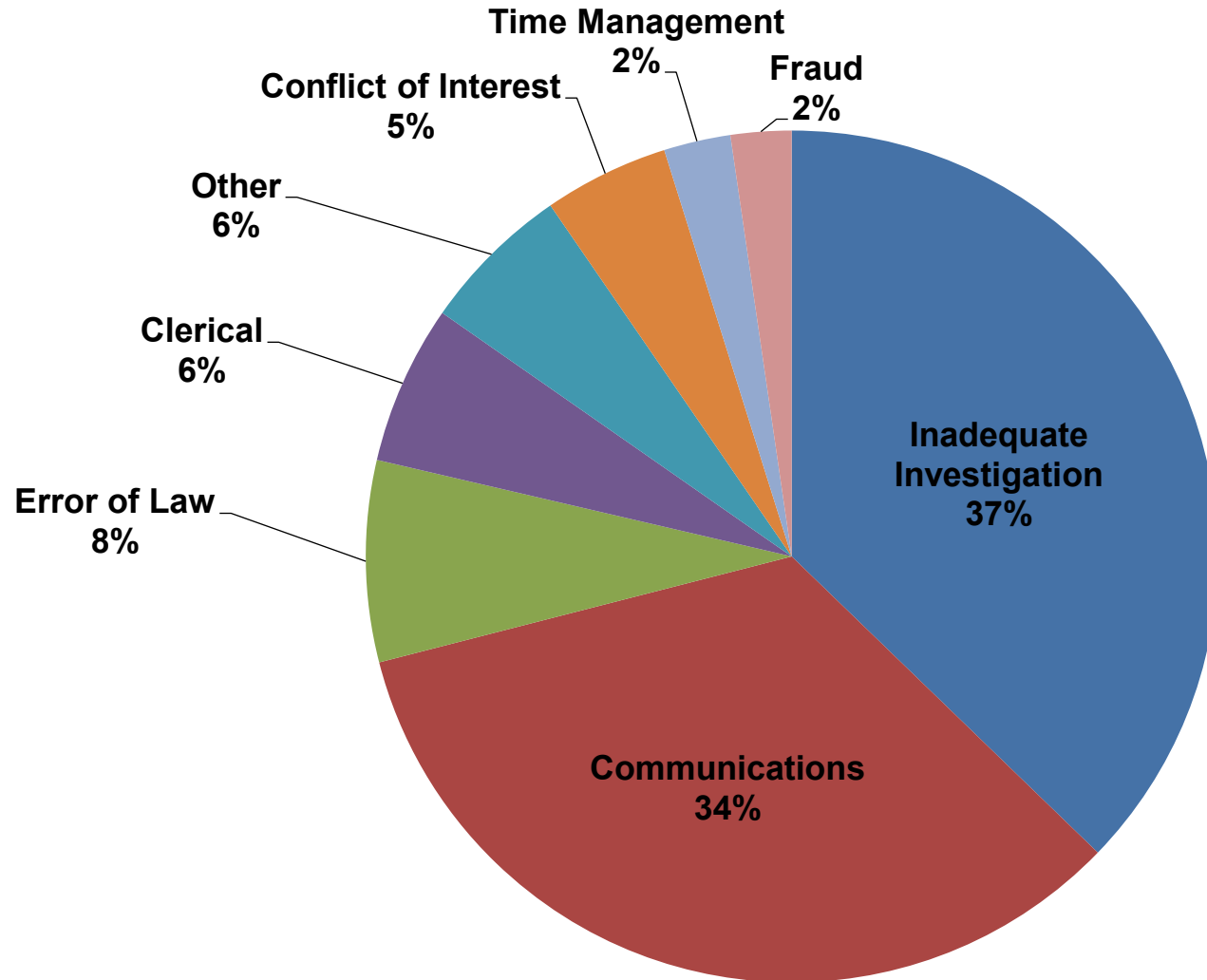
Administrative Dismissal

- The administrative dismissal procedures and timelines were suspended from March 16, 2020, to September 13, 2020
- Suspension ended September 13, 2020, BUT courts put a temporary hold on issuing administrative dismissals - direction ended on May 13, 2024
- Applies to civil, family, small claims court, and divisional court matters.

Administrative Dismissal: Superior Court Civil Actions

- Cases at risk of administrative dismissal in the near future, and that have not previously been set down and struck from the trial list:
 - set the action down for trial
 - file a consent timetable and draft order at least 30 days prior to the dismissal deadline of 5 years + 182 days (if applicable) after commencement of the action
 - bring a motion for a status hearing (if parties do not consent to a timetable) to extend time to set down for trial
- If set down and struck from trial list:
 - Bring a motion to restore action to trial list
 - file a consent timetable within 30 days of two-year anniversary of when action was struck from the trial list
 - bring a motion for a status hearing (if parties do not consent to a timetable)

Real Estate – Claims (2014-2024)



Real Estate – ID Verification

- Virtual ID verification
 - Common flags on IDV reports
 - Failure in biometric verification during selfie
 - Recently activated cell phone account, prepaid cell phone account
 - IDV report should be considered alongside any other concerns
 - Title insurers may request IDV from seller
 - Helpful chart – www.practicepro.ca/idvvendors
- In-person
 - Do NOT simply copy & file!
 - Does the picture match the client sitting in front of you?
 - Pictures on various ID documents the same?
 - Is the person in the picture smiling?
 - Apparent age in picture vs date of ID document
 - Signature in ID document match your client's signature?

Inadequate Investigation

- Not Digging Deep Enough!
- Examples:
 - Client indicates they want a pool in the backyard, did you look at any restrictions and advise the client?
 - Client mentions rented water heater; lawyer does not conduct a PPSA search (article on NOSI bans)
 - Not ensuring that the parking and locker specified in the APS matches the Status Certificate and confirming location using a floor map
 - Misreading a survey or reference plan
 - Not verifying ownership of asset when drafting will (or documenting)

Social Engineering

Social engineering fraudsters frequently target law firms to intercept communications and trick lawyers into redirecting funds to scammers. These frauds involve impersonating clients, opposing counsel or other trusted contacts.

Social Engineering Fraud Sublimit

Losses related to social engineering are covered to a sublimit of **\$250,000** per claim and in the aggregate, but you can extend the “social engineering coverage” to the standard **\$1 million limit per claim and \$2 million in the aggregate.**

BUT you can increase coverage from \$250k to \$1M - 4 steps

Social Engineering Toolkit



Policy Requirements Chart: This chart states the policy requirements and provides sample corresponding example language. ([Word](#) and [PDF](#))

Example Retainer Language: For your convenience, this sample wording can be used or adapted to your needs. ([Word](#) and [PDF](#))

Exemple de langage de mandat de représentation en justice ([Word](#) and [PDF](#))

Wiring Funds Checklist: Use [this checklist](#) for every transaction that involves wiring funds from your trust account

Frequently Asked Questions: See the [commonly asked questions](#) about the social engineering policy requirements.

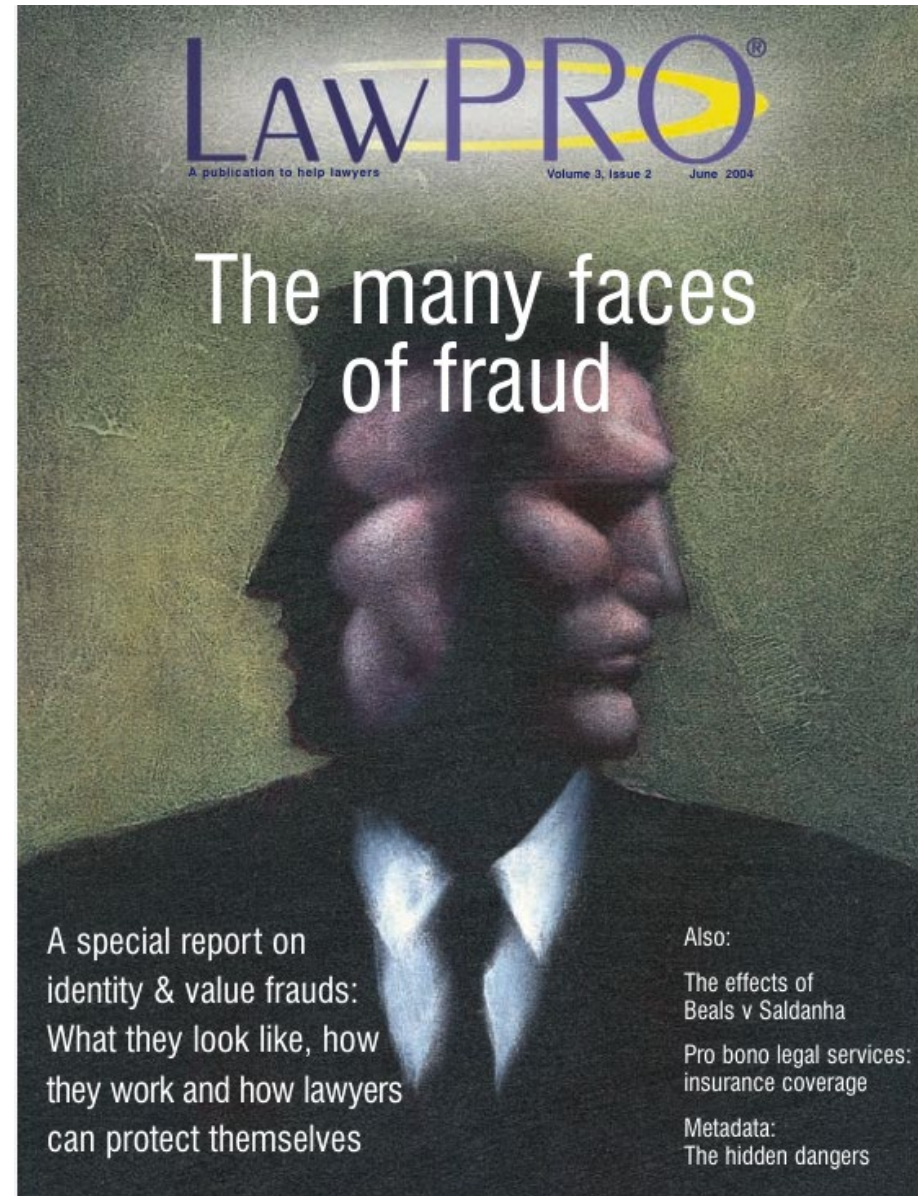
FOR FILES THAT ARE ALREADY OPEN:

We highly encourage you to send your client a revised retainer letter or an addendum to the current retainer agreement you have in place. At the minimum, we suggest you send the following reminder: "Funds transfer fraud is on the rise. Please note, we will never email you with a request to change or update any banking or transfer information. If you receive a request like that by email, please phone us immediately using a previously known number. In addition, if we receive any banking or transfer information from you, we will confirm this by independent means. If you have questions or concerns, please contact us."

Fraud and Cyber claims



June 2004



December 2013

LAWPRO
magazine

DECEMBER 2013 VOL 12.4

**CYBERCRIME
AND LAW FIRMS**

The risks and
dangers are real

How to protect yourself
and your firm

Also:

- LawPRO cybercrime coverage and other insurance options
- How to make your passwords strong and secure
- Recognize and avoid phishing scams

Fraud/cyber claims stats and trends

- 100 per year costing a few to several million dollars
- Individually tens to hundreds of thousands or more dollars
 - Largest \$5.2 million (wired funds on bad check deposit)
 - Sometimes can (partially) recover funds
- All areas of law (everyone has a trust account)
 - Bigger area real estate
- Firms of all sizes
 - More commonly smaller firms given work they do
- Seem to be seeing more ransomware claims
- See limited damages due to lost or stolen data/laptops

Phishing – the most common entry point

Before paying out funds in any matter, verify that instructions sent by email are legitimate through direct phone or in-person contact with the party providing the instructions.



PHISHING

Personal information and identity theft and/or payment scams are the motives behind most phishing scams. Phishing is an email, text message or phone call that appears to come from a trusted source, institution, vendor or company, but is actually from a third-party impostor. Phishing emails, texts or phone messages are intended to trick you into giving fraudsters your information by asking you to update or confirm personal or online account information.

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Lawyer's Professional Identity Company

FRAUD WATCH

AI

CLOUD COMPUTING

ARTIFICIAL INTELLIGENCE

If you aren't completely sure a matter is legitimate, terminate the retainer.
If you've been asked to do something that seems irregular, ask questions.
If it looks too easy or sounds too good to be true, it probably is.

What are the signs of phishing message?

- A sense of urgency or threat
 - E.g., your password going to expire
- Any situation that leads to you disclosing login credentials, credit card numbers or other personal info
- Inconsistencies in website and email addresses
 - E.g., dan.pinington@lavvpro.ca
- Spelling, grammar or syntax errors
- Tone or content of message doesn't seem right
- Requests to do unusual things
 - E.g., wire funds, buy gift cards, download a file

From: eReport <stephen.white@manhattan.edu>
Sent: September 11, 2023 7:06 PM
To: Dan Pinnington <dan.pinnington@lawpro.ca>
Subject: Mailbox is almost full.
Importance: High

From: eReport <stephen.white@manhattan.edu>



Storage Is Almost Full.

96GB  99GB

Email Storage Quota Exceeded.
You must immediately clear your cache in order to send and receive new mails.

[Clear Cache Now](#)

NOTICE: If the cache is not cleared, incoming messages will be rejected.

Microsoft Postmaster Delivery System

MS Corporation, One MS Way, Redmond, WA 98052

Red flags

- Sender doesn't make sense
 - Sense of urgency
 - Importance is high
-
- Has Microsoft logo and footer

From: Lawpro | Portal® <kundenservice@gruenpower.eu>
Sent: July 20, 2023 3:14 PM
To: Dan Pinnington <dan.pinnington@lawpro.ca>
Subject: Password expiration alerts for dan.pinnington@lawpro.ca
Importance: High



Microsoft account

From: Lawpro | Portal® <kundenservice@gruenpower.eu>

Password Expiration Notice

Hi Dan.pinnington,

Your email password will expire on 07/22/2023.

- dan.pinnington@lawpro.ca

We encourage you to take the time now to maintain your password activity to avoid login interruption.

[Keep My Password](#)

Note: Microsoft won't be held responsible for any account loss

Thank you,



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The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

Wire fraud – big dollars here

- Canada has 2 payments systems
 - ACSS – revocable – funds can be pulled back
 - Lynx – irrevocable
 - RTR – Coming soon
 - Problem is how to identify which system delivered the funds

WIRE FRAUD


Fraudsters are actively trying to direct lawyers and law firms to wire money to them – often through spoofed emails of people you know or hacking into emails.

Fraudsters have pretended to be:

- A lawyer in the firm directing staff to wire funds to a client or to complete a transaction
- A lawyer or staff acting for a seller in a transaction directing the other side to wire funds
- A financial institution directing wire payment to itself
- A client seeking payment of funds by wire

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Lawyers' Professional Indemnity Company

FRAUD WATCH



If you aren't completely sure a matter is legitimate, terminate the retainer.
If you've been asked to do something that seems irregular, ask questions.
If it looks too easy or sounds too good to be true, it probably is.

Wire Scams

- Must get PCRN to confirm monies are irrevocable
 - After sending wire, find it on the receipt
 - Share receipt with PCRN to other side
 - Call bank when receive funds to get PCRN

Real estate – big dollars here

- Faking to be the home-owner:
 - sell the property and take the proceeds
 - mortgage the property and take the mortgage proceed
- Verify ID – not a copy and file exercise!

REAL ESTATE SCAMS

Real estate frauds often occur in situations where the true owner's identity is stolen (ID theft) for sale or mortgage purposes, or the value of a property is exaggerated (flips).

Identity theft

When a client uses fake ID to assume the identity of existing property owners or uses a Notice of Change to become a director or officer or corporate owner for the purpose of committing fraud, this is identity theft. Once identity has been stolen, the fraudster sells or mortgages the property, or discharges a mortgage from title, then gets a new mortgage from another lender.

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FRAUD WATCH

BANK

If you aren't completely sure a matter is legitimate, terminate the retainer.
If you've been asked to do something that seems irregular, ask questions.
If it looks too easy or sounds too good to be true, it probably is.

Corporate ID fraud

- Form of identity theft but of the corporation
- Fraudster files change of Directors and Officers and/or Registered Office
- Shows up with “made up” minute book
- Attempts to refinance or sell property
- Be aware, look for:
 - Last filing on Corporate Profile Report
 - Get listing of filings for the corporation

CORPORATE ID FRAUD

Changing or stealing the identity of corporate property owners is commonly accomplished by filing a notice naming imposter directors and officers, using fake ID for the real directors and officers or changing the address of the registered office. The fraudsters then retain a lawyer to help sell or mortgage the corporation's property.

LawPRO
Legal Professional Identity Company

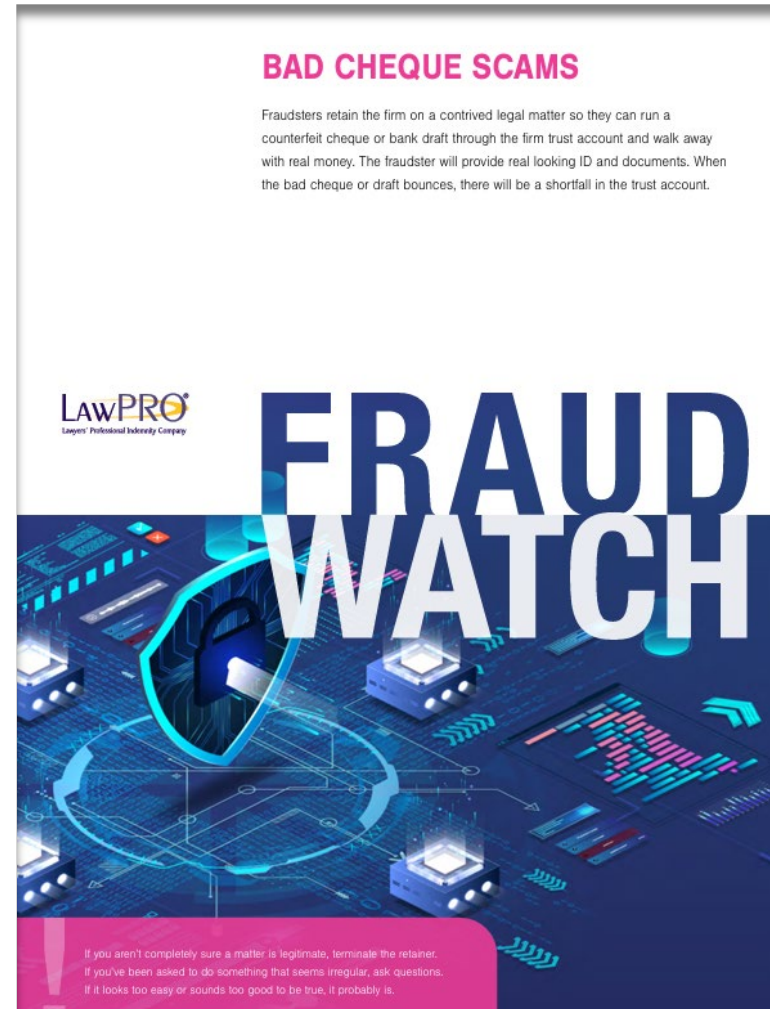
FRAUD WATCH

If you aren't completely sure a matter is legitimate, terminate the retainer.
If you've been asked to do something that seems irregular, ask questions.
If it looks too easy or sounds too good to be true, it probably is.

Bad cheque frauds – tried and true

- You receive “bad” cheque
- Deposit it in your trust account
- Disburse (wire) funds without waiting for cheque to clear
- Left with trust account shortfall

Cheque in + wire out = CAUTION



BAD CHEQUE SCAMS

Fraudsters retain the firm on a contrived legal matter so they can run a counterfeit cheque or bank draft through the firm trust account and walk away with real money. The fraudster will provide real looking ID and documents. When the bad cheque or draft bounces, there will be a shortfall in the trust account.

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FRAUD WATCH

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If it looks too easy or sounds too good to be true, it probably is.

Internal office fraud – the most trusted person

- Theft of trust funds (often) by a longest-standing and most trusted person in the office
- They know people, passwords, processes
- Often a result of a personal issue (gambling, addiction, health, etc.)

INTERNAL OFFICE FRAUD

Is the fraudster in your office?
Not all fraudsters are strangers. Even partners, associates, law clerks or other employees can be fraudsters.

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FRAUD WATCH

If you aren't completely sure a matter is legitimate, terminate the retainer.
If you've been asked to do something that seems irregular, ask questions.
If it looks too easy or sounds too good to be true, it probably is.

“Call before you click”



Call before you click!



Train your lawyers and staff



Warn your clients

Wiring Funds Checklist

Date: _____ Verifier Name: _____

File Number: _____ File Name: _____

1. Attach a copy of the funds transfer instructions to this page.
2. Check that the name of the sender of the instructions matches the name of the person you were expecting to send instructions in your file.
3. Verification method. (DO NOT use the phone number in the instructions)

Always use a trusted number such as the one from the file opening sheet or from a reliable directory.
*On file opening, obtain a password from the client and record it in the physical file

Phone call _____ OR In person _____
 Phone # called _____ Name on ID: _____
 Password confirmed* _____

4. Verify sender identity and payment details:

Person contacted (name and date): _____

Does the sender confirm they sent the funds transfer instructions?

YES – continue on OR NO – immediately involve a lawyer or partner and proceed to Step 6

- Verify the payee and bank account details:

Payee: _____ Bank: _____

Institution number _____ Transit number _____ Account number _____

Are the bank account details correct? If yes, continue on. If not, immediately proceed to Step 6.

Are there any red flags? Any typos in the instructions or email address? Any issues or concerns that came up? If something is amiss, trust your instincts. Make a note and raise it with a lawyer or partner.

5. If the sender and payment instructions are correct, continue with normal processes and request cheque or wire.
6. If any part of the verification fails, STOP. Immediately involve a partner at your firm.
7. If payment instructions change, STOP. Involve a partner at your firm and complete the verification process again.
8. If funds were mistakenly sent before the process was completed:
 - a) IMMEDIATELY contact the bank and request a freeze and reversal.
 - b) IMMEDIATELY report the matter to LAWPRO: www.lawpro.ca/claims.
 - c) Consider reporting to any crime or cyber insurer you may have.
 - d) Review our article You transferred funds to the wrong account – what now? for further guidance.

Fraud prevention efforts work!

Follow us on    



Risk management, claims prevention and law practice management resources from LAWPRO

Home	Hot Topics	Practice Aids	Publications	CPD	About	Contact	Search
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Fraud and Cybercrime Dangers

Frauds targeting lawyers and their clients are getting more sophisticated. Law firms, particularly real estate firms, are sought-after targets for cyber hacking and phishing scams because they tend to have large sums of money in their bank accounts and are involved in transactions in which funds are regularly wired to outside parties.

Our Fraud Watch information sheets look at common types of fraud and how lawyers can spot the red flags to avoid being duped.

[DOWNLOAD ALL SIX FRAUD WATCH SHEETS](#)

[Phishing](#)

PHISHING

Personal information and identity theft and/or payment scams are the motives behind most phishing scams. Phishing is an email, text message or phone call that appears to come from a trusted source, institution, vendor or company, but is actually from a third-party imposter. Phishing emails, texts or phone messages

[Wire Fraud](#)

WIRE FRAUD

Fraudsters are actively trying to cheat lawyers and law firms to wire money to them -- often through spoofed emails of people you know or banking into emails. Fraudsters have pretended to be:

Latest Issue of LAWPRO Magazine



[VIEW ISSUE ARTICLES](#)



The only 100% Canadian-owned title insurer

Why does LAWPRO have a Title Insurance Company?

- Canadian alternate to US title insurers
- Canadian alternate to US model of closing real estate transactions
- Legal service coverage: Lawyers' errors and omissions is covered under the TitlePLUS policy* = keeps premiums low for the Primary Program
 - No claim against the lawyer
 - Lawyer pays no deductible and there is no claims history levy surcharge
 - Insurance payouts are subject to the title insurance policy amount, not the limits of the Primary Policy

*exclusion for properties in Quebec and Existing Owner Policies

Anti-Money Laundering Compliance

- As of: October 1, 2025
- All Title Insurers must:
 - Have an AML/ATF compliance program to detect and prevent money laundering and terrorist financing activities
 - Meet identity verification and record-keeping requirements
 - Submit required reporting to FINTRAC
- Notices were gone out from title insurers and the LSO

Excess Insurance



Excess Program

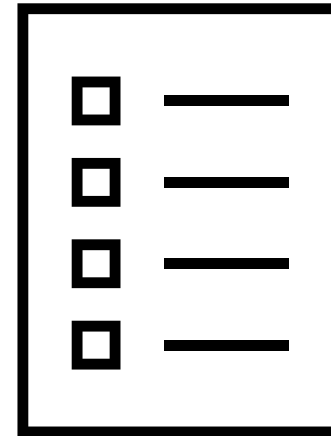
- Launched in 1997 to meet market need
- Sits on top of Primary Program
- Limits up to \$19 million per claim/aggregate
- Designed for small to mid-law firms, Firms are named insured
- Currently, more than 1700 firms approximately over 4000 lawyers
- Benefit: You only have to submit one claim to LAWPRO
- Benefit: Automatic yearly renewal

Why Excess Coverage Can Help??

- 1 in approx. 30 claims exceeds \$250,000.00
- 1 in approx. 70 claims exceeds \$500,000.00
- 1 in approx. 250 lawyers with a claim sees that claim exceed \$1M
 - leaving them potentially personally liable

Assess Yourself

Take LAWPRO's checkbox Exposure Test



When you leave Private Practice



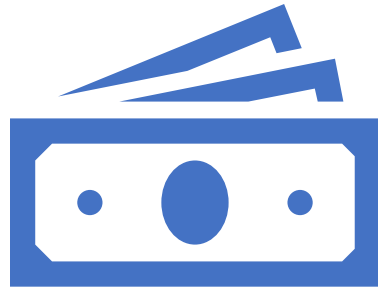
Run-off and Buy-Up Insurance Coverage

- Not engaging in private practice (retired, in-house)
 - Automatic lifetime coverage of \$250,000
 - At no cost!
 - Depleting limit (not reinstated)
- Temporary leave of absence
 - Up to 2 years & not working (or 5 years family/medical)
 - Full coverage
- Optional **Run-off Buy-up**
 - Top-up to \$500,000 or \$1 million
 - 2–5-year terms

Succession Planning

- January 1, 2025, LSO requirement :
 1. Develop client contingency plan
 2. Appoint plan administrator[Must be reported on your 2025 LSO annual report]
- Plan Administrator steps:
 - Notify LSO
 - Notify LAWPRO
 - Communicate with clients, but do not give legal advice
 - Be mindful of taking on files yourself
 - Is the matter within your scope of practice?
 - Perform a conflict check
 - Evaluate if upcoming deadlines are manageable

Protect Your Estate



When you pass away, your estate has default coverage of \$250,000.00 in *total*

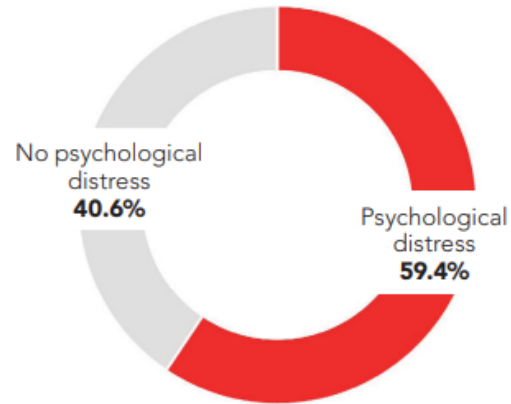


Leave instructions for your estate trustee to purchase increased **Run-off Buy-up**

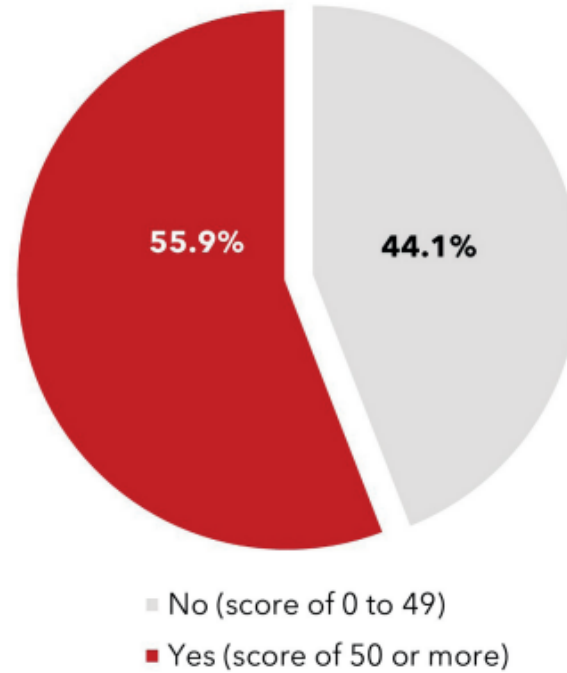
Wellness and Mental Health



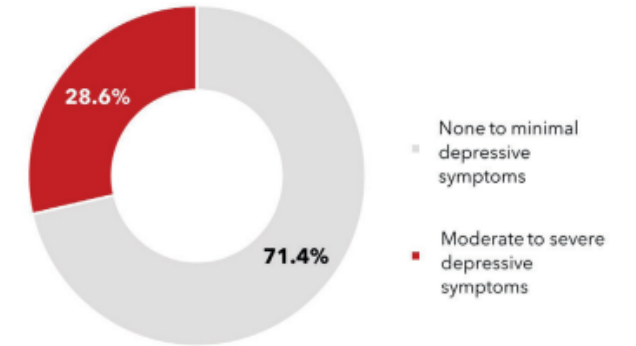
Proportion of psychological distress observed among legal professionals (n = 6,626)



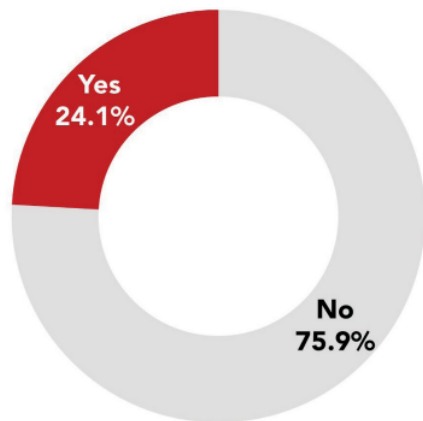
Proportion of burnout among Canadian legal professionals (n = 5,975)



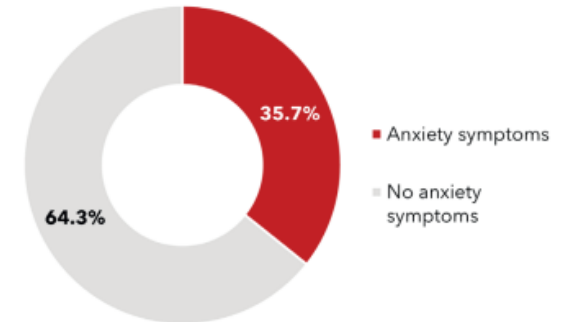
Proportion of moderate to severe depressive symptoms among legal professionals (n = 6,785)



Proportion of the participating legal professionals who have had suicidal thoughts since starting their professional practice (n = 5,836)



Proportion of anxiety reported by participating legal professionals (n = 6,719)



Why us?

- Almost half of Ontario lawyers work 50 hours or more/week
- 60% check their emails on vacation
- 20-40% of lawyers show symptoms of digital device addiction
- vicarious trauma and litigation stress syndrome
- Pessimistic thinking





Claim Clusters

Overwork and lack of support can create a snowball effect, where anxiety causes files to be left unattended and potential claims pile up

Licensing implications

Law Society Tribunal: 2018 ONLSTH 94

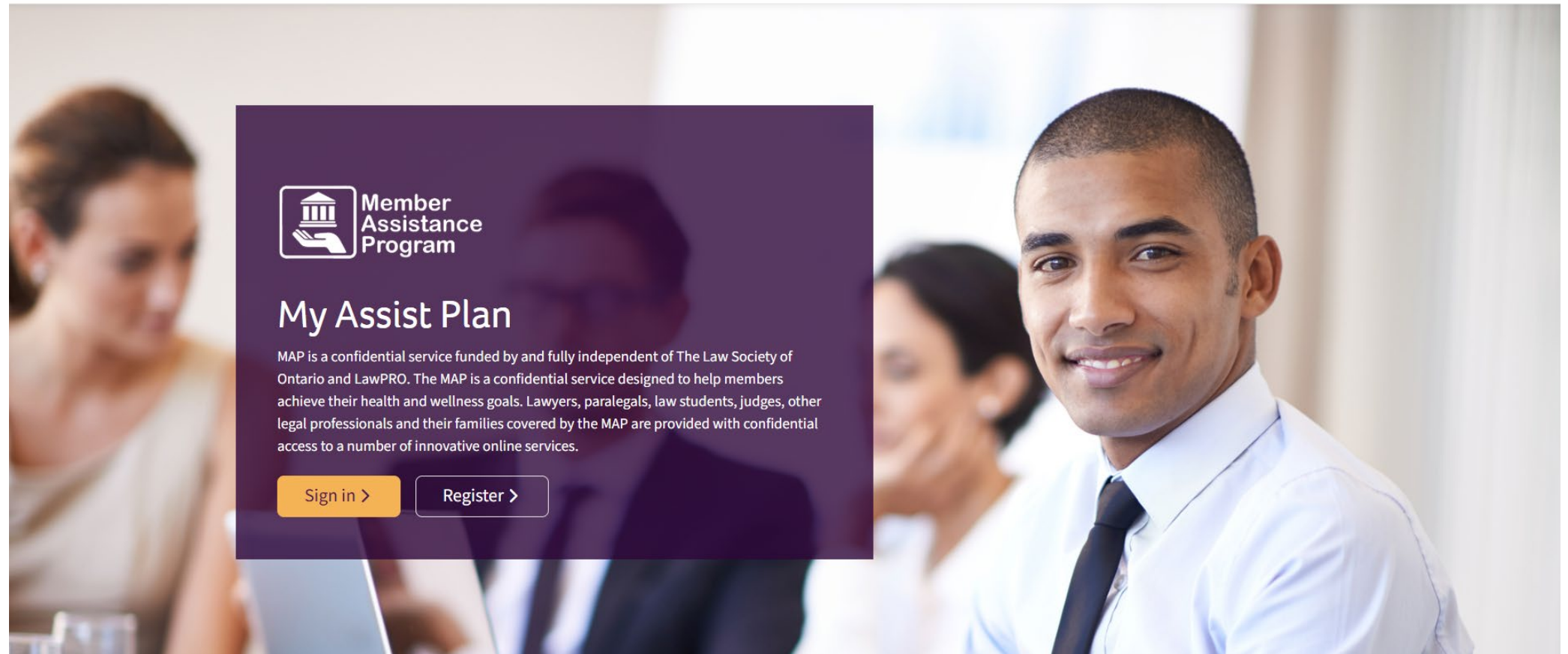
ANALYSIS


[27] Taken as a whole, the evidence in this case demonstrates the following:

- a. The Licensee began to suffer from depression relatively shortly after his call to the Bar.
- b. During the misconduct period, the Licensee's depressive symptoms were most disabling, resulting in poor performance in various aspects of his life.
- c. The poor performance manifested itself in recklessness with respect to his billing practices with LAO; that is, he suspected that he was doing wrong by billing LAO the way he did but did not care about the consequences of that wrongdoing, as he just wanted to get the billings done.
- d. At the same time, he recognized that something was wrong with him but, despite his wife's entreaties and the loss of his law partnership, the Licensee refused to seek any help, as he was in complete denial until the Law Society and LAO started investigating.
- e. Even when he sought help, he refused anything other than a pharmaceutical remedy, in that he cancelled his appointment with a psychiatrist to whom his family doctor had referred him.
- f. He minimized his alcohol use to his family doctor.
- g. As recently as his visit with Dr. Kiraly on September 19, 2017, he minimized the misconduct by stating it was unintentional, although in the ASF he admits to "knowingly" overbilling LAO.
- h. In the 10-month period it has taken to finish this hearing, the Licensee has done nothing to remediate his situation, other than take anti-depressants, despite his family doctor's advice and Dr. Kiraly's opinion that he needs psychiatric or psychological assistance to properly treat his depression.

3 Tips to Avoid Claim Clusters

1. Encourage positive communication about warning signs
2. Implement a claims notification policy
3. Promote mental health resources for lawyers
4. Be the example





Member Assistance Program

My Assist Plan

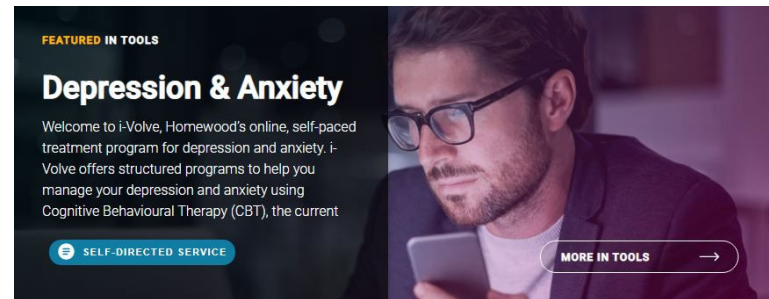
MAP is a confidential service funded by and fully independent of The Law Society of Ontario and LawPRO. The MAP is a confidential service designed to help members achieve their health and wellness goals. Lawyers, paralegals, law students, judges, other legal professionals and their families covered by the MAP are provided with confidential access to a number of innovative online services.

[Sign in >](#) [Register >](#)

Personal challenges lead to claims, so LAWPRO contributes to funding of MAP

Services offered by MAP

1. Lifestyle coaching
2. Peer-to-peer support
3. Short and longer-term counselling



FEATURED IN TOOLS

Depression & Anxiety

Welcome to i-Volve, Homewood's online, self-paced treatment program for depression and anxiety. i-Volve offers structured programs to help you manage your depression and anxiety using Cognitive Behavioural Therapy (CBT), the current

SELF-DIRECTED SERVICE

MORE IN TOOLS →

Featured Resources

LIFESTYLE, WORKPLACE, E-COURSES, WORK/LIFE BALANCE

Taking Control of Stress

Most people feel that they are under "higher than normal" levels of stress and pressure. This course focuses on key stress management skills, including: managing thinking and feelings, time management, increasing positive experiences, getting active and relaxation.

→ 120 MINUTE COURSE

TOOLS, CHILDCARE, CAREGIVING, LIFESTYLE, FAMILY

Childcare Resource Locator

The Childcare Resource Locator can search for day cares, homecare, respite care, child services and child care, schools, day camps, overnight camps and residential facilities for children with special needs.

☰ 1 MINUTE SERVICE

TOOLS, FAMILY, CAREGIVING

Eldercare Resource Locator

The Eldercare Locator enables employees and family members to have access to national resources for older Canadians. This includes homecare assessments, long-term facilities, assistive care facilities, daycare facilities and facilities geared towards the elderly with health needs or cultural preferences. Responses are instantaneous and can be easily sorted for comparison purposes.

☰ 2 MINUTE SERVICE

TOOLS, ORIENTATION

Employee/Member Orientation

This orientation is about the services offered as part of the Homewood Health Assistance Program.

▶ 6 MINUTE VIDEO

PracticePRO

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- Biggest Claims Risks by Area of Law
- Checklists
- Limitation Period Resources
- Leaving Private Practice
- New Lawyer Resources
- Practice Tip Sheets
- Precedents
- Retainers and Non-engagement letters
- Toolkits

Latest Issue of LAWPRO Magazine



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Welcome to the PracticePRO program

The PracticePRO program provides risk management, claims prevention and law practice management information to Ontario lawyers. Our resources, precedents and checklists will help you take proactive steps to avoid a legal malpractice claim, and show you how to grow a successful and thriving law practice.

“Where claims happen, why claims happen, and the steps that can be taken to avoid them”

The PracticePRO program provides risk management, claims prevention and law practice management information to Ontario lawyers. Its resources, precedents and checklists are intended to help Ontario lawyers take proactive steps to avoid legal malpractice claims and grow successful and thriving law practices.

Highlights:

- **Information:** [LAWPRO Magazine](#) includes thoughtful and practical information about current issues and claims trends and is quoted widely
- **Practice Aids:** our [checklists](#), [precedent or template documents](#), [sample retainers](#), [toolkits](#) are referenced throughout Ontario and beyond
- **Education:** Our virtual and live [CPDs](#) provide trusted and informed learning opportunities free of charge
- **Value:** [LAWPRO's Risk Management Credit](#) offers premium credit and serves to encourage lawyers to attend CPD programs that include content on risk management and claims prevention.

PracticePRO

Magazines

Webzines

Alerts

Managing Booklets

Practice Tip Sheets

Checklists

Precedents

Toolkits

Technology Guidance

CPDs

AvoidAClaim

Verify the withdrawals from your accounts



Posted March 13, 2025 by [Raymond G. Leclair](#)

LAWPRO has received claims from lawyers who fell victim to fraudsters diverting and depositing cheques meant for their clients. In two cases to date, lawyers issued cheques to their clients as part of their professional services. However, in both cases, an identical amount was withdrawn from the lawyer's trust account but payable to a third...

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Separated but Not Divorced: Key Considerations for Wills



Posted February 5, 2025 by [Safiyya Vankalwala](#)

Amendments to the Succession Law Reform Act in 2021 (specifically to section 17 and 43.1) mean that, as of January 1, 2025, spouses who have been living separately and apart due to a breakdown in marriage for three years will be treated the same as divorced spouses. In practical terms: Gifts left to the separated...

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Categories: [Wills & Estates](#)

Notice to the Professions: Online notary services are not permitted under the Notaries Act

Posted February 27, 2025 by [LAWPRO](#)

The following notice was sent on February 26, 2025: The Law Society of Ontario has been made aware of a proliferation of online notary services being offered in Ontario. The Notaries Act does not permit notaries to exercise their powers without being in the person's physical presence, unless regulations so provide. To date, no such...

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When a Law Firm Gets Hacked: A Case Study in Cybersecurity Risks and Recovery



Posted March 17, 2025 by [LAWPRO](#)

As cyberattacks become increasingly sophisticated and prevalent, law firms are emerging as targets due to the highly sensitive nature of their data and pools of money. Law firms can hold a wealth of confidential data, including client identities, case details, and proprietary legal strategies, making them prime candidates for cybercriminals seeking to exploit this valuable...

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Categories: [Fraud Prevention](#)

Newest Resources

- [Updated list of Ontario mentoring programs for lawyers](#)
- [Updated list of Technology Products for Lawyers and Law Firms](#)
- [An Undertakings Checklist](#)
- [When a Law Firm Gets Hacked: A Case Study in Cybersecurity Risks and Recovery](#)



Contact Information/Stay in Touch

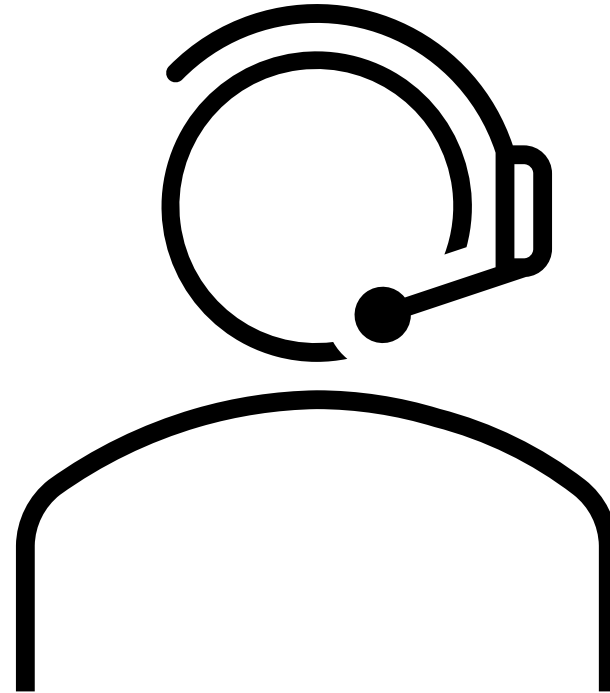
PracticePro@lawpro.ca



[LAWPRO](https://www.linkedin.com/company/lawpro)



[@lawpro.ca](https://www.instagram.com/lawpro.ca)



LAWPRO vs. LSO Resources

- LAWPRO: Claims related
- LSO: professional conduct (e.g., questions about Rules, LSO complaint)

LSO resources:

- Practice Supports and Resources
- Practice Management Helpline
- Coach and Advisor Program

AI in the legal world



What is artificial intelligence?

- AI
 - E.g. Siri, Alexa, GPS, spellcheck, vision on self-driving cars like Tesla
- Generative AI examples:
 - Co-Pilot
 - Westlaw AI
 - Lexis AI
 - ChatGPT
 - Gemini
 - Claude
 - Grok
 - Harvey
 - Clio

Benefits of AI in the Law

- Increase efficiency
- Enhances legal research
- Fraud detection and prevention
- Access to justice (e.g., A2J Author, DoNotPay, Will kits)
- Improved client services
- Cost savings

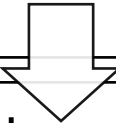
But don't be fooled!!!

Does not think
like a human

No verified
answers

LLM uses word
patterns to
generate a
response

LLMs spot patterns in how words, phrases, sentences and even paragraphs relate to each other, and



Then make statistical predictions about what word(s) should come next

LLMs train on hundreds of billions of words from internet and other sources



100 billion = 100,000,000,000

Such large data sets allow LLMs to give answers that have real facts and sound totally plausible. Be aware! It may be wrong!

Moffat v. Air Canada, 2024 BCCRT 149



NYC Chatbot



Examples from Canadian decisions

- ***Zhang v Chen***, 2024 BCSC 285 <https://canlii.ca/t/k314g>
 - Inclusion of hallucinated citations in family law *notice of application*
- ***Ko v. Li***, 2025 ONSC 2965 <https://canlii.ca/t/kc6xx>
 - Inclusion of hallucinated family law cases in *factum*
- ***R. v. Chand***, 2025 ONCJ 282 <https://canlii.ca/t/kc8w2>
 - Hallucinated cases referenced in criminal defence counsel's *closing submissions*
- ***Lloyd's Register Canada Ltd. v. Choi***, 2025 FC 1233, <https://canlii.ca/t/kd4w2>
 - Hallucinated cases in self-rep motion materials. Underlying motion was *struck*.
- ***Reddy v. Saroya***, 2025 ABCA 322 <https://canlii.ca/t/kfltd>,
 - Hallucinated cases referenced in appellant's *factum*

Dangers/Challenges of AI

- Hallucinations
 - Out-of-date information
 - Data quality issues
 - Misinterpretation
 - and others such overfitting, underfitting, false positive/negative
- Biases
- Privacy breach

The Future of AI in the Law

“AI is a tool like any other tool, and it’s no use to stick one’s head in the sand and pretend its going to go away” – Karine McLaren, law professor at Université de Moncton



	Beginner	Intermediate	Advanced
Research	Provide updates on legal news, case law updates, changes in regulations	Extract key points from legal articles	Research case law and statutes cross jurisdictionally
	Identify relevant statutes for an area of law (e.g., Succession Law Reform Act for Wills & Estates)	Summarize specific case law	Interpretate complex statutes, regulations, and case law
Writing	Reframe complex ideas into simple language easy for clients to understand	Suggesting template clauses for a simple contract	Preparing complex contracts, legal memos and briefs
	Compose emails to clients	Summarize key points to clients	Prepare reporting letter
Analysis	Suggest missing clauses in precedents	Analyze legal precedents and their implications	Analyze complex legal documents
	Brainstorm arguments for a case (e.g., enter arguments you made and ask gen AI to give you ones you did not think of, enter your arguments and ask it to counter them)	Evaluate legal strategies based on case law	Predict legal outcome based on case law
Administrative	Create or rewrite job descriptions	Create a checklist for emergency or succession planning	Write policies, procedures, and plans (e.g., gen IA use policy, business continuity plan)
	Provide automated appointment scheduling	Track billable hours	Detailed invoice production

How to ground your results in solid legal content

- **Critical Analysis**
 - check the credibility of the sources
 - cross-reference information (against reliable legal databases or resources)
 - consider the context in which the information is presented
- **Consultation**
 - consult with your colleagues or seek advice from more experienced legal professionals
 - seek second opinions on legal strategies and information
- **Continual training and understanding of laws and regulations**
 - Read court and law society updates ([Ontario court, Federal court, LSO](#))
 - Attend seminars, subscribe to AI magazines, talk to your peers

Closing Remarks



Roadshow Material

[Practicepro.ca/roadshow](https://practicepro.ca/roadshow)

Risk Management Credit for Today

- Go to your My LAWPRO
- Go to Risk Management Credit
- Using the drop-down menu under Program Name
 Select: LAWPRO Roadshow (first credit) – press submit
 Then select: LAWPRO Roadshow (second credit) – press submit



Thank You & Stay in Touch!

1-800-410-1013



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Let us know your
thoughts