

LAWPRO

magazine

JUNE 2026



TECHNOLOGY AND THE
VIRTUAL LEGAL PRACTICE

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VIRTUAL LEGAL PRACTICE

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LAWPRO
magazine

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ASSESSING CAPACITY AND UNDUE INFLUENCE – VIRTUALLY IMPOSSIBLE?



Assessing a client's capacity or whether a client is experiencing undue influence when giving instructions to make a Will is a lawyer's obligation – and it can be challenging. Since virtual meetings are more common than ever now, lawyers need to be aware of the particular risks of remote meetings and how to control potential issues that may be present. Even the most experienced lawyers can miss something.

John E.S. Poyser is a senior litigation lawyer at WEL Partners and focusses his practice on matters arising out of gifts, wills, trusts, and other wealth transfers. He wrote "Capacity and Undue Influence," a textbook to help lawyers and judges deal with attacks on the transfer of wealth by will, gift, and trust. Mr. Poyser was a presenter at a recent LAWPRO and Toronto Lawyer's Association CPD entitled **The Virtual Legal Practice: From Client Intake to Resolution When Nobody Is in the Same Room** on the risks and advantages of remote meetings. Watch the full CPD [here](#).

demonstrate an understanding of the nature and effect of the transaction. And you want to do that without an asset list on the table. You want to do that without a diagram on the table. You want to do that in circumstances where it's clear that they are proceeding from memory. And again, you have to control the environment to be able to get into that."

Another advantage of an in-person interview is the ability to identify and control for any hearing and communication problems in the room. For example, Poyser suggests that people with hearing impairments may benefit from using a pocket talker or a head-phone device with a speaker on the table that allows for volume control to ensure the client can hear the lawyer clearly. Identifying and controlling these issues is more challenging when the meeting is held remotely.



Controlling the environment is easier during an in-person meeting

Poyser states that one of the primary dangers of a remote interview is the inability to control the environment. "When I interview our client, we're face to

face. I'm very good at controlling the environment. I make sure that there's nothing on the table. I make sure that there's no one standing over my shoulder, with cue cards, telling them what to say. ...the whole remote environment, lends itself to predatory behavior and the in-person environment is very strong in being able to control that."

Poyser notes that controlling the environment is also about assessing capacity. When you assess a person's capacity, he says, "it's important that the person works from memory. It's important that the client is able to demonstrate the powers of mind necessary to describe their assets, to describe the transaction in which they're engaging, to discuss the pros and cons of that transaction, basically



Technology and a helping hand

Poyser says that the ability to get to know the client is more difficult in remote meetings. "There is no substitute for sitting across from someone and looking at them and gauging their demeanor." Technology can pose a barrier to an effective client meeting, particularly if the client is elderly. But Poyser recognizes that remote meetings are sometimes necessary, and, in those situations, it will also be necessary to assess capacity and undue influence. One of the strategies he adopts, particularly if his client is elderly, is the use of a helper. He recommends engaging a younger person who is technologically adept, and who doesn't stand to take advantage of the situation.

He says once he has his helper, he carefully makes sure they are not an imposter or a potential predator, and he verifies their identity. That helper can then be in the room with his client, and as soon as he is comfortable with the helper, his position, he says, is a lot stronger in the remote meeting.

The helper “can test the technology. They can put a pocket talker on my client’s head so my client can hear. I can satisfy myself with them in the room, that my client is engaging and listening and hearing. If the internet starts to break up, if the client can no longer hear me, the helper can say, ‘stop, the internet’s breaking up’... If someone walks into the room, the helper can say, someone’s just walked into the room.” Having a helper in the remote meeting is extremely useful to bridge any technology gaps and to bring comfort that the environment is controlled.



Testing 123

Another strategy Poyser recommends is taking your time with the remote meeting and scheduling several meetings. He suggests scheduling two or three video conferences over two or three days with the helper. The first meeting could be used to test the technology and serve as a warmup to help everyone get comfortable with each other. The next meeting, Poyser suggests, can be used to work out any issues that you may have had during the first meeting. “You might do another interview, you might continue to talk about the prospective transaction with the client, with assistance of a helper, and you’ll discover the client is more comfortable, and so are you. And everyone’s getting to be comfortable with the technology, and it’s working, and bugs are being worked out. And then maybe on the third day is when you have the real interview. The third day is where you have the functional interview, where you’re trying to assess capacity. On that third day, you will ask all the questions

necessary to assess capacity. You will ask all the questions necessary to probe for undue influence, and on that third day, you have every prospect of success if you practiced a little bit.”



Is there a remote advantage?

Poyser recognizes that there are in fact some advantages to virtual meetings when assessing capacity and undue influence. A virtual meeting, he says, allows you to create a record of how the client performed. This evidence can be relied on if the Will is later challenged. If you are using Microsoft Teams or Zoom, you can record the whole meeting, or you can record all three meetings you may have, with the client’s permission. Poyser says that you must make certain that the client understands that you are creating an audio-visual record which will be stored in the file for future use, and if you have the client’s permission, what you have, he says, “is a nice clean record of the client answering all sorts of questions.”

Another advantage of virtual meetings is expediency. “There are going to be some instances where the person’s health is precarious...where it’s important to act now and to get your instructions now, and to generate documents now. And in those instances, sometimes the ability to perform a virtual meeting is golden. They might live far away. They might live two hours away, but you might want to get the job done now if they’ve got surgery tomorrow.”

Despite these advantages, Poyser still warns that “where capacity and undue influence is at issue, it’s important that you try to meet in person, and if you have to meet remotely, you try to get past the risks, and try to find a meaningful way to put yourself in the same position as you would have been face to face.” ■



Key takeaways:

Be aware of the dangers of remote interviews and the importance of controlling the environment to ensure genuine instructions are received from the client.

Conduct multiple virtual meetings to ensure comfort and understanding with the technology and between the parties.

Be vigilant for signs of undue influence or capacity issues when meeting clients virtually and consider using a helper to assist with virtual meetings.

Adopt best practices for video conferencing setup, organization, and psychology to improve virtual meeting effectiveness.

FRAUD ALERT: WATCH FOR UNAUTHORIZED WIRE TRANSFERS FROM YOUR TRUST ACCOUNT



A growing number of LAWPRO insureds are experiencing unauthorized wire transfers from their trust and general accounts. One lawyer discovered \$1.6 million dollars was removed in 8 unauthorized transactions over 3 days. These frauds are concerning as the bank's multi-factor authentication (MFA) login and transaction token or notice processes for wire transfers were bypassed. We don't understand and are investigating how the bank's MFA login and transaction token or notice features are being bypassed.

While phishing messages were commonly used to trick lawyers, law firm staff, and clients into revealing their login credentials for email or bank account access, we are seeing more sophisticated frauds. In multiple frauds involving the same bank, it appears the fraudsters used information on legitimate credit card transactions to make it appear they were real bank employees calling to discuss improper credit card transactions. On another claim it appears the fraudsters reported a gas leak at a law firm's office to serve as a distraction late on a Friday afternoon when an unauthorized transaction was initiated. Two more unauthorized transactions happened over the weekend and it wasn't until Monday morning that the firm discovered the unauthorized transfers.

We encourage lawyers to check your trust and general accounts daily for transactions you did not authorize, and especially on Fridays and around long-weekends or holidays.

Please be on high alert for the following:

- If anyone contacts you purporting to be from your bank, and particularly if you are asked to log into your online banking portal or to confirm/change your login name or password.
- If you receive any authentication requests when you are not actively signing into your banking portal or completing a wire transfer

- If you receive any suspicious attachments or links, either by email or text, particularly if they appear to be from your bank or a banking website

If you get suspicious calls or discover unauthorized transactions:

If you receive suspicious calls about your credit cards or bank accounts, call your bank immediately, using a trusted and verified phone number, to review recent transactions and to take steps to secure your account (i.e., change your login and authentication credentials).

If you discover unauthorized transactions in your trust or general accounts, it is critical that you contact your bank's fraud department, immediately upon learning of the fraud. Time is of the essence. Fast interventions by a bank will make it more likely that transactions can be stopped or that funds can be recovered. After calling the fraud department, go to your bank branch in person and speak to an employee who may also be able to assist you in dealing with the fraud. It is also important to contact the bank(s) that received the unauthorized wire transfers to alert them of the fraud. They may help by placing a hold on a transfer.

It is important to secure a copy of the wire transfer confirmations as soon as possible and before your account is potentially frozen and/or inaccessible, so that you may identify the recipient bank and put them on notice of the fraud. These wire confirmations also assist with the investigation of the fraud and the potential recovery of the funds.

Be sure to familiarize yourself with the verified phone numbers for your bank before a fraud happens so that those numbers are easily available to you if required. One of our insureds was transferred multiple times when attempting to contact their bank and struggled to reach an appropriate bank representative who could

provide assistance in a timely manner. Be persistent when you call and make sure you ultimately speak to someone that will take steps to respond to the fraud you experienced. Keep detailed notes of your conversation with the bank, and immediately after you speak with the bank file a claim notice report with LAWPRO.

Please share this warning with your staff. Fraudsters will approach staff and ask them to change payment information or verify account or transaction information. Staff can also be in a position to prevent a fraud if they see something unusual. Encourage your staff to watch for unusual circumstances and to bring questions or concerns to your attention. ■

Tips:

- Monitor trust accounts for unauthorized transactions
- Be alert to suspicious calls or email regarding your trust account
- Call your bank immediately if you discover unauthorized transaction
- Report to LAWPRO immediately after you call your bank
- Talk to your staff and share these tips with them – they are often the first ones to notice unusual activity

CURRENT SCAMS, CONS, AND SWINDLES

Fraud. It's here to stay and fraudsters are several steps ahead of their targets – that's you. We're sharing some recent scams, cons, and swindles that have been reported to LAWPRO:

Cheque fraud

A lawyer reviewed their cashed cheques and noticed some of them were fraudulent. The numbering sequence was wrong (the lawyer had already used those cheque numbers in the past) and they were older versions of the lawyer's updated cheques. The lawyer immediately contacted the bank and they tried to get the funds back. The lawyer closed the trust account and opened a new account.

Tips

- Cross-check and verify cheque information by Googling name, addresses, and phone numbers of the parties involved.
- Ask your bank or the issuing bank to confirm that the branch transit number and cheque are legitimate.
- Hold the funds until all banks confirm funds are clear and can be withdrawn.
- Search the AvoidAClaim.com database of bad cheque fraud names.

A counter fraud strategy that is often overlooked is sharing experiences, information, and best practices. Working together to exchange positive and negative outcomes, what worked, what didn't work, and what steps to take will help you know what to watch out for.

Wire fraud

Lawyer received funds from their client's private mortgage lender by wire transfer. The lawyer then relied on the funds showing in trust and disbursed all the funds, including some to the client. Several days later, the lawyer's bank advised that the wire transfer was fraudulent and the bank requested the funds be returned. The fraud department of the lawyer's bank is investigating.

Tips

- For funds to be truly irrevocable, you need a Payment Confirmation Reference Number (PCRN). Anything else is a risk. [Read this articles on how to find the PCRN.](#)
- Use this [Wiring Funds Checklist](#) from PracticePro for every transaction that involves wiring funds from your trust account.

Phishing and Email Breach

1. Lawyer A received an email from Lawyer B that appeared to be trial documents with attachments to download. By clicking on the Download button, malware was installed that affected their email program and re-routed outgoing emails and sent malicious phishing emails from their account. Lawyer B has since been receiving phone calls from other firms that are receiving the same type of suspicious email with attachments to download.

Tip

- Before clicking on any attachments or downloads consider whether you were expecting to receive an email from this person. Check the email address carefully and if in ANY doubt call to confirm that the person actually sent you the email before opening any attachments.

2. Lawyer A sent an email with banking information to Lawyer B. Lawyer B called Lawyer A to double check the authenticity of the account details. Good thing they did – the bank account number had been altered by a fraudster.

Tip

- Verify instructions independently. When you receive instructions to wire money to a bank account, contact the payee directly by an independent method such as a phone call (do NOT reply to the email sending the instructions) to verify the instructions received and the accuracy of the bank routing information. Instruct your staff to do the same.

3. A lawyer received an email with wire payment instructions to the lawyer from the bank. The lawyer made the wire transfer to pay out the client's mortgage. The lawyer reviewed another recent transaction with the same bank, compared the addresses of the payout statement and realized that the two addresses were not the same. This indicated that the new wire instructions were fake.

Tip

- Any time there is a sudden change, this is a flag to be suspicious and take the time to look for inconsistencies. Double check all of the email addresses in the message to see if they are fake. Fraudsters will spoof an email address by creating a very similar looking address by adding an extra letter/number or changing a character(s). And remember, if the other party's email account is compromised, it could be the fraudster sending you email that look like they are coming from your client, the bank, or another lawyer.

4. A lawyer's email was hacked. The fraudster then sent out emails from the lawyer's email account containing a "business proposal" prompting the recipient to enter personal information including password.

Tip

- Never reply to unsolicited or suspicious emails, instant messages or web pages asking for your personal information (e.g., usernames, passwords, SIN number, bank account numbers, PINs, credit card numbers, mother's maiden name or birthday), even if they appear to be from a known or trusted person or business since this is probably the most common way that personal information is stolen. Legitimate businesses should never send you an email asking to send your username, password or other information to them in an email message. If in doubt, call the company yourself using a phone number from a trusted source. Don't use the number in the email – it could be fake too!

A fraudster accessed Lawyer A's email account and blocked emails sent by Lawyer B to Lawyer A. The fraudster then sent their own emails to Lawyer A pretending to be Lawyer B, and using a spoofed email address, the fraudster provided false contact information and a fake trust cheque. Lawyer A phoned the fake number and confirmed the fake banking details. Lawyer A then sent the funds by wire. Lawyer A later contacted Lawyer B directly after noticing that Lawyer B's law firm was not a numbered company. As a result, Lawyer A was able to reverse the wire transfer and redirect the funds to Lawyer B, although the reversal took several days.

Tip

- Verify instructions independently. When you receive instructions to wire money to a bank account, contact the payee directly, at the original number you had, by an independent method such as a phone call (do NOT reply to the email sending the instructions) to verify the instructions received and the accuracy of the bank routing information. Instruct your staff to do the same.

Impersonation

Individuals received mailed letters purporting to be from a lawyer's firm. The letterhead included the firm name, address, and the name of one of the partners, but the postal code, telephone number, website, and email addresses were fraudulent.

If someone emailed the address in the letter, they received a phishing email in reply asking for personal information.

Tips

- Use a standard script in all responses (phone, in-person, or email) to clarify that you and your firm are not involved and advise the inquirer to treat the matter as potential fraud. Keep a record of all inquiries and responses.
- If there is a possibility that the impersonator may contact current or former clients, advise your clients to watch for suspicious emails.
- If your website has been duplicated or your information is used on another website, contact the web provider to request removal due to fraudulent activity.
- Read [this article](#) called Firm Websites Being Impersonated by Fraudsters.
- Report to the [Canadian Anti-Fraud Centre](#).
- File a complaint with the LSO through LSO Connects and contact the Practice Management Helpline for additional guidance relating to your professional obligations in the circumstances.
- Preserve all evidence related to the fraudulent activity.

Internal Fraud

A law firm employee drained the lawyer's trust accounts over the course of many years. The employee presented the lawyer with cheques to be signed and the lawyer did not confirm or verify whether the cheques were for legitimate purposes.

Tips

- Conduct regular and random spot audits of lawyers and staff with access to law firm trust accounts.
- Require two signatories for trust cheques. Don't allow one person to both prepare and authorize payments.
- Conduct daily or weekly reconciliations of trust accounts.
- If a cheque is payable to a party that is not a familiar individual or entity, verify the details in the file as to who the party is and put the payment into context.
- Create separate roles for initiating, approving, and reconciling transactions.

Being aware of current frauds and scams and knowing what to watch for is essential in keeping your law practice and business safe. Educating the people you work with and taking proactive measures is also imperative.

If you suspect fraud, call LAWPRO at 1-800-410-1013 or 416-598-5899 and forward any suspicious emails and documents received to fraudinfo@lawpro.ca.

You can find fraud resources on the PracticePRO website and [AvoidAClaim.com](#) blog. Visit AvoidAClaim.com and click on "All Fraud Warnings" for a list of confirmed fraudsters. ■

THE CASE FOR TWO-FACTOR AUTHENTICATION



Cyberattacks and data breaches are becoming increasingly common and pose significant risks to law firms. Storing sensitive and confidential information such as financial and banking information, client identification, and client documents and medical records, makes law firms very attractive targets for cybercriminals.

The consequences of a cyberattack or data breach for a law firm can be serious, not only in terms of financial costs and loss of productivity, but they can also affect a firm's reputation, client trust, and can result in claims against the firm and lawyer.

The good news is that 2 Factor Authentication ("2FA") is an effective way to help keep confidential data secure and avoid cyberattacks, and it is often something that we have available to us at no additional cost.

2FA is a security feature that requires two different means of identification when logging into an account. Most law firms operate using an email account (such as Microsoft Outlook or Gmail), practice management software, and bank accounts.

Traditionally, the first step when signing into an account (whether it is an email, bank or other network account), is to enter a username and password. The password is a "single factor authentication". Today, passwords alone do not offer enough protection against cybercriminals. 2FA adds an extra layer of protection.

After you enter your password, you will be prompted to enter a temporary code which is either emailed to you or sent to you by text message on your cell phone, or through an authenticator app that you download onto your cell phone. The code is usually valid for a short period of time. To gain access to your account, you need to enter the code on the log in page. The code is a "second factor authentication".

With 2FA enabled on your accounts, a cybercriminal would need to (1) know your password, and (2) access your cell phone to obtain the code that is needed to log into your account. The second step makes it more difficult for a successful cyberattack.

You may not realize it, but you likely have access to 2FA through your current email and bank accounts - all you need to do is enable the 2FA feature.

For example, 2FA can be activated through email security settings. You can set up 2FA on bank accounts through your online account or by contacting your bank. Many practice management software systems also offer 2FA. If you are unsure whether your practice management software includes the 2FA feature or how to enable it, check with the software provider's customer support.

It's important to assess your current accounts and software applications and identify where 2FA can be set up. Where available, implement 2FA, and ensure that employees know how to use it and why it is important.

One of the simplest and most effective ways law firms can secure and protect confidential information and data is by enabling 2FA on their accounts and software. Doing so will help you avoid cyberattacks and will contribute to the smooth operation and success of your law practice. ■

Leanne Fasciano is Communications Counsel at LAWPRO

A LAWPRO Underwriter's View

Insurance underwriting is a disciplined blend of data, intuition, and experience. For those of us underwriting lawyers' professional liability risks in Canada, every renewal form, PracticePRO fraud alert, claims notice, or law society concern is one more puzzle piece. We balance warning signs against strengths, red flags against corrective actions, and forecasts against reality. When we get it right, pricing is a fair reflection of risk that protects the system and the lawyers who rely on it.

LAWPRO underwriters apply experience, data and judgment to assess exposure and anticipate trends when reviewing applications and making plans for future policy years. It's a careful balancing act. For the same lawyer and firm, we'll see some factors that point towards higher risk, and some factors that point towards lower risk, and evaluate the total picture, not a just single data-point. As a result, the premiums paid reflect the appropriate level of risk of claims, and the program will be able to pay claims for that policy year.

Sometimes there are changes in practice risks that we didn't foresee and claims come in faster and higher than we expected. And sometimes claims go down because a risk factor changes, technology improves, or better and more effective controls are introduced. If this is going to reduce what an insurance company pays for claims then we have an obligation make adjustments to reflect the lower risk.

How an underwriter views your practice will be very nuanced. Consider a few examples:

Firm size and structure

Is it better to practice in a small, medium or large firm? There are benefits and risks associated with all of them.

- Small firms are less likely to be working on multi-national deals for mega corporations so the severity of their claims are often assumed to be lower. But, especially for those that are just starting out, it can be hard to say no when you're trying to build up your book of business. They may take on more work than they can handle with their resources or will "dabble" in unfamiliar areas.
- Mid-sized boutiques often specialize, which sounds safer. But specialization in high-risk areas or heavy reliance on shared precedents can mean when something goes wrong, it goes wrong for a lot of clients.

- Large firms may have strong checks and balances, but they also carry more severe exposures on higher-value matters and can be perceived as deep pockets that are an attractive target for less meritorious claims.

Claims history

You might think that a lawyer who has never reported a claim will always be viewed as low risk but it isn't necessarily true. If a lawyer has practised for 40 years and the ten claims they've reported were all out of an abundance of caution and didn't reflect true negligence, their risk remains low. Early reporting helps us mitigate damage or effect repairs quickly. By contrast, if a third-year lawyer has never reported a claim, and also doesn't file their applications on time (or at all), we don't know if:

- They aren't making mistakes, or
- They aren't reporting mistakes.

As an underwriter, there is a concern that a backlog of claims could surface later when the lawyer can't ignore the problem anymore.

On the other hand, sometimes more frequent claims tell the real story. A lawyer with one large claim in their distant history may reflect that a lesson was learned that never needed to be repeated. And a lawyer with 20 small-value claims that reflect the same error being repeated over and over again might indicate bad practice habits that the lawyer can't or won't change.

Complaints

If a complaint leads to a lawyer being disciplined for breach of fiduciary duty or ethics, it's difficult to view that lawyer as a good risk. Some lawyers get disciplined because they were duped by clients or other parties. These lawyers aren't malicious, but a history of being vulnerable to manipulation is still a risk factor.

Not all complaints are equal. If you're a great family law lawyer, you are likely to have at least one disappointed spouse on the other side writing a rotten review about you. Likewise, if a client doesn't get what they hoped for this can lead to fee disputes that can escalate to Law Society complaints. This lawyer isn't automatically a bad risk, but repeated breakdowns in communications or client-expectation management that lead to complaints/fee disputes can signal something to watch. Context will always matter.

Factors Outside Your Control.

Even excellent lawyers with strong risk management systems will sometimes get sued. You are practising in a litigious society and the number of claims brought against lawyers are trending upwards. Economic cycles, client expectations, and practice specific volatility mean claim frequencies rise and fall. Some claims are justified;

others are meritless. Sometimes lawyers face exposure for the conduct of colleagues, associates or staff they trusted. As underwriters, we plan for the unexpected and ensure that the insurance being provided to our clients will respond responsibly and there will be sufficient funds to manage and pay out claims.

At the end of the day, underwriting can't be about perfection. It's about vigilance, transparency, and the willingness to recalibrate when the real world refuses to behave like the spreadsheets. Markets shift, claims evolve, and even the best lawyers can face bad luck or bad actors. Good underwriting is collaborative and when both sides get it right, we become partners in managing risk and keeping the profession (and your clients) protected. ■

Victoria Crewe-Nelson is Vice President, Underwriting & Customer Service at LAWPRO

My LAWPRO Portal FAQ

All about transaction levies

What is a transaction levy?

- As part of its commitment to operating the Primary Program in a commercially reasonable manner and better ensuring that premiums reflect the general practice risks of insureds (i.e., those that are a higher risk pay a higher premium), LAWPRO utilizes transaction levy surcharges. Accordingly, levies charged on some litigation and real estate transactions are designed to reflect the increased risk of those two areas of law.

Who must file and pay transaction levies?

- Lawyers, other than those exclusively practicing criminal or immigration law, must file and pay transaction levies quarterly. Lawyers not practicing real estate or civil litigation may submit a levy exemption form to avoid having to do quarterly filings.

When are levy filings due?

- Transaction levies are due quarterly on April 30, July 31, October 31, and January 31 for the quarter ending 30 days prior.

How do I file and pay transaction levies?

- Log in to My LAWPRO, then click the 'File Transaction Levies / Exemption' tile and follow the prompts.

For more specific information about when a levy is due or not due, please refer to www.lawpro.ca/faqs.

10 tech tips for lawyers who hate wasting time



Technology is supposed to help us but that only happens if we know how to make the most of it. To give you a head start, we've put together 10 actionable, no-nonsense tips that address common time wasters. Start upgrading your technology know how now and give one of these a try.

1. Use **legal practice management software** to help manage your work and simplify how you do things. Consider your practice needs when choosing a software. There are programs that highlight a particular feature such as accounting and others that offer all-in-one solutions including billing, document management, client portals, calendaring, and time tracking features.
2. **E-signatures** speed up the traditional process of getting a document signed by a client. Using e-signatures allows for a fast and secure exchange of signed documents and it's also convenient if your client is in a different country or only has access to a smartphone.
3. Preparing and sending invoices to clients can be time-consuming and tedious. Use a legal payment software and start **E-billing clients**. After the initial invoice is sent, you can schedule automatic reminders to be sent out if the invoice is not yet paid.
4. Get paid faster? How? Start accepting payment of your invoices online. An **online payments** or accounting software with a built-in online payment option helps you get paid faster and is convenient and easy for your client.
5. **Go paperless and use the cloud to store your documents**. Digitize all documents using scanners and store your files in a secure, cloud-based document management system (like Dropbox or Google Drive). Electronically storing files saves space, storage fees, time searching through paper, and allows you to easily retain your files for longer.
6. What is digital "paper"? Use a **digital notebook** instead of paper or instead of using your laptop to make notes. Digital notebooks allow you to keep your notes in one place, easily edit your notes, and share them with others instantly. You can also backup your notes digitally so if you misplace your notebook your notes are not lost.
7. Use a **digital to do list** app or software like Microsoft To Do to keep you organized. No more messy scribbles on random sticky notes that get misplaced. Set reminders, quickly reorganize tasks, and access your list from your phone or computer anytime and anywhere.
8. Use an **online booking and appointment scheduling** tool like Microsoft Booking or Calendly to allow clients to book meeting times and phone calls with you without the time-consuming back and forth trying to coordinate and schedule a day and time. Add a link to your online booking calendar in your email contact and direct clients to click on the link to schedule a time with you immediately.
9. "Hello, you've reached VoIP. Please leave your message after the tone." Use a **Voice over Internet Protocol (VoIP)** (like RingCentral) instead of a traditional telephone line. Avoid the hassle of hardware and telephone wires. All you need is an internet connection. Get a service with a good mobile app – this will make remote or hybrid work even easier.
10. For most of us, speaking is faster than typing. Use a **secure digital dictation app and transcription software** to record notes, memos, and client interviews and meetings. Your spoken words can later be automatically transcribed into text and saved to your file, word for word!

Technology can help lawyers practice more effectively and efficiently. PracticePRO offers a list of programs, services, and apps that can assist with law office tasks, functions, and even help lawyers provide legal advice to clients. Download the list at practicepro.ca/techproducts

Remote, but Not Removed

Picture this: A Zoom room sits open, quiet except for one lawyer working away. Ping—someone enters. It might be a quick question or a deeper discussion. The next day, same time, it happens again, except more people join, and what began as a simple question becomes a mini roundtable of ideas. This is the advantage of virtual “open door” hours: creating space for spontaneous interaction in a remote work world where serendipitous encounters are harder to come by.

Remote work offers many benefits. But many people are realizing that connection is essential for collaboration, learning, and well-being. In an office, you can casually stop by someone’s desk to ask a quick question without the formality of scheduling a call. You might overhear a conversation that sparks curiosity and learning, or bump into a colleague at the water cooler when you need a morale boost. Online, those organic moments are few and far between, unless we intentionally create them.

Strategies for firms and teams to help intentionally create connections

Virtual open-door hours

Keep a recurring video link open for drop-ins. It mimics the casual “got a minute?” dynamic without the formality of scheduling a call. Some days no one will show up, that’s okay. Use the time to work.

Schedule individual (one-on-one) meetings

Dedicated time gives people permission to pause, share what they are working on, and ask questions they might otherwise hold back. It is a chance to spot challenges early, celebrate wins, and make sure no one feels invisible in a remote setting. When done well, check-ins build trust and remind everyone they are part of a team.

Chat touchpoints

Send a quick message to a colleague to see how they are doing. Less formal than a call but still personal, and an easy bridge to a phone or video call if needed.

Structured team meetings

Share an agenda in advance so people come prepared. Rotate speakers, set time limits, and use a “pass the baton” approach to keep everyone engaged and ensure each person has a voice.

Alternate the format, sometimes with a smaller group and sometimes larger. Break large groups into smaller discussions for deeper conversation, then reconvene to share insights. Breakout rooms can be great for brainstorming or mentoring moments.

Schedule social time

Host a dedicated virtual drop-in social hour to keep your team connected. From time to time, mix it up with creative twists! Try a “drop-in café” where everyone brings their favorite snack and shares a fun fact. Try themed trivia time (pop culture, history, or “guess the song”), holiday dress-up hours with costumes and virtual backgrounds, online escape rooms, or a “show and tell” session for hobbies and pets. Rotate activities so there’s something for everyone.

Polls and icebreakers

A weekly poll like “which superpower would you choose: mind reading, flying, invisibility, or strength?” can be fun and a low-pressure way for people to engage, share something quirky, and even spark laughter. They help colleagues learn a little more about each other without oversharing, which makes team interactions feel more human and collaborative. Keep it light, inclusive, and varied so everyone feels comfortable joining in.

Dedicated social channels

Create a chat space for non-work chatter like vacations, hobbies, Hollywood gossip, or pet photos. Personal glimpses strengthen bonds.

Short meet-and-greets or catch-up coffee chats

On a volunteer basis, pair people randomly each month, especially those who do not usually interact. It is a simple, fun way for colleagues to meet new faces or reconnect with someone they do not generally get to chat with. These casual conversations can generate interest and understanding about what others are working on, opening doors for collaboration and shared learning.

Wellness initiatives

Think seasonal step challenges, mindfulness breaks, or “walk-and-learn” webinars. Wellness is not just a perk, it is a productivity booster. Lead by example and make it part of the culture.

Promote wellness and flexibility

Notice someone burning the midnight oil? Check in and ask what support they need. If possible, offer flexibility because when people feel their life circumstances are respected, they are more likely to give that respect back in commitment and quality.

Tips for solo lawyers

Peer circles

Form a WhatsApp or email group of 5–8 lawyers for casual conversation and quick advice. Keeping the group small helps avoid overwhelming chatter and makes it easier to build meaningful connections.

Set a cadence for connection

Pre-schedule coffee chats whether video or in-person. Scheduling well in advance or setting a reoccurring time makes it easier for people to commit.

Pick up the phone

Sometimes the simplest option is the best. A quick call can break up the monotony, ease isolation, and/or spark important discussions.

Structured engagement through tech tools and wellness initiatives fosters collaboration, knowledge sharing, and mutual support. For lawyers, that means reducing claims risk, lowering stress, and strengthening client services. Intentional engagement not only improves teamwork and morale, but it also builds a healthier, more resilient profession. ■

Safiyya Vankalwala is PracticePRO Manager & Counsel



Help your clients understand what is and isn't covered by title insurance

There are a lot of documents homebuyers are asked to review with their lawyers when purchasing a property so it's understandable that they may not give a lot of thought to the nuances of their TitlePLUS policy when the lawyer goes over it with them.

For many buyers it's just one more document to hear about, and since the cost is relatively minor compared to others in the transaction they may not spare it much thought. Clients may simply take away that it's "insurance" and not give it another thought until they have a claim to report.

Generally speaking, TitlePLUS coverage can be grouped into four categories:

1. defects in legal title,
2. compliance risks (where there is an order by a government authority to fix a problem with the property),
3. property access and encroachment issues, and
4. the legal services provided by the lawyer on the purchase.

But there are three types of claims commonly reported that are not generally covered:

Title insurance isn't home insurance

Homeowners often report claims under their title insurance for things like leaky roofs, flooding basements, mould, or shoddy work that a contractor has told them is not up to the building code. However, title insurance isn't intended to cover physical problems with a property unless that problem also falls under one of the covered risks in the policy.

An example of a physical problem that is also a title insurance covered risk is work done without a permit where a permit would have been required, resulting in a work order from the municipality. So, a roof leaking in an added sunroom is not a covered claim on its own, but if that sunroom was built without a permit by a former owner and a building department inspector issues an order to the current owner to make it legally compliant, then coverage would be triggered.

The distinction here is that coverage is not for the leak; it is for the order that is now in the public record and could be discovered when attempting to sell the property in the future. TitlePLUS would cover what is required to satisfy the order so that it no longer hangs over the property.



Vendor misrepresentation is not covered in and of itself

The vendor is supposed to make potential buyers aware of all known problems with a property so the buyers can make an informed decision about whether to purchase and what the price should be. Unfortunately, vendors sometimes hold back information that might hurt their sale prospects. The new owners may then discover the problem and report it as a title insurance claim.

Often these claims relate to the kinds of physical problems (e.g. leaking roof, basement the floods in the spring) described above. And just as a physical problem with the property alone is not a covered title insurance claim, neither is vendor misrepresentation. The issue that the vendor misrepresented (intentionally or not) needs to also fall under one of the TitlePLUS policy coverage clauses. So the vendor withholding information that the basement floods in the spring would not be covered on its own, but it likely would be covered if the foundation was the subject of an open permit that had not yet had a final inspection, and that inspection found defects with the construction that must be addressed in order to close the permit.

Where there is no coverage under title insurance for vendor misrepresentation, we often suggest that the buyers speak to a lawyer about whether to take legal action against the vendor to recover their costs if they believe information was withheld.

Future use plans for the property are not covered

Title insurance is only intended to cover (with a few exceptions) title to the property as it existed at the time of purchase, and title-related problems that could reasonably have been discovered by a lawyer prior to closing. There is generally no coverage for the homeowner's future-use plans such as putting in a pool, adding an addition, severing the lot or developing vacant land if those plans end up being prevented by zoning regulations, by-laws, or municipal planning departments.

An exception to this may be if the buyers had asked their lawyer in writing to make sure certain plans for the property could be carried out and the lawyer failed to do so or provided incorrect information. That situation may fall under the TitlePLUS legal services coverage if it was an error or omission for which liability would be imposed by law.

Every claim will still be thoroughly investigated

Of course, the specifics of every claim are different, and homeowners are encouraged to report their problem and TitlePLUS will investigate to determine if coverage can be provided. For lawyers purchasing title insurance for their clients, helping them better understand what their policy is and isn't designed to cover will help manage client expectations later if it comes time to report a problem with their new property. ■

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