LawPRO magazine

2026 | New Lawyer Issue 12

special new lawyer edition

Launching your legal career

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Common practice pitfalls | Student to lawyer tips | Life after graduation

What is LAWPRO?

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

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

In this magazine, you will learn about the primary, excess, and title insurance provided by LAWPRO. You'll also learn what LAWPRO does for Ontario lawyers *before* a claim arises through the PracticePRO claims prevention program. The PracticePRO team creates and maintains a wide range of practice management resources for lawyers at all stages of practice. For details, see *LAWPRO's best claims prevention tools and resources*.

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

What can I do to avoid malpractice claims?

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

Is LAWPRO part of the Law Society?

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

Does every lawyer need insurance from LAWPRO?

Certain categories of lawyers, such as government lawyers, in-house lawyers, or lawyers that are not currently practising, are exempt from the requirement to carry mandatory insurance coverage.

contents

special new lawyer edition

LAWPRO magazine

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LAWPRO Magazine and *LAWPRO Magazine's New Lawyer Edition* are published by Lawyers' Professional Indemnity Company (LAWPRO) to update practitioners about LAWPRO's activities and insurance programs, and to provide practical advice on ways lawyers can minimize their exposure to malpractice claims. The material presented does not establish, report, or create the standard of care for lawyers. The material is not a complete analysis of any of the topics covered, and readers should conduct their own appropriate legal research.

LAWPRO's mandatory professional liability insurance

What you need to know

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

Visit lawpro.ca/newcalls

for more information about insurance requirements

What is professional liability insurance?

Professional liability insurance protects lawyers if a client suffers a loss because of something the lawyer did wrong. For this reason, only lawyers who work in private practice (have clients) are required to have this insurance.

What is private practice?

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

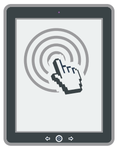
Do all members of the Ontario Bar have to purchase professional liability insurance?

If you are engaged in private practice in Ontario, you will need to purchase coverage through LAWPRO. See *Going into private practice* on the next page.

If you are not in private practice and meet certain criteria, you are likely exempt from the mandatory insurance requirement. See *Not going into private practice* on the next page.

Going into private practice

How do I apply?



If you will be working as a sole practitioner, you will need to complete an application online. New lawyers can apply at any time after receiving a Law Society number from the Law Society of Ontario. While it's important to apply promptly for insurance, you do NOT need to delay beginning to practise. You can begin the practice of law immediately while you wait to receive your number, with one exception: if you intend to practise real estate law, you must wait until your compulsory Real Estate Practice Coverage Option (REPCO) coverage is in place to do so. After the first year, you will be asked, each fall, to renew your insurance for the following year.

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

How much will it cost?

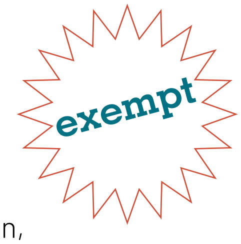
Not every lawyer in private practice pays the same premium. LAWPRO offers discounts to certain categories of lawyers (including part-time practitioners, and lawyers who practise criminal and/or immigration law exclusively).

<u>New lawyers receive a discount</u>: Lawyers new to the Bar in the current year receive a 50% discount from the standard base rate in their first full year of practice. Additional discounts are available in the second, third, and fourth years (40, 30, and 20%, respectively). New lawyers who practise for less than 200 days in their first year will be eligible for a "first year" discount in both their first and second years of practice. These discounts reflect the risk profile of new lawyers. Because the maximum premium discount for any lawyer is 50%, these discounts cannot be combined with other discounts.

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

Not going into private practice

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



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

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

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

What happens if...

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

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

How do I FIND out more?

For more information, **visit lawpro.ca/newcalls**

Common practice pitfalls: how to avoid them

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

Our records suggest that almost half of all lawyers will be the subject of a claim at one point in their career. Malpractice claims can be stressful, can hurt your reputation, and can be costly, even if the only financial consequence to the lawyer is an increase in insurance premiums. Understanding the most common causes of claims so that you can build risk management skills early in your career is your best line of defence.

What kinds of mistakes lead to claims?

Students in the midst of law school, with its mountain of reading on cases and substantive law, might be surprised to learn that "errors of law" are not the biggest pitfall to watch out for in the world of private practice. In fact, only about 14% of LAWPRO malpractice claims are caused by lawyers getting the law wrong, except in very complex areas like family or tax law.

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

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

Client communication

In almost every area of practice, the number one cause of claims to LAWPRO is a breakdown in lawyer-client communication. This ought to be the easiest type of error to guard against, but it is also the most common. Often, these claims arise because the lawyer and client disagree on what was said or done – or not said or done – sometimes because communications are rushed. This is partly the result of lawyers being busier than ever, and partly due to clients who expect fast replies and 'round the clock' responses from their lawyer.

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

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

It's an unfortunate fact that while email and other electronic media provide more ways than ever for a lawyer to interact with clients, all these lines of communication seem to result in even more misunderstandings. Clients or lawyers read things into emails that aren't there, miss the meaning of what was said, or read between the lines and make assumptions. Face-to-face communication is the best way to ensure miscommunications don't happen. If meeting in person isn't possible, at least pick up the phone to avoid misunderstandings when important matters need to be discussed.

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

Inadequate investigation

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

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

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

One way to ensure that the right questions are being asked on a matter is to make use of the PracticePRO program's articles and checklists at practicepro.ca/checklists. You can find claims prevention articles from *LAWPRO Magazine* at practicepro.ca/lawpromag.

Time management

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

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

There are a number of things you can do to avoid missing a crucial deadline. Familiarize yourself with the *Limitations Act, 2002* by using the PracticePRO program's limitations resources at practicepro.ca/limitations. Use practice management software with tickler systems to alert you to approaching deadlines.

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

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

Tim Lemieux is PracticePRO and TitlePlus Claim Specialist at LAWPRO.

What causes claims?

67%

Communication breakdown:
not keeping the client informed, not explaining

Inadequate investigation:
not digging deep enough, not asking the right questions

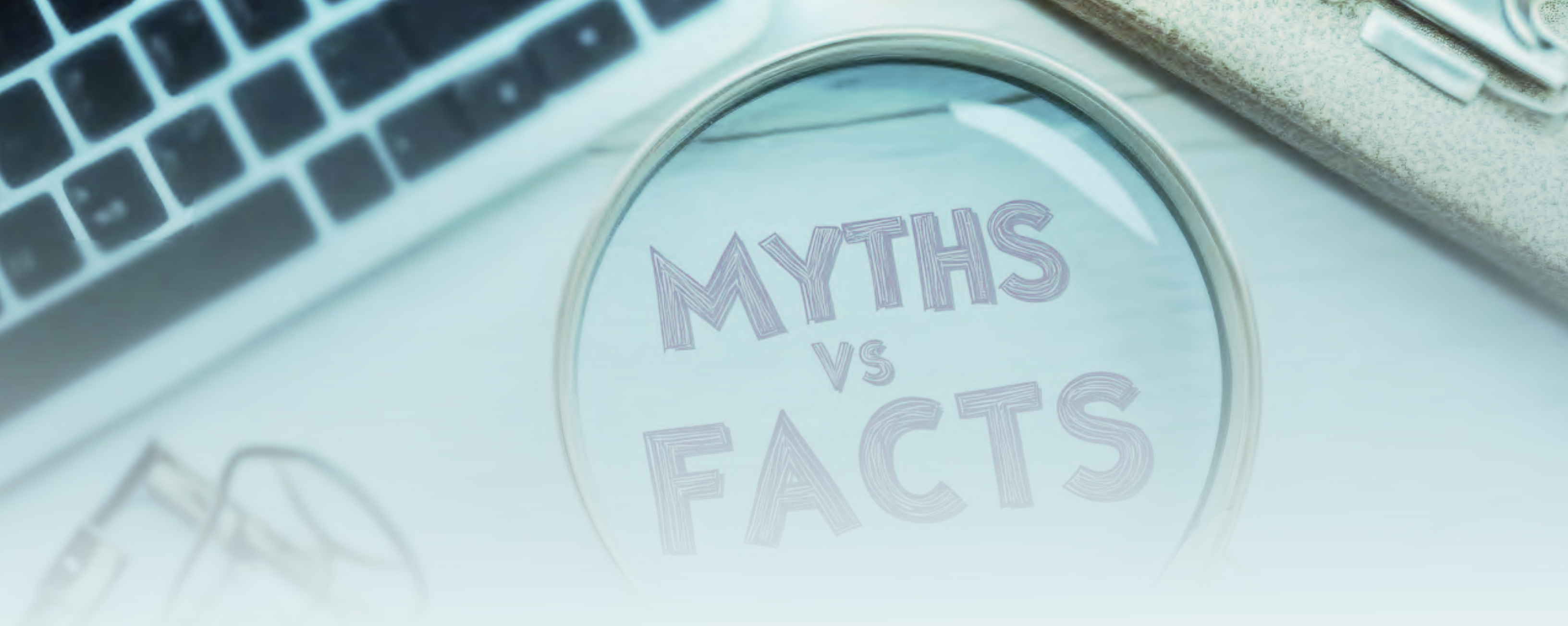
Time management:
not using a calendar system, procrastination

14%

Error of law

19%

Other



LAWPRO is not like your auto insurer

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

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

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

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

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

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

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

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

MYTH #3: If a lawyer can fix their mistake, they should try to do that before contacting LAWPRO.

FACT A lawyer should never try to fix a mistake or admit to a client a mistake has been made. Instead, LAWPRO should be immediately contacted. Attempting to fix a mistake or admitting an error may jeopardize the lawyer's insurance coverage, especially if it makes the situation worse. LAWPRO claims professionals or defence counsel can coach you on the conversation you should have with a client if there is a potential claim.

MYTH #4: A lawyer working at a firm does not have to worry about their LAWPRO policy. It is a firm concern.

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

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

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

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

FACT Simply reporting a claim to LAWPRO does not, repeat, does not trigger a deductible. Deductibles become payable when LAWPRO incurs investigation and defence expenses, as well as judgments, settlements and/or costs of repairs. If LAWPRO does not incur any expenses and the claim is closed, no deductible will be payable.

Lawyers have various deductible choices that include a nil deductible option (where you don't pay a deductible at all), up to a $25,000 deductible. Premiums will increase or decrease depending on the deductible option you select.

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

FACT The LAWPRO policy provides annual errors and omissions coverage of $1 million per claim, or $2 million in the aggregate. Keep in mind that this amount erodes with defence costs and expenses – which can sometimes be significant, even when the allegation of negligence has no merit. Consider the matters you handle and the nature of your practice – get excess coverage if you think you have exposure to a claim that would be worth more than $1 million in terms of indemnity (including pre-judgment interest) and defence costs. Excess coverage is not very expensive and gives you great comfort. Visit lawpro.ca/excess for information on LAWPRO's excess insurance program.

MYTH #8: Lawyers have no insurance coverage after they leave practice.

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

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

Susan Sack is a partner at Rosen Sack LLP.

Becoming a new lawyer

20 tips for a smooth transition

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

1. Honestly assess your strengths and preferences to identify what makes sense for you in terms of the type of firm and area of law you want to practice.
2. Consider all the options: big firm, small firm, solo practice, government, in-house. Don’t just pursue the opportunities everyone else is pursuing – reflect on what is the best fit *for you*.
3. Create and prioritize a list of your options (from your most desired choices to alternatives you’d accept).
4. Identify what makes you unique and use that to sell yourself.
5. Consider if you have what it takes to be a sole practitioner. Take our self-assessment quiz on page 12 to help you decide.
6. Be prepared to work within the realities of articling, the Law Practice Program (LPP), and the job market. Strive to be both positive and realistic.
7. Be prepared to deal with uncertainty. You can’t control all the factors that influence your career path, but you can commit to making the best decisions possible under the circumstances.
8. Be ready to adapt to changing circumstances and external factors. Your vision of the kind of practice that’s right for you will likely evolve as you gain experience. Be flexible and open to opportunities.
9. Prepare your resume and the supporting information you will use to sell yourself in interviews. Consider including writing samples and references – with appropriate permission.
10. Contact potential employers in the order in which you have prioritized your options. Research employers online, or even better, network with friends, family, and peers to learn about opportunities.
11. Don’t have an existing network of contacts? Begin building one! A good first step is to polish your social media presence. Visit practicepro.ca for our article “The essential LinkedIn Dos and Don’ts for law students.”

12 Make a good impression at a job interview by preparing answers to the probing open-ended questions you're most likely to be asked. See our list of sample questions at page 13.

13 Once you have a job, get delegated tasks done right by understanding parameters and deadlines and asking for feedback.

14 Good client communication is essential, especially in today's virtual world. See the CPD "The Virtual Legal Practice" program for tips on effective communication when using virtual technology in your practice. Good client and file management is essential. Watch our CPD "Conflicts, Undertakings and File Management: What you Need to know 2025" program on the practicepro.ca CPD page.

15 Find a mentor who can help you improve your skills. See the "Establish your legal community" article in the February 2025 LAWPRO Magazine and the list of Ontario Mentoring Programs found on practicepro.ca.

16 Make time for ongoing marketing and client development efforts. For marketing tips go to practicepro.ca/20newlawyertips, to see the original "Student to lawyer: 20 tips for a successful transition" article. Also see the CPD "What they didn't teach you in law school: Marketing, Management and Mentorship" program on the practicepro.ca CPD page.

17 Be nice! The legal world is very small – you will meet the same people over and over again – and your reputation will get around.

18 Have a life outside of law to help deal with the stresses of the job. While at school, you can find help for serious stress from on-campus providers, or contact Homewood Health at myassistplan.com to access confidential member assistance services.

19 Take care of yourself physically and mentally to avoid burnout. See the January 2020 edition of LAWPRO Magazine "Finding Your Way" as well as the September 2015 edition "Finding Your Blue Sky" for articles about health and wellness.

20 Trust your instincts, think long-term and be prepared for unexpected turns in your career. ■

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

As a solo, it's great to have the freedom that comes with being your own boss, but you also have full responsibility for all aspects of the operation of your law practice. Do you have what it takes to be a sole practitioner? See the self-assessment quiz below for help answering that question.

The chart helps identify your strengths and weaknesses and gives you a better idea of whether you're cut out for solo or small firm practice. Ask yourself whether you possess some or all of the skills listed. Rate your skills by circling the appropriate number, using a scale of 1-5, with 1 as low and 5 as high.

Skills		Rating
Getting clients • projecting confidence in your skills • networking • client service follow-up	• asking for referrals • identifying client needs • tracking competitors	1 (LOW) 2 3 4 5 (HIGH)
Marketing • advertising/promotion/public relations • annual marketing plans	• marketing strategies • pricing	1 (LOW) 2 3 4 5 (HIGH)
Financial planning • cash flow planning • bank relationships • management of credit lines	• monthly financial statements	1 (LOW) 2 3 4 5 (HIGH)
Accounting • bookkeeping • monthly profit and loss statements/ balance sheets • quarterly/annual tax preparation	• billing, payables, receivables	1 (LOW) 2 3 4 5 (HIGH)
Administrative • scheduling • payroll handling • benefits administration		1 (LOW) 2 3 4 5 (HIGH)
Personnel management • hiring employees • motivating employees	• general management skills • firing employees	1 (LOW) 2 3 4 5 (HIGH)
Personal business skills • oral presentation skills • computer skills • fax, email experience	• written communication skills • word processing skills • organizational skills	1 (LOW) 2 3 4 5 (HIGH)
Intangibles • ability to work long and hard • family support • ability to work alone	• ability to manage risk and stress • ability to deal with failure • ability to work with and manage others	1 (LOW) 2 3 4 5 (HIGH)

How did you do?

TOTAL ________________

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

Sample interview questions

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

Background questions:

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

Motivation/initiative:

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

Independence/sense of self/judgment:

- Describe what success means to you.
- Do you think of yourself as a risk-taker, or someone who plays it safe?
- How would you describe your standards of performance?
- Describe a (recent) situation in which you had to quickly establish your credibility and gain the confidence of others. What did you do?
- What do you think has contributed most to your success so far?

Conscientiousness/work ethic:

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

Achievement/accomplishments:

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

Interpersonal skills/ communication:

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

Organization:

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

Making technology work for you and not the other way around

Our watch can track our heartbeat when we exercise; our fridge can order a dozen eggs when we're running low; our cars can drive for us (or at least tell us when we drift out of our lanes); and our phone can recognize our face when we look at it. Every facet of our lives is affected by rapidly evolving technology. The legal profession is no exception.

For new lawyers, and even seasoned associates, the sheer volume of software solutions, subscription services, or server security systems that a sole practitioner or law firm must familiarize themselves with can be daunting. While LAWPRO doesn't endorse or recommend any particular software products, we've provided some examples below to help get you started on determining just what you may need to build your practice.

For more examples and tutorials on the various programs described below, see our table of *Technology Products for Lawyers and Law Firms*, available on practicepro.ca.

Practice management software and "all-in-one" solutions

The easiest way to cut through the volume of software and tech solutions available to lawyers is to consider investing in an "all-in-one" solution. While no program will cover everything a lawyer does in a day, many subscription services provide user-friendly software packages designed specifically for lawyers to manage the bulk of the firm's administration needs. These platforms will organize your digital files by matter and client, track deadlines and provide reminders, bill clients, accept payments, coordinate trust accounting needs, and perform various other functions. Examples include *Clio's Practice Management Platform*, *Cosmolex*, *PC Law* and *Time Matters*, *Matter365*, or *Filevine*.

Billing and payment products

While the tools for billing clients and collecting payments are often built into the all-in-one packages discussed above, some lawyers may opt for a more bespoke approach. Services like *Stripe Payments* allow lawyers to accept funds by credit card, debit card, and other means. Keep in mind that some billing software not designed for lawyers specifically may not allow users to intuitively distinguish between trust and administrative accounts, or properly abide by Law Society rules when it comes to unearned retainer funds. Services such as *LawPay*, which not only organizes payments but also facilitates the receipt of funds by credit card and other means, may be necessary to provide simple billing and payment options to your client while maintaining compliance with trust accounting rules.

For lawyers operating a brick-and-mortar office or meeting with clients in person, consider investing in POS (Point-of-Sale) equipment such as a *Square Terminal* or *Square Reader*, which can connect to a smartphone to accept credit card payments by chip or tap.

Client ID and verification

Verifying that the client is who they claim to be is a key part of opening any file. Law Society rules generally require such verification for anti-money laundering purposes (with some exceptions). Equally important, however, is how proper verification can prevent the lawyer themselves from being targeted for fraud. Various tools are now available to assist with confirming the authenticity of a client's government-issued ID for verification purposes. Applications such as *Treefort*, *LexisNexis TrueID*, and other similar programs use the client's smartphone camera to scan identification documents, authenticate the document, and compare any photo-ID with a selfie contemporaneously taken by the client.

Time tracking tools

Lawyers billing by the hour need a simple way of tracking those hours. While many lawyers still track their time manually, timekeeping software can be integrated into a lawyer's computer and virtual telephone system to automatically keep track of every second spent on a file.

Like billing and payment tools, time-tracking is often built into the practice management packages discussed above, but à la carte options like *WiseTime* are also available.

Team management and collaboration tools

Working with colleagues, whether it's a fellow lawyer, a paralegal, or a legal assistant, can be much more complicated in a virtual environment. With more lawyers working primarily from home, online collaboration tools may be a necessary addition to any law firm's workflow.

Communication hubs such as *Microsoft Teams* and *Slack* allow colleagues to instantly communicate, coordinate, and share documents remotely. Project management software such as *Trello*, *Confluence*, and *Monday.com* are designed to help managers assign work to team members and monitor the progress of various projects. Other examples, such as *Legalboards*, are designed with the specific needs of law firms in mind.

Cybersecurity

All lawyers should be careful to maintain proper cybersecurity in their practice. While it's, quite frankly, impossible to remember multiple complex alphanumeric passwords (and then annually update them), proper password hygiene can be maintained by utilizing tools such as *1Password* or *Lastpass*, which store passwords and other sensitive information in a "virtual vault" (with data maintained on Canadian servers), usually protected by a Two-Factor Authorization (2FA) system.

Speaking of 2FA, applications such as *Authy* and *Microsoft Authenticator* can be easily downloaded onto a smartphone and connected to the lawyer's computer or database, requiring all users to have both a valid password as well as a validated smartphone in order to access confidential information.

Social media and marketing

Alas, like any business, law firms need to spend time thinking about their marketing needs. Programs such as *Canva* provide simple tools for creating graphics and advertisements that can be used to promote a law firm on social media or elsewhere. *Loomly*, *Hootsuite*, and other similar software can help collate and organize your social media posts and marketing strategy into a single, easily digestible format.

For online marketing and ad spends, tools such as *Google Search Console* and *Google Analytics* can help a law firm optimize their website so it is more likely to appear in web searches and track the efficacy of online advertising. Third party alternatives to these Google tools are also available.

Transcription software

Virtual dictation assistants have become extremely effective and accurate in transforming recorded audio into text. Programs such as *Dragon Speech Recognition* or *SpeechExec* can be used to draft memos or notes to file by way of dictating directly to the software, while even the ubiquitous Microsoft Word allows for speech-to-text dictation options.

Additionaly, certain programs like *Otter.ai* facilitate the transcription of recorded meetings or interviews, usually with the convenience of automatically distinguishing between different speakers. Keep in mind that using cloud-based services means that the content of the conversation will be shared and possibly stored with a third party (perhaps outside of Canada). Be careful to ensure that the encryption and confidentiality policies of any cloud-based service you use satisfies your ethical obligations to protect potentially privileged information.

AI: Machine learning and large language models

Artificial Intelligence (AI) is a computer-based technology that can perform tasks that typically require human intelligence, such as solving problems, analyzing documents, and producing written responses. AI learns from large amounts of information to understand how words, phrases, sentences, and even paragraphs are used together. In the legal world, AI can be helpful for tasks such as document review, research, and drafting, but be careful when using it because sometimes it may produce inaccurate information. If you use AI in your legal practice, you should review its output carefully by cross-referencing information against reliable resources, checking the credibility of sources, and applying your own professional judgement before relying on it or sharing with clients, opposing counsel, or the courts. ■

PHISHING SCAMS

Be the one that got away

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

TIPS TO HELP YOU IDENTIFY A PHISHING EMAIL

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

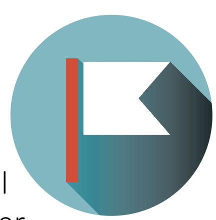
Phishing is also becoming more sophisticated. Fraudsters can conduct research about you through the internet and other means to obtain information unique to you, including your practice area, your clients, and your personal life. A "spear" phishing attempt is a phishing message that is personally addressed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

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

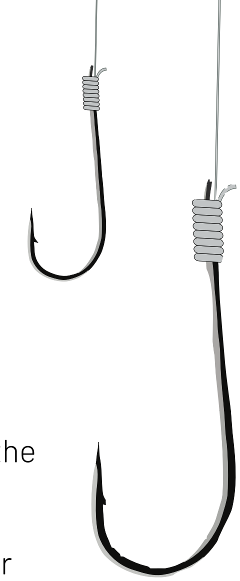
How to spot phishing messages

Phishing scams work because they are convincing and prey on your trust of the source. If you get a phishing message from a bank and you don't have an account there, you aren't likely to fall for the scam. However, if you have an account at that bank, the message may look legitimate to you and you are more likely to fall for the scam. Many phishing messages will include a link or attachment that you are asked to click so you can update your information. After doing so, the webpage or attachment you will see (which will also have text and logos to make it look official) will prompt you to enter your name, account number, password, and other personal information – thereby giving it to fraudsters.

Red flags



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

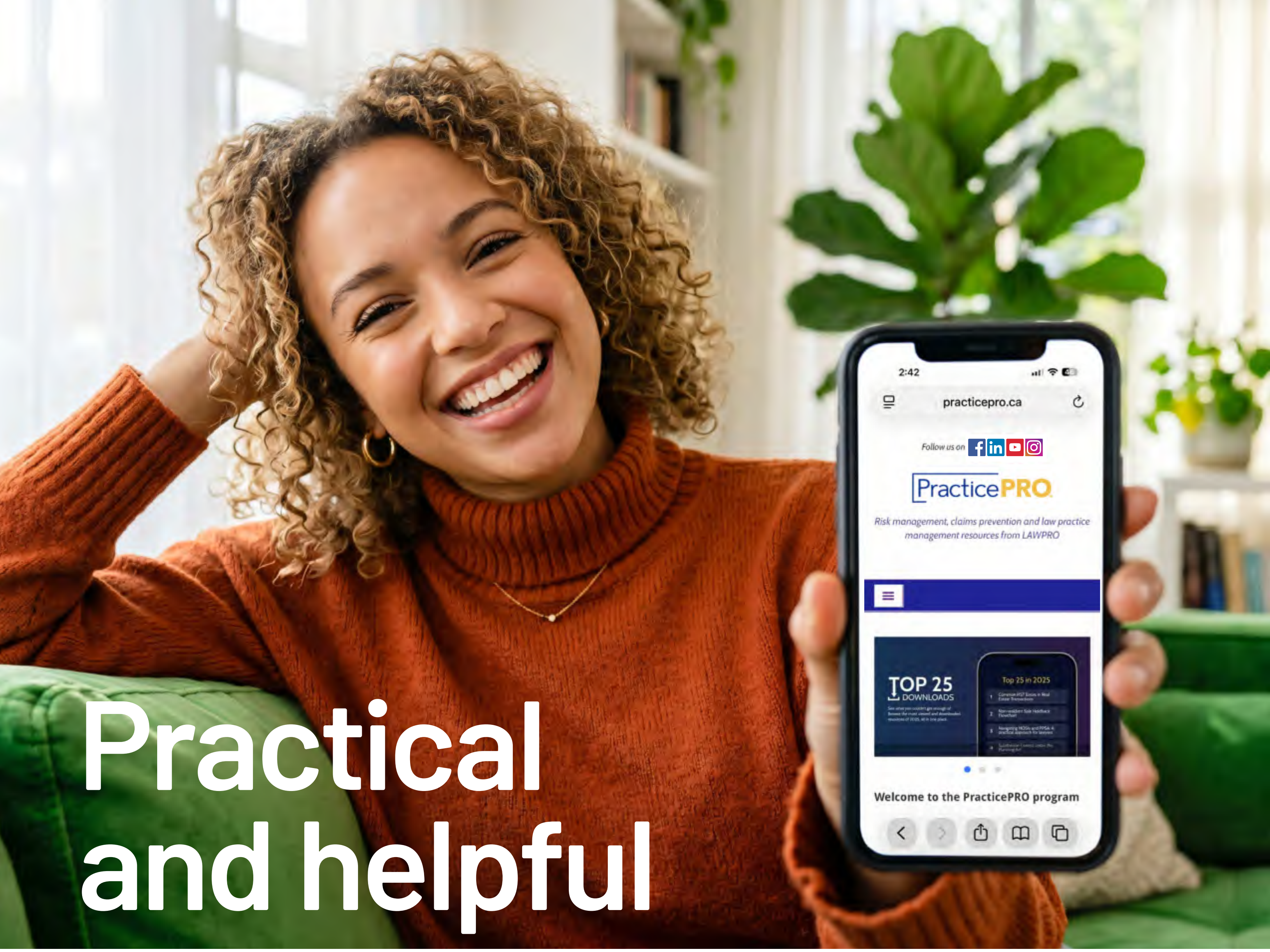


Don't take the bait

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

Anyone can be targeted

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



Practical and helpful

PracticePRO

checklists, precedents, and resources available at **practicepro.ca**

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

2 Limitations period charts: The Limitations Act, 2002 represented a huge reform of the existing law of limitations. We continue to see claims related to lawyers' unfamiliarity with the limitations rules or failing to consider a possible action until it's too late. Take the time to review these charts and avoid a claim related to a missed deadline.

3 **Undertakings checklist:** Giving an undertaking should not be taken lightly. If the terms and conditions of the undertaking are not properly considered and documented, several issues can arise after an undertaking is given. Use our online checklist to help you avoid potential issues.

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

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

6 **Domestic contract matter toolkit:** This toolkit helps lawyers systematically consider and discuss all relevant information at the initial interview and signing of a domestic contract. It includes an intake form, an intake checklist, a post-meeting client assignment form, and a review and signing checklist.

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

8 **Fraud fact sheets:** These pamphlets describe cybercrime and bad cheque fraud scams, and frauds targeting real estate lawyers. They list the "red flags" that indicate that an otherwise legitimate looking matter is actually a fraud. Share this with your staff too!

9 **Technology:** From virtual identity verification and video conferencing to AI and tech products to help you practise more effectively, our articles and resources will help you navigate technology and the law.

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

11 **Real estate resources:** Even the most routine real estate transaction has many steps; the details may seem obvious but it is easy to let one or two slip through the cracks. These resources can be valuable risk management tools: Real Estate File Management Checklist, Non-resident Sale Holdback Flowchart, Residential Real Estate Tax Considerations Checklist, Questions about HST to ask yourself when handling a real estate transaction, and Using Title Insurance Safely Checklist.

12 **Biggest Claims Risks by Area of Law**: Our malpractice claims fact sheets include claims statistics, causes of claims against lawyers, and tips for avoiding claims for litigation, wills and estates, criminal, family, real estate, corporate, franchise, IP, employment, and immigration law.

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

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

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

PracticePRO

resources help you succeed in practice

LAWPRO's practicepro.ca website provides you with resources, precedents, and checklists that will help you avoid a legal malpractice claim. These resources will also empower you to take proactive steps to grow a successful and thriving law practice.

Practice aids

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

BETTER CLIENT SERVICE

- Stronger lawyer/client relationships
- Dealing with difficult clients
- Avoiding conflicts of interest

TECHNOLOGY

- Essential law office technology
- Improving electronic data security
- Cybercrime and fraud fact sheets

PRECEDENTS AND CHECKLISTS

- Retainer precedents
- ILA checklist, commercial transactions checklist, domestic contract matter toolkit, undertakings checklist
- Real estate file management checklist

FIRM MANAGEMENT

- Improving practice finances
- Building mentoring relationships
- Preparing for practice interruption

CPDs

LAWPRO's on demand CPD programs are available to watch for free. The presentations qualify participants for LSO professionalism hours and are approved for the LAWPRO Risk Management Credit program.

practicepro.ca/cpd

What I love about being a lawyer

Practitioners in their own words

Turn on a movie and you may see a legal career portrayed as one of stoic solemnity, like in To Kill a Mockingbird; or perhaps it's one of overwhelmed but passionate idealists, like in A Few Good Men; or maybe it's one of corruption and cynicism, like in The Firm.

Our culture, through movies and journalism, paints different pictures of legal careers—but rarely are they pictures of joy.

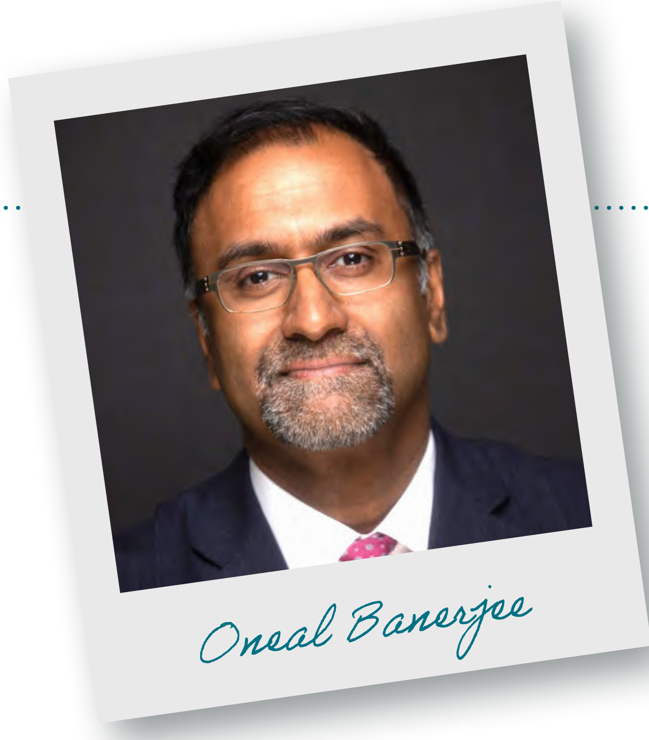
But joy is there. In fact, the profession is full of it. Like any job, a legal career has its ups and downs—its thrilling moments and its seemingly dreary tasks.

We asked some Ontario lawyers—from various practice areas and years of call—what they love most about being a lawyer and what part of their day brings them that all-important joy. Here's what they said.

"Every now and then I get a thank you card; or another lawyer sends me a holiday card; or a colleague sends a handwritten note of encouragement. I love these gestures of kindness from clients and colleagues. Being a lawyer can be an isolating experience. We focus on our solicitor-client relationships from a transactional approach, documenting our instructions, committing our legal advice to memos. Our work is surgical and tactical. We are taught to set and maintain professional boundaries, and to be stoic, intelligent, and tough.

But a hand-written card is magical. The whimsical bends and curves of the penmanship, the careful selection of words, the genuine expressions from the writer. Sometimes cards have a picture of a happy client, a sticker, or a small doodle or drawing enclosed. The choice of pen is always special – a sharpie or a fine point pen. The cards are always sent to my office address, which is available on my website and the Law Society of Ontario portal, so they always come as a surprise. The address is handwritten, the sender taking time to fill out the envelope and place a stamp. In today's digital age, this gesture is significant. I save every card that is sent to me, and a shelf in my office is now happily cluttered with them."

Neha Chugh



"I've been practicing law for almost 19 years. Nothing really beats being in court on a complex matter. But on a more regular basis, I love that I still find myself having to wrap my head around new and interesting facts, even in my focus areas, and having to write opinions on the probability of success in these matters. This is basically writing a more complex and much longer law school exam (we also assess damages).

For example, in one week in August 2021, I was assigned three files, each with a fact pattern I hadn't seen in the previous 18 years. The next month, I was asked to assist with handling a matter relating to alleged engineering design errors in the construction of a hydro-electric substation. Since October, I have worked on three class action certification responses relating to three completely different types of losses, in two different provinces.

Of course, I have to deal with more conventional matters, as well. But having to often consider new and complex issues allows me to address the more conventional matters with greater energy and vigor."

Oneal Banerjee

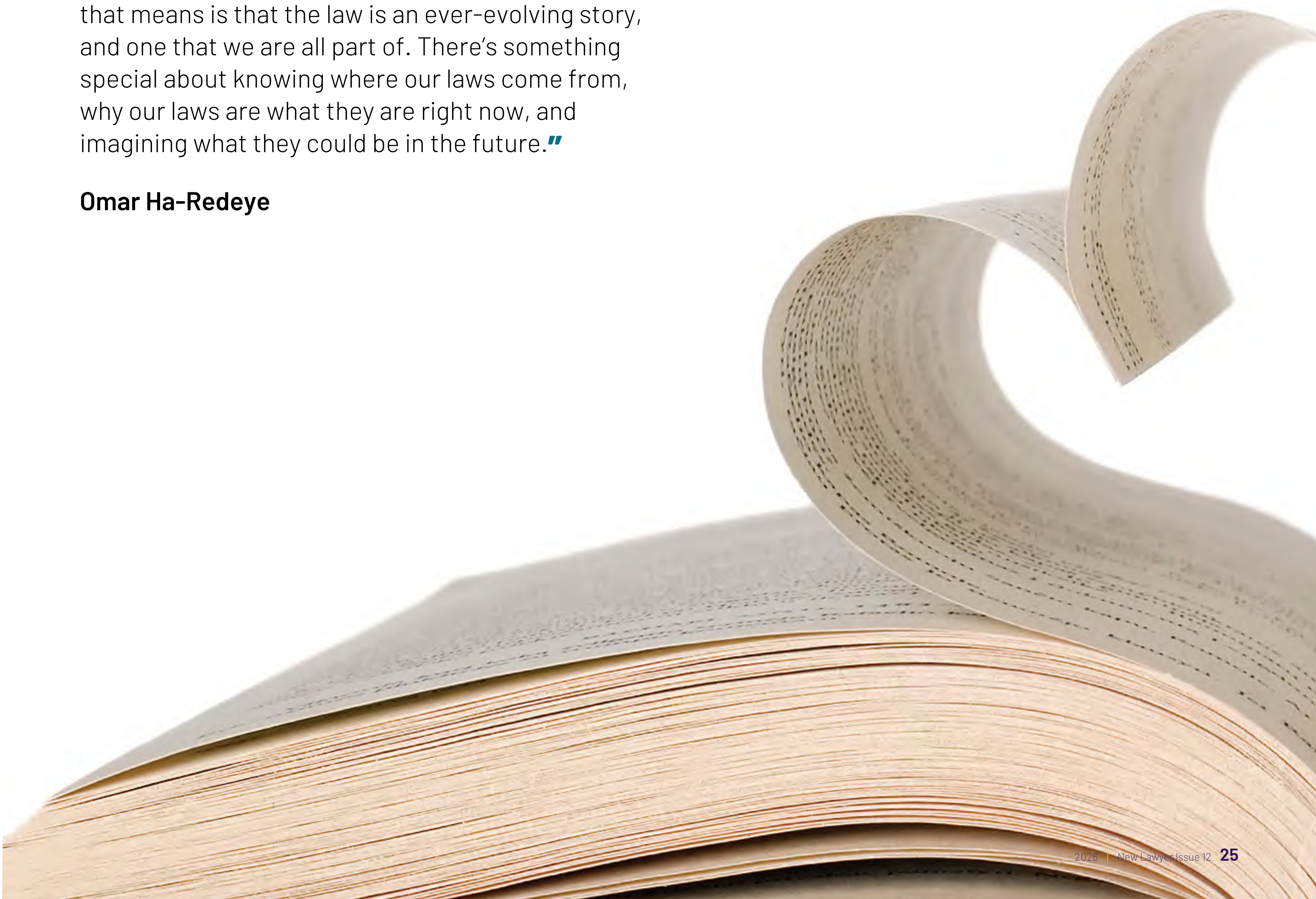
"I have done a lot of different things with my law degrees. I have overseen programs and strategies to improve access to justice, changed laws, and now I run a firm. In every position I have held, I have looked for and found ways to support the people I work with to do their best and to work collaboratively to achieve ambitious goals. Nothing makes me happier than helping a colleague identify a goal – big or small - and brainstorming and working with them to get there."

Kirsti Mathers McHenry

"One of the best parts of being a lawyer is being part of the legal community. The vast majority of lawyers that I know in Ontario are incredibly brilliant, kind, and generous people, who are always happy to see their colleagues, catch up on what they've been working on, and even lend a hand if you're encountering a particular challenge. Those connections have become far more strained during the pandemic, and I'm looking forward to catching up with many people in the months and years to come.

Having a passion for the law also means that on a monthly or even weekly basis there is always some new development or change in the law, either through a new court decision or statute or regulation that is being introduced or amended. What that means is that the law is an ever-evolving story, and one that we are all part of. There's something special about knowing where our laws come from, why our laws are what they are right now, and imagining what they could be in the future."

Omar Ha-Redeye



"My favourite aspect of my day-to-day work is speaking directly to clients, hearing their stories, and then transforming the information received into a plan of action. By the time people come to lawyers, they often feel discouraged and victimized. So being able to help clients reclaim what they've lost feels rewarding. The best part about being a lawyer is knowing that you've helped achieve justice for the underdog."

Heather Douglas

"What brings me satisfaction on a daily basis is the knowledge that my transactional work in the renewable energy sector – from the mundane to the complex – is contributing (at least in a small way) to Canada's energy transition.

This includes everything from contractual drafting to staying on top of the latest regulatory and legislative developments. For me, it's about seeing how the individual building blocks, which on their own may not be breathtakingly exciting, fit into a broader economic and social context, and provide us with virtually endless growth opportunities."

Will Horne

"I started my career as a litigator at a small law firm in Windsor. Back then, even though a divorce was uncontested, you had to attend court, robe, and call evidence to prove the grounds. As the only associate at my firm, it fell upon me to present these divorces. Each of the judges in Windsor had a preference for how they ran their court on uncontested divorce day, and they had no bones about chastising you if you didn't present the divorce exactly to their liking. So, on my own time, I made a point of going to court many times to observe and make notes on each judge's preferences.

One day I was heading to uncontested divorce court when one of the partners told me to bring the articling student along to watch. The articling student was my older brother's best friend. Will had taken a detour before going to law school, which resulted in me beating him to the call to the bar and now, coincidentally, landing us both at the same firm. The tide had turned – I was no longer the pesky little sister who wasn't allowed to tag along, rather the lawyer allowing the student to watch and learn. Karma, baby!

The courtroom was packed that day with lawyers and their clients. The cases were called in order of seniority of counsel. The judge seemed to be in a particularly foul mood, and, when the first case was called, the judge sniped at the senior lawyer and told him to sit down until he could figure out how to properly present a divorce. Next lawyer, same thing. The judge scanned the courtroom and saw me. "Miss Glatter", he said, "you're next." I put my client in the box, followed the script I'd prepared reflecting this judge's preferences, and got my client divorced without a stumble. The judge then turned to the packed courtroom and said, "That gentlemen, is how it's done". (Yes, back in the day they were all men.)

As the articling student and I left the courtroom, I turned to him and said, "That happens to me all the time."

I'm pretty sure I heard his eyes rolling."

Deborah Glatter

5 tips for developing emotional intelligence

Developing emotional intelligence can make you a more effective lawyer.

1. Self-Awareness

Are you avoiding a file? Dig deeper for what the reasons might be, and how you can approach the work. Avoiding work on a file may lead to missed deadlines.

2. Self-Regulation

Before sending a heated response to opposing counsel, pause and reflect on whether such a response would be productive.

3. Empathy

Actively listening without making assumptions or judgments can help you better understand your clients concerns and provide tailored solutions.

4. Self-Motivation

Focusing on gratitude and positivity improves overall health and well-being, which is beneficial for you and your clients.

5. Relationships

Communicating with clients with transparency and empathy helps set expectations, leading to fewer disappointments/misunderstandings.

Take a look at some resources available for free from the Member Assistance Program, such as eCourses on resilience, responsible optimism, resolving conflict, and taking control of your mood.

Member Assistance Program

Homewood Health

Experience the power of care

What MAP Offers You

Your Member Assistance Program (MAP) includes confidential support for mental, emotional, and day-to-day well-being. This guide shows the services available to you and your dependents and how to access support that fits your needs.

Many Ways to Get Support, All in One Place

MyAssistplan.com
Your online platform for all MAP services, with personalized service recommendations to help guide you to support and services that best fit your needs.

24/7 Support Line
Prefer talking to someone directly? Call any time to speak with a caring professional, book counselling, or access your services.

Health Resource Library
Browse articles, tip sheets, videos, and webinars on mental health, well-being, and everyday challenges.

Depression and Trauma Care
Provides structured, evidence-based psychotherapy for depression, anxiety, and trauma, from specialized therapists to support longer-term mental health.

Online Cognitive Behavioural Therapy (Sentio iCBT)
Structured, evidence-based programs for anxiety, stress, trauma, resilience, sleep, and overall wellbeing.

Life Smart Coaching
Phone-based sessions with specialists in nutrition, parenting, relationships, shift work, finances, and more—short-term, goal-focused, and practical.

MeetNow Immediate Counselling
Immediate support if it's convenient for you. Get a personalized recommendation that may include MeetNow or call today.

Counselling
Connect with a clinician to set meaningful goals, build on your strengths, track progress and develop strategies to maintain positive change over time.

Urgent & Crisis Supports
For mental health emergencies or acute distress. Call the 24/7 line for immediate clinical support

Access to confidential advice, mental health counselling, and coaching for you and your eligible family members, including your spouse and dependent children is available 24/7 by phone or online.

Get support that fits your needs:

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TitlePLUS® is a title insurer built for Canada, not adapted to it.

Protects the Role of the Lawyer

Our model was intentionally built to keep legal professionals at the center of the real estate transaction. TitlePLUS does not offer policies through banks or lenders that bypass the importance of the lawyer's legal advice.

Premium Dollars Stay in Canada

Every dollar supports the long-term stability of the profession.

Legal Services Coverage

As a Canadian, lawyer-led insurer, TitlePLUS offers unique protection for both clients and lawyers, and goes beyond standard title insurance with Legal Services Coverage included in almost every policy.

Underwriting Expertise You Can Trust

Our underwriting department is staffed with experienced real estate lawyers. When you have an issue on a deal, call and speak directly with another real estate lawyer, giving you confidence and practical support when it matters most.

TitlePLUS stands apart as a lawyer-focused title insurer: Canadian, trusted, aligned with the legal profession, and committed to protecting your role in every deal.

The TitlePLUS® Difference

DID YOU KNOW?

Many endorsements that provide coverage for lawyers' mistakes are subject to the exclusions, limits, and exceptions contained in the title insurers policy.

UNIQUE AND UNPARALELLED COVERAGE

Responds if the lawyer "Commits an error or omission in providing legal services for the transaction for which liability is imposed by law."

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Payouts are unlimited, subject to the policy amount and its industry standard inflation protection.

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Legal Service Coverage is automatically included in most policies – no missed coverage, no extra input, and no extra charge.

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