

18th Solo and Small Firm Conference: Evolution

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The Honourable Justice Kathleen Erin Cullin
Superior Court of Justice

Barbara Hicks
Hicks & Hicks Professional Corporation

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Fresh Legal

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June 13, 2024





Law Society
of Ontario

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Law Society of Ontario

130 Queen Street West, Toronto, ON M5H 2N6
Phone: 416-947-3315 or 1-800-668-7380 Ext. 3315
Fax: 416-947-3370
E-mail: cpd@lso.ca
www.lso.ca

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18th SOLO & SMALL FIRM CONFERENCE



E V O L U T I O N



AGENDA





Register at
[store.lso.ca/
18thsolosmall](https://store.lso.ca/18thsolosmall)

AGENDA AT-A-GLANCE

8:00 - 9:00 Breakfast, Exhibitors, and The InfoXchange

9:00 - 9:10 Welcome

9:10 - 10:05 Opening Plenary - Burnout: What It Is and What We Can Do About It

10:05 - 10:45 Break, Exhibitors, and The InfoXchange

CONCURRENT BREAKOUT SEMINARS AND WORKSHOPS

Registrants can watch/attend Seminar A or Seminar B. Workshops are in-person only.
All sessions will be available on-demand. Topics subject to change.

	SEMINAR A	SEMINAR B	WORKSHOP
10:45-11:45	Dealing with Sensitive Issues in the Workplace (1 h e)	The Evolution of Law-Niche Practice Areas	Automating Work Processes
11:45-11:50	<i>Session Change</i>		
11:50-12:50	A Focus on Legal Ethics for Solo/Small Firm Practices: Strategies to Manage Challenging Issues	Artificial Intelligence and ChatGPT	Ethical Persuasion: Storytelling and Selling
12:50-1:50	<i>Lunch (In-Person Attendees) Exhibitors and The InfoXchange</i>		
1:50-2:50	Marketing: How to Build Referrals and Your Reputation	Civility in a Time of Change	Do it Yourself- Canva
2:50-3:30	Break, Exhibitors, and The InfoXchange		
3:30-4:30	Closing Plenary - Evolution: What's Next		
4:30	End of Program		
4:30-6:00	Reception		

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PLATINUM

SILVER



e = Session contains EDI content.

Total CPD = 5 h Professionalism **P** + 1 h EDI Professionalism **e**

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Law Society of Ontario CPD

18th SOLO & SMALL FIRM CONFERENCE

JUNE 13

9:00 a.m. - 4:30 p.m.

EVOLUTION



LIVE IN TORONTO, Metro Toronto Convention Centre, North Building, 255 Front Street West, Toronto or **LIVE WEBCAST**

CO-CHAIRS



**The Honourable Justice
Kathleen Erin Cullin**
Superior Court of Justice



Barbara Hicks
*Hicks & Hicks
Professional Corporation*



Jennifer Reynolds
Fresh Legal



Andrew Leroy Rudder
Rudder Law Group

AGENDA

8:00 a.m. – 9:00 a.m. Breakfast, Exhibitors, and The InfoXchange (Room 105)

9:00 a.m. – 9:10 a.m. **Welcome** (Room 106)

Barbara Hicks, *Hicks & Hicks Professional Corporation*

Jennifer Reynolds, *Fresh Legal*

Andrew Leroy Rudder, *Rudder Law Group*

Do you have questions for the faculty? Speaking times include 10 minutes for Q & A. To submit questions for the faculty, scan the relevant QR code or use the link below:

Opening/Closing Plenary and Seminar A Questions



<https://bit.ly/4dcxNAO>

Seminar B Questions



<https://bit.ly/3UwlOou>

Workshop Questions



<https://bit.ly/3w9pxzV>

OPENING PLENARY: Room 106

9:10 a.m. – 10:05 a.m.

Burnout: What It Is and What We Can Do About It

Navigating the challenges of entrepreneurship as a sole or small law firm practitioner requires a unique set of skills. Our presenters help you identify specific stressors inherent to being a legal professional. Get strategies to minimize those stressors and learn how to use them to your advantage. Hear how to prevent burnout with a practical, science-based checklist that you can use whenever the pressures mount. This session equips you with tools you can implement in real-time to manage immediate stressors, as well as strategies that you can easily integrate into your workday to build resilience and bolster your health and productivity.

Maria Virginia Anzola, LL.M, INHC, RHC™, Consultant and Co-Founder, *The Flipside Plan Inc.*

Rosana Fernandez, MSc, INHC, RHC™, Consultant and Co-Founder, *The Flipside Plan Inc.*

10:05 a.m. – 10:45 a.m. Break, Exhibitors, and The InfoXchange (Room 105)

AGENDA

Please note:

- Registrants can attend or watch either Seminar A or Seminar B.
- Workshops are in-person only, on a first-come, first-served basis. Space is limited.
- **All sessions and all workshops will be available on-demand post-program.**

CONCURRENT BREAKOUT SEMINARS AND WORKSHOPS

BREAKOUT ONE 10:45 a.m. - 11:45 a.m.

SEMINAR A: Room 106

Dealing with Sensitive Issues in the Workplace (1 h)

Living in a global, diverse, and multicultural society has many benefits but also comes with its own set of challenges. Differences of opinions, beliefs, and customs can sometimes fuel disputes. Our speakers give you tools and strategies to help reconcile such disputes with sensitivity and tact, so that you can build (or continue to build) an inclusive workplace that empowers and retains diverse and talented staff.

Moderator: **Barbara Hicks**, *Hicks & Hicks Professional Corporation*

Panelists: **Rochele Padiachy**, *Manager, Learning and Knowledge Solutions, Canadian Centre for Diversity and Inclusion*
Brittany Taylor, *Rudner Law*

OR

SEMINAR B: Room 107

The Evolution of Law – Niche Practice Areas

As law becomes more specialized, niche practice areas have continued to emerge. How do you identify and get into one of these emerging niche areas of practice? How do you approach these areas of practice if you don't have a mentor to show you the way? Our experienced speakers share their unique journeys into "niche" practices and provide you with their practical insights and tips to identify, begin, or enhance your own niche.

Moderator: **Andrew Leroy Rudder**, *Rudder Law Group*

Panelists: **Emily Lam**, *Emily Lam Law*
Kathryn McCulloch, *Dentons Canada LLP*
Diane Kennedy Squires, *Smith Valeriote Law Firm LLP*

OR

WORKSHOP: Room 104BCD (in-person only)

Automating Work Processes

How do you ensure that every potential matter is tracked – from client intake to the resolution of the file – with minimal effort on your part? In this interactive workshop, our speaker helps you uncover the secrets of automating client intake and lead follow-ups. Learn how to set up seamless and consistent client communications as well as personalized interactions so that you can build trust and loyalty while reducing your manual workload.

Michelle Weger, *Venture Creative Collective*

11:45 a.m. – 11:50 a.m. **Session Change**

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BREAKOUT TWO 11:50 a.m. - 12:50 p.m.

SEMINAR A: Room 106

A Focus on Legal Ethics for Solo/Small Firm Practices: Strategies to Manage Challenging Issues

All legal professionals have professional and ethical obligations. As a sole or small firm practitioner, you may find yourself handling ethical issues without the benefit of guidance from more experienced colleagues and mentors. Our speakers provide you with a starting point and roadmap to understand common ethical issues that sole and small firm practitioners face. Get tools, tips, and resources to help you navigate those issues properly and grow your professional network of trusted colleagues, mentors, and other supports.

Moderator: **Barbara Hicks**, *Hicks & Hicks Professional Corporation*

Panelists: **Daniel Goldbloom**, *Goldbloom Law*
Ben Kates, *WeirFoulds LLP*
Janani Shanmuganathan, *Shanmuganathan Law*

OR

SEMINAR B: Room 107

Artificial Intelligence and ChatGPT

The future is now – are you ready for it? The evolution of technology and artificial intelligence in the legal profession continues to accelerate and the implications are far reaching. Our speakers provide practical information to help you understand what AI is, and how it can assist you to better leverage your work and serve your clients. They explore how to use these tools to market and brand your practice, assist in document review, and enhance your communications with others. By understanding what products are available, as well as the associated limitations and ethical issues, you leave this session with the skills you need to integrate these technologies into your practice.

Rachelle Laforge, *Things Change Legal Services*

OR

WORKSHOP: Room 104BCD (in-person only)

Ethical Persuasion: Storytelling and Selling

Communicating, negotiating, and persuading others are all critical skills that legal professionals use daily, no matter the practice area. Our speaker helps you to take these skills to the next level, teaching you how to clearly tell a story to ethically persuade your listeners. Learn how to reach consensus and reduce conflict in dealing with others in this interactive and dynamic workshop.

Marsha Shandur, Storytelling and Persuasive Communications Coach and Trainer, *Yes Yes Marsha*

12:50 p.m. – 1:50 p.m. Lunch, Exhibitors, and The InfoXchange (Room 105)

EXHIBITORS

Everyone could use a helping hand. Stop by our Exhibitors (Room 105) to discover products and services that can take your practice to the next level!



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lexo.ai



teranet.ca/industries/legal/



thomsonreuters.ca/en.html



titleplus.ca



virtualassociates.ca

BREAKOUT THREE 1:50 p.m. - 2:50 p.m.

SEMINAR A: Room 106

Marketing: How to Build Referrals and Your Reputation

Our speakers show you how to build an online presence by investing just one hour a week of your time. Get practical advice on developing online content, and creating a personal, attention-grabbing brand to make your practice stand out in an increasingly competitive landscape. Learn how to tap into existing networks to grow your referral base and enhance your reputation - all at no extra cost to you!

Tony Albrecht, *CONTENDER*

Andrew Leroy Rudder, *Rudder Law Group*

OR

SEMINAR B: Room 107

Civility in a Time of Change

Civility in the legal profession continues to be a hot topic. Post-pandemic, the ways we communicate have evolved as we increasingly rely on technology. This often leads to quick, “in the moment” responses. How can we safeguard against uncivil, knee-jerk reactions in this (digital) environment? What are the best ways to address issues when communications may cross the line into uncivil terrain? And how can you navigate uncivil communications when on the receiving end of them? Our expert panel explores these issues with an aim to give you practical guidance for your communications and interactions with other practitioners, clients, witnesses, the Court, and others.

The Honourable Justice Sheilagh O’Connell, Senior Advisory Family Justice, *Ontario Court of Justice*

Lisa Freeman, *Liva Freeman Dent LLP*

Elena Roizen, *Adesse Legal Services*

OR

WORKSHOP: Room 104BCD (in-person only)

Do it Yourself – Canva

Learn how to transform your solo or small firm practice by using Canva - a free online graphic design tool. In this hands-on workshop, our speaker provides you with practical tips and best practices on setting up an account and creating customized marketing and branding materials to help make your firm stand out. Don’t miss this opportunity to learn how you can do-it-yourself.

Caitlin Spearing, Founder and Social Media Marketer, *OMG Social Media Agency*

2:50 p.m. – 3:30 p.m.

Break, Exhibitors, and The InfoXchange (Room 105)



COMPLIMENTARY PROFESSIONAL HEADSHOTS

Make sure your first impression is a great one! Visit our on-site photographer to get your professional headshot today.

Registrants will receive an email to book an appointment, on a first-come, first-served basis. Didn't get an appointment? Visit the photographer's booth on program day for availability.



THE INFOXCHANGE

Have a question in mind? Look to the people at The InfoXchange for the answer! (Room 105)



CAN

Coach and Advisor Network

REP

Réseau d'encadrement de la pratique



Homewood
Health

LAWPRO®



LSO-Spot Audit



LSO-Practice Review



Law Society
of Ontario

Barreau
de l'Ontario

Great Library



PRACTICE
MANAGEMENT
Helpline

Ligne d'aide
À LA GESTION
DE LA PRATIQUE

CLOSING PLENARY: Room 106

3:30 p.m. – 4:30 p.m.

Evolution – What’s Next

Discourse about the future of the legal profession has revolved around AI, remote work, virtual courts, and cyber security. But what does this look like in reality and in practice? Many legal professionals already have lived experiences relating to these topics. Three of them convene to share their experiences at this year’s closing plenary. They provide you with real-world examples of how to (successfully) respond to a cyber security breach, embrace new and innovative technologies in their practice, and adopt a flexible remote work routine that allows safe work in other provinces and countries. Join us as we hear their stories and weave together the threads that will shape your future as a legal professional.

Moderator: **Barbara Hicks**, *Hicks & Hicks Professional Corporation*

Panelists: **Lisa Barazzutti**, *Barazzutti Strybos*
Yonida Koukio, *Oziel Law*
Andrew Leroy Rudder, *Rudder Law Group*

4:30 p.m. **End of Program**

4:30 p.m. – 6:00 p.m. **Reception** (pre-function space outside of 105/106)

Remarks:
Neha Chugh, *Bencher, Law Society of Ontario,*
Chugh Law Professional Corporation



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Fall
2024

COMING
JULY 2024!

Your CPD.



From your legal community.



This program qualifies for the 2025 LAWPRO Risk Management Credit

What is the LAWPRO Risk Management credit program?

The LAWPRO Risk Management Credit program pays you to participate in certain CPD programs. For every LAWPRO-approved program you take between September 16, 2023 and September 15, 2024, you will be entitled to a \$50 premium reduction on your **2025 insurance premium** (to a maximum of \$100 per lawyer). Completing any Homewood Health Member Assistance Plan e-learning course available at homeweb.ca/map also qualifies you for a \$50 credit.

Why has LAWPRO created the Risk Management Credit?

LAWPRO believes it is critical for lawyers to incorporate risk management strategies into their practices, and that the use of risk management tools and strategies will help reduce claims. Programs that include a risk management component and have been approved by LAWPRO are eligible for the credit.

How do I qualify for the LAWPRO Risk Management Credit?

Attendance at a qualifying CPD program will NOT automatically generate the LAWPRO Risk Management Credit. To receive the credit on your 2025 invoice, you must log in to [My LAWPRO](#) and completing the online Declaration Form in the Risk Management Credit section.

STEP 1:	STEP 2:
<ul style="list-style-type: none">• Attend an approved program in person or online; and/or• View a past approved program• Completing a Homewood Health e-course*	Complete the online declaration form in the Risk Management Credit section of my.lawpro.ca by September 15, 2024. The credit will automatically appear on your 2025 invoice.

You are eligible for the Risk Management Credit if you chair or speak at a qualifying program provided you attend the entire program.

Where can I access a list of qualifying programs?

See a list of current approved programs at lawpro.ca/RMcreditlist. Past approved programs are usually indicated as such in the program materials or download page. Free CPD programs offered by LAWPRO can be found at www.practicepro.ca/cpd

Whom do I contact for more information?

Contact practicePRO by e-mail: practicepro@lawpro.ca or call 416-598-5899 or 1-800-410-1013.

*One Homewood Health e-learning course is eligible for the credit on a yearly basis.



18th Solo and Small Firm Conference: Evolution

June 13, 2024

SKU CLE24-00602

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TAB 1

18th Solo and Small Firm Conference: Evolution

Burnout Prevention, Stress & Resilience Resources

Maria Virginia Anzola, LL.M, INHC, RHC™, Consultant and Co-Founder
The Flipside Plan Inc.

Rosana Fernandez, MSc, INHC, RHC™, Consultant and Co-Founder
The Flipside Plan Inc.

**Resource Link –
National Study on the Psychological Health Determinants
of Legal Professionals in Canada**

June 13, 2024



Thank you for attending our presentation ***“Burnout: What it is and what we can do about it”***, during the **18th Solo and Small Firm Conference**, hosted by the LSO. Health and productivity are a crucial combination and you and your team need both to succeed. We recognize that it is not always easy to create a starting point.

It is with this in mind, that we are excited to offer you these *Additional Resources* and the opportunity to bring our workshops to your firm and provide your team, no matter the size, with the tools they need to perform at their best in this fast-paced and highly demanding legal world.

The FlipSide's Blog



Every other week, a new blog is posted to address a specific topic and provide tools in the areas of health and productivity.

Each article is written with someone like you in our minds: a busy professional who wants to reach peak performance while maintaining optimal physical, emotional and mental health.

Below are two articles that can be of your interest. Feel free to peruse our catalogue, you will find many helpful resources.

Building a Morning Routine when Time is of the Essence

Are you Time Poor?

The FlipSide's Workshops



Stress Management in Real-Time

4 tools and 6 practices to avoid burnout and drive performance.



Mind Management

Skills and strategies to balance thoughts, emotions, and actions.



Optimize Sleep

Eight techniques to optimize rest and energy.



Focus and Distractions

Strategies to increase focus and manage distractions for great work in less time.

Please reach out via email and use promo code LAW15 to receive a 15% discount.

Rosana Fernandez, MSc, INHC
rosana@theflipsideplan.com
+1 905 334-7113

Maria Virginia Anzola, LL.M, INHC
mv@theflipsideplan.com
+1 416 271-3945



Kwik Brain - From Chaos to Control

This is a fun and short podcast in which brain coach Jim Kwik provides tools to organize your day to get the most out of it and create space for quality work and reduced stress.

Time and Attention - Productivity Prime Time

Did you know that we all have a time of the day in which we are naturally more productive? Chris Bailey shows how to calculate your “biological prime time” so you can organize your day around it to produce great work.

Huberman Lab -Improve Focus & Productivity

Enjoy a long and in-depth conversation about productivity, focus, optimal performance and how to avoid (and overcome) burnout with Dr. Andrew Huberman and Dr. Cal Newport.



Slow Productivity by Cal Newport

Understand burnout and its relation to productivity. Gain tools to optimize performance by doing less work with increased quality, and minimal stress.

How to Calm your Mind by Chris Bailey

This Canadian author addresses the topic of burnout from his personal experience that led him to do an in-depth research on the topic. The book is insightful and provides fantastic tools to manage stress and prevent burnout.

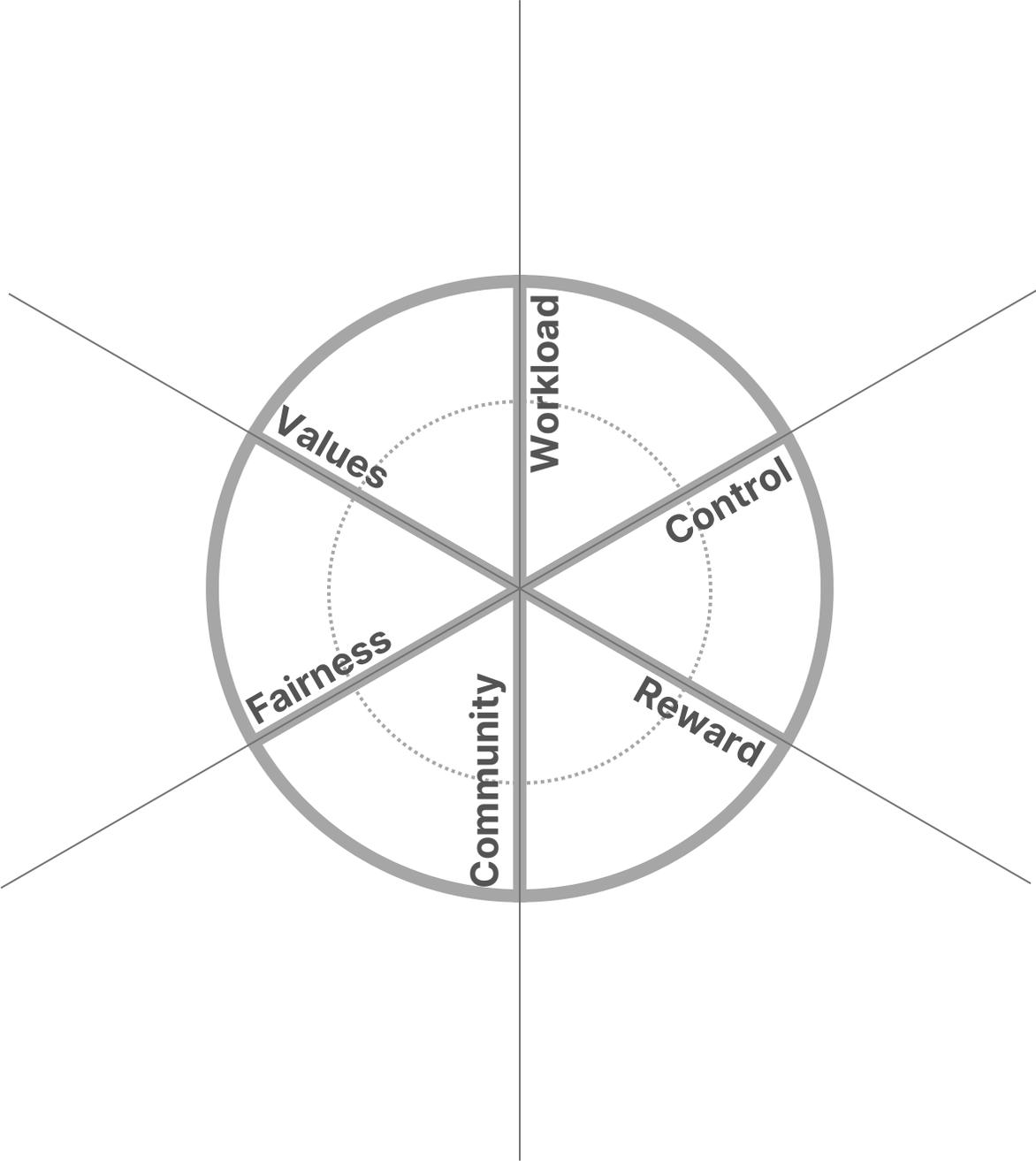
Stress Proof by Mithu Storoni

Learn the science behind self-care, and solutions to manage stress and protect your brain and body for a more resilient life. A guide on how to mitigate the debilitating effects of stress.

Rosana Fernandez, MSc, INHC
rosana@theflipsideplan.com
+1 905 334-7113

Maria Virginia Anzola, LL.M, INHC
mv@theflipsideplan.com
+1 416 271-3945

MBI - 6 Factors



www.theflipsideplan.com

Exhaustion	○ ○ ○ ○ ○
Cynicism	○ ○ ○ ○ ○
Inefficacy	○ ○ ○ ○ ○

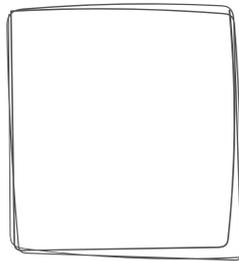
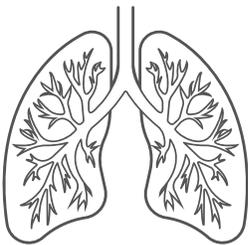
Stress Toolbox



stresscontrol in real-time

Breathing

Access the lungs as a gateway to the nervous system.



2 inhales to capacity (nose),
1 exhale (mouth)
x 5

Up inhale, right hold,
down exhale, left hold

Movement

Flush out and shake off the stress hormones.

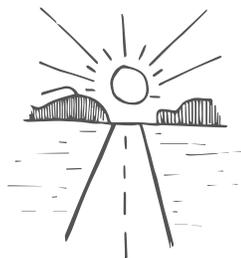
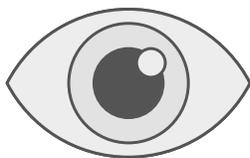


Move for 2 min. to increase heart rate (every 2h while at work)

Walk for 10 min. without a device

Vision

Use the eyes to decelerate the stress response.



Shift the focus (narrow to wide)

Panoramic vision

Game

Shift your attention away from the emotions.



Read a book, non work-related

3	8	7	4	9	1	6	2	5
2	4	1	5	6	8	3	7	9
5	6	9	3	2	7	4	1	8
7	5	8	6	1	9	2	3	4
1	2	3	7	8	4	5	9	6
4	9	6	2	5	3	1	8	7
9	3	4	1	7	6	8	5	2
6	7	5	8	3	2	9	4	1
8	1	2	9	4	5	7	6	3

Play a cognitive game

www.theflipsideplan.com

www.theflipsideplan.com

Routines



Morning Routine

- Time of day (at what time do you want to wake up)?
- Sleep time (the night before)?
- Morning Light
- Alone
- No electronic devices (unless used for guided activity)
- Move
- Visualize/plan the day
- No work-related activities

Closing Routine

- Time of day (what is the best time to schedule 10 minutes)?
- Check emails
- Review calls
- Check today's calendar (look back)
- Plan for deferred activities
- Look at tomorrow's calendar (and the week ahead)
- Schedule important and pending items and tasks
- Others (read, play a game, etc)

LSO CPD | 18th Solo and Small Firm Conference – Evolution

June 13, 2024

Resource Link

[EN Preliminary report Cadieux et al Université de Sherbrooke 221024.pdf \(flsc.ca\)](#)

TAB 2

18th Solo and Small Firm Conference: Evolution

Empowerment in Exchange: Strategies to
Transform Difficult Conversations through DEI Principles

Rochele Padiachy, Manager, Learning and Knowledge Solutions
Canadian Centre for Diversity and Inclusion

Having Difficult Conversations: Considering the
Legal Requirements for Employers in Ontario

Brittany Taylor
Rudner Law

June 13, 2024



Empowerment in Exchange: Strategies to Transform Difficult Conversations through DEI Principles

Rochele Padiachy, Manager, Learning and Knowledge Solutions,
Canadian Centre for Diversity and Inclusion

1. Preparation and Planning:

- Prepare in advance for difficult conversations by clarifying the purpose, desired outcomes, and potential challenges.
- Consider the perspectives and experiences of all parties involved to anticipate sensitive topics or triggers.
- Plan the logistics of the conversation, including the timing, location, and participants, to ensure a conducive environment.

2. Active Listening:

- Cultivate Active Listening Skills:
 - Demonstrate empathy and understanding by actively engaging in attentive listening to grasp the concerns and viewpoints of others.
- Avoid Premature Responses:
 - Refrain from interrupting or prematurely crafting a response, allowing the speaker to express themselves fully.
- Utilize Nonverbal Communication:
 - Employ nonverbal cues like nodding and maintaining eye contact to convey your engagement and attentive presence during the conversation.

3. Addressing Unconscious Bias:

- Acknowledge the presence of unconscious bias and its potential impact on perceptions and interactions.
- Encourage self-reflection and awareness to challenge personal biases.
- Provide education and resources on bias mitigation techniques to foster inclusivity.

4. Empathy and Respect:

- Approach tough discussions with empathy and respect, valuing others' emotions and experiences.
- Acknowledge and validate feelings without judgment or defensiveness, even if they differ from your own.
- Avoid minimizing concerns and maintain a respectful stance towards all perspectives.

5. Managing Emotions:

- Recognize and regulate your own emotions to prevent conflicts from escalating.
- Take breaks if necessary to regain composure and perspective before continuing the discussion.
- Maintain a calm and composed demeanor, focusing on professionalism and resolution even amidst disagreement.

6. Open and Honest Communication:

- Foster an environment of openness and honesty where everyone feels safe expressing thoughts and feelings.
- Encourage transparency and authenticity, sharing personal experiences when appropriate.
- Use clear, respectful language, steering clear of jargon or ambiguity to ensure effective communication.

7. Seeking Common Ground:

- Identify shared values or areas of agreement to establish rapport and understanding.
- Explore opportunities for collaboration and compromise that honor diverse perspectives.
- Emphasize common goals to steer conversations towards constructive solutions.

8. Conflict Resolution:

- Employ conflict resolution techniques like active listening and mediation to facilitate resolution.
- Focus on finding mutually acceptable solutions that address underlying concerns.
- Follow up to ensure agreements are implemented and lingering issues are addressed.

9. Continued Learning & Growth:

- View difficult conversations as opportunities for personal and collective growth.
- Encourage feedback and reflection to identify areas for improvement.
- Commit to ongoing education and training on DEI topics to enhance conversational skills.

10. Support and Follow-Up:

- Offer support and resources to individuals needing guidance post-conversation.
- Follow up to assess well-being and address any lingering concerns.
- Maintain a supportive, inclusive environment where individuals feel empowered to seek assistance as needed.



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Having Difficult Conversations: Considering the Legal Requirements for Employers in Ontario

Engaging in difficult conversations with employees is an inevitable part of running a business. Handling such discussions appropriately is not only important from a talent retention perspective, but because such discussions will often trigger an employer's legal obligations to its employees. As failing to comply with these obligations can have significant consequences for businesses, it is important for employers of all sizes to understand their legal obligations and approach difficult conversations with employees with these obligations in mind.

Legal Obligations for Small Business Owners

Small business owners in Ontario are often surprised to learn that, despite their size, they have many of the same legal obligations with respect to employees as larger organizations. This includes obligations with respect to:

- providing employees with a safe working environment (including a work environment free from harassment and violence) pursuant to the *Occupational Health and Safety Act* (the "OHSA");
- reporting workplace injuries in accordance with the requirements of the *Workplace Safety and Insurance Act, 1997* (the "WSIA");
- ensuring that employees are provided with their minimum entitlements pursuant to the *Employment Standards Act, 2000* (the "ESA"), including with respect to minimum wage, overtime and vacation pay, and keeping proper records in regards to same;
- ensuring that employees (and applicants) are not exposed to discrimination in the workplace (or the hiring process) and that the organization complies with its duty to accommodate employees pursuant to the *Human Rights Code* (the "Code");
- removing barriers for employees with disabilities that would otherwise interfere with their ability to fully participate in the workplace pursuant to the *Accessibility for Ontarians with Disabilities Act, 2005* (the "AODA");
- taking steps to create and maintain pay equity in the workplace pursuant to the *Pay Equity Act* (the "PEA"); and
- treating employees with dignity and respect pursuant to an employer's general common law duty to act in good faith in the course of the employment relationship.

One of the best ways for employers to be prepared for challenging situations in the workplace is to have clear policies and procedures in place and to educate employees with respect to these



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policies. This will provide a solid foundation for most difficult conversations, and help to satisfy at least some of an employer's legal obligations in the workplace.

Overview of Legal Requirements - Policies, Posting, and Training

As part of the broader obligations described above, employers in Ontario are required to create and implement workplace policies, post or provide copies of certain documents to employees, and provide training for their staff. These requirements vary depending on the number of employees (and in some cases, contractors) the employer employs in Ontario. The policies employers may be required to have include the following:

- Occupational Health and Safety Policy¹, pursuant to the OHSA;
- Workplace Harassment and Violence Policies, pursuant to the OHSA;
- Pay Equity Plan, pursuant to the PEA;
- Right to Disconnect Policy, pursuant to the ESA;
- Electronic Monitoring Policy, pursuant to the ESA; and
- Accessibility Policies, pursuant to the AODA, including:
 - ◆ An Accessible Customer Service Policy; and
 - ◆ A Multi-Year Accessibility Plan.

In many cases, employers are required to provide training on these required policies, and may also be required to post copies of the policies in the workplace.

1-5 Employees

Policy Requirements

- Workplace Harassment and Violence Policies (not required to be in writing)²; and
- Accessibility Policies, including an Accessible Customer Service Policy (not required to be in writing).

Training Requirements

- ensuring workers complete a basic occupational health and safety awareness training program;
- training on specific health and safety hazards or procedures in the workplace;
- training on the Workplace Harassment and Violence policies; and
- Accessibility training, including training on the Code as it pertains to persons with disabilities.

¹ Please note that the OHSA covers "workers", which includes both employees and contractors.

² While these do not have to be in writing, employers must be able to prove that these policies exist, which can be challenging to do without written policies.



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Posting Requirements

- the OHSA "Prevention Starts Here" poster, which outlines the rights and responsibilities of workers, supervisors and employers on the job;
- a copy, in full, of the OHSA; and
- the WSIA "In Case of Injury" poster.

Employers must also provide all employees with a copy of the ESA poster, entitled "Employment Standards in Ontario".

6-9 Employees

All of the requirements noted above, plus:

- an Occupational Health and Safety Policy (in writing), which must also be posted in the workplace; and
- Workplace Harassment and Violence Policies must be in writing, and copies must be posted in the workplace.

Pursuant to the OHSA, employers must also appoint at least one Health and Safety Representative from among the workers (who do not exercise managerial functions). The Health and Safety Representative has certain duties relating to the maintenance of a safe workplace, including the requirement to inspect the physical condition of the workplace at least once a month or, at minimum, once a year, and make recommendations to the employer.

10-19 Employees

All of the requirements noted above, plus:

- employers are required to ensure that pay equity is achieved pursuant to the PEA.

The PEA requires that all businesses with ten or more employees in Ontario take steps to compare the value and pay of different jobs in order to assess whether workers in jobs traditionally performed by women are being undervalued.

Employers who had 100 or more employees as of January 1, 1988 are required to have a written Pay Equity Plan. While all employers with ten or more employees are required to be able



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to demonstrate that they have achieved pay equity in the workplace, they are not required to have a written policy in place.

20-24 Employees

All of the requirements noted above, plus a workplace at which 20 or more workers are regularly employed must appoint a Joint Health and Safety Committee ("**JHSC**"), consisting of at least two persons, representing both the workers and the employer. The primary role of the JHSC is to identify workplace health and safety problems and bring them to the attention of the employer. At least half of the members must be workers and they must meet at least quarterly.

Workplaces with a JHSC have additional posting requirements, including the requirement to post the names and work locations of JHSC members in a place where they are easy for employees to find.

25-49 Employees

All of the requirements noted above, plus employers with 25 or more employees (as of January 1 of any given year) must create and implement two additional policies under the ESA:

- Disconnecting from Work Policy; and
- Electronic Monitoring Policy.

Employees must be provided with copies of these policies.

50+ Employees

All of the requirements noted above, plus:

- Accessibility policies must be in writing;
- employers must develop a Multi-Year Accessibility Plan outlining the organization's strategy to prevent and remove barriers and meet its requirements under the AODA, and must post a copy of the Plan on its website;
- employers must develop and have in place a written process for the development of documented individual accommodation plans for employees with disabilities; and
- employers must develop and have in place a return to work process for its employees who have been absent from work due to a disability and require disability-related accommodations in order to return to work.



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Optional Policies

The following types of policies are not legally required, but could benefit employers of any size, and as such may want to be included in any organization's toolkit:

- **Human Rights and Anti-Discrimination Policy** - all employers are required to comply with the Code, despite no legal requirement for an accompanying policy. Implementing such a policy can clarify employers' obligations in regards to workplace discrimination and harassment on human rights grounds.
- **Fitness for Duty Policy** - this has become particularly relevant with the legalization of recreational cannabis and the rise of medicinal cannabis use. Such a policy can establish employee expectations in regards to prescription medication, drug use, and impairment.
- **Accommodation Policy** - employers have a duty to accommodate employees on several grounds, regardless of an existing policy. As such, implementing a policy provides clarity on the accommodation process.
- **Vacation Policy** - most employees are entitled to vacation time and vacation pay under the ESA. This kind of policy can set clear rules on when employees can take vacations and how vacation pay will be paid.
- **Code of Conduct** - this can help establish conduct expectations and determine what is acceptable/unacceptable, and the consequences for unacceptable conduct, making it easier to discipline offending employees.
- **Remote Work Policy** - working from home vs the office can be contentious, this kind of policy can establish whether employees have the right to work remotely, and provide employers flexibility on remote work arrangements.
- **Social Media Policy** - this can allow employers to determine what constitutes acceptable vs unacceptable uses of social media, particularly with regards to social media use on the employer's devices.

Free Resources

Posters and copies of the OHSA:

Copies of the required ESA, OHSA and WSIA posters and access to the OHSA are available for free online at the following link:

- <https://www.ontario.ca/page/posters-required-workplace#section-1>

Training Resources

The basic occupational health and safety training can be completed for free online via the following link:

- <https://www.ontario.ca/page/health-and-safety-training>

Training on the accessibility standards and on the *Human Rights Code* is available for free online at the following links:

- <https://www.accessforward.ca/>
- <https://www.ohrc.on.ca/en/learning/working-together-code-and-aoda>

Policy Resources

The Ontario government has also developed guides to assist employers to prepare a Health and Safety Policy as well as Workplace Harassment and Violence Policies, which are available here:

- <https://www.ontario.ca/document/guide-occupational-health-and-safety-act/appendices>
- <https://www.ontario.ca/page/understand-law-workplace-violence-and-harassment#section-7>
- <https://www.ontario.ca/page/code-practice-address-workplace-harassment#section-1>



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Contact Information:

Brittany A. Taylor

Partner

Email: brittany@rudnerlaw.ca

Tel: 416.864.8502





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TAB 3

18th Solo and Small Firm Conference: Evolution

Farm Law

Diane Kennedy Squires
Smith Valeriote Law Firm LLP

June 13, 2024



18th SOLO AND SMALL FIRM CONFERENCE: EVOLUTION
THE EVOLUTION OF LAW-NICHE PRACTICE AREAS
JUNE 13, 2024

PRESENTATION BY DIANE KENNEDY SQUIRES

FARM LAW

How you started to work in the area and what were you doing before: Was this a conscious decision?

Yes, indeed, it was a conscious decision. Our law firm was always working the area. Several years ago it made the conscious decision to market Farm and Agricultural Law as a particular niche area, as part of our business law practice. Four (4) of our business law lawyers “signed up” and agreed to participate and market and develop even more expertise in this area. A portion of the firm’s marketing budget was carved out for Farm Law.

When you peel back the agricultural overcoat, Farm Law, by and large, is simply business law. The business law lawyers who signed on had already practiced business law for many years and were well suited to provide experienced sound advice on numerous issues farmers deal with on a regular basis.

Those same lawyers, being two from our Elora, Ontario office, myself, as well as two recently acquired lawyers who practice in both our Guelph office and our Elora Office, continue to practice in business law and take on clients in the Agricultural and Farm Law area of this law.

Our lawyers always liked acting for farming clients because they are high value, hard working businesses/individuals with personality traits that make excellent clients. They understand that their businesses take a special expertise and there are nuances unique to the agricultural sector. They pay their bills and are usually very appreciative of our work. Moreover, and genuinely, we are interested in the sector.

Reply to Guelph Office:

Reply to Fergus/Elora Office:

ADDRESS
245 Hanlon Creek Boulevard, Unit 102, Guelph, ON N1C 0A1
T 519 837 2100 TF 800 746 0685 F 519 837 1617

MAILING ADDRESS
P.O. Box 128, Fergus, ON N1M 2W7
ADDRESS
294 East Mill Street, Unit 108, Elora, ON N0B 1S0
T 519 843 1960 F 519 843 6888

What steps did you take to prepare?

We ensured that on our biographies on our general law firm website that our particular interest in the Farm and Agricultural areas was mentioned, so that if a person was ever conducting a “key word” search, our biography would come to the forefront.

At one point, we created a separate website called Farm Law. If you enter the search word “Farm Law” into your browser our web page should appear. It contains information and articles. At one point, “*this isn’t your grandparents farm anymore*” was the tagline. The web page contained information such as the obvious: that Farmland values have increased significantly, and their operations are much more sophisticated, the farmer needed sound legal advice from a lawyer who knew about their business.

It wasn’t a “big leap” to prepare in that many of us had knowledge or background in rural life already. And, as stated earlier, we are sincerely interested in agricultural issues and the law in the area.

What Matters: Other Points to Consider, and Recommendations

1. Geography does matter, in this instance, anyway

We are located in Guelph, Ontario, which has the largest congregation of agricultural related educators in Ontario at University of Guelph. We also have a large office in Elora/Fergus, which is a municipality 30 minutes north of Guelph, and in the middle of a large swath of agricultural businesses: chick, egg, dairy, and crop, to name a few. Our lawyers work *from* these offices, not ‘from home’. For the most part, the agricultural client likes to personally attend to meet with you.

Agricultural clients will usually not retain a downtown Toronto law firm.

2. Relationships matter.

Agricultural clients, like many other kinds of clients, (but probably more so) want to know you know their business. They assume you have full knowledge of the supply management system, which for many agricultural businesses is a key component of the success or failure of their business.

Certain of the sectors such as broilers (chickens) and egg, for instance, are already a small community operating within the quota system, and the farmers of these products all know each other or know of each other. Information is shared among them. If one farmer is pleased with your work, it will result in client referrals from other agricultural clients in the same sector.

In both offices, and particularly the Elora office, we have strong ties with Baker Tilly who are constantly referring clients to us with an agri-business and agricultural background because they know we have the expertise. Also present is the local accounting firm of RLB chartered accountants, who have a few accountants working in the agricultural sector, and we enjoy a good working relationship with them.

Lastly, Farm Credit Canada has a large office in Guelph, and a presence in the area—they refer work and/or are aware of our work in this area. Several of the banks have agricultural business arms, and we have developed relationships with their account managers as well.

3. Investment in their “community” matters.

We are members of the Canadian Association of Farm Advisors and have spoken at their conferences.

We each sit on agricultural related boards.

We write articles for agriculture and agri-business focus magazines (i.e. one of our lawyers recently wrote for Country Guide and will be writing an article for Progressive Dairy shortly), that we know our clients are still reading.

We speak at conferences (e.g. Dairy Xpo) and we regularly attend the Outdoor Farm Show.

We have sponsored a booth and attended the Plowing Match when it located at Harriston, Ontario one year (an hour away).

We do all of this to add value to their community.



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TAB 4

18th Solo and Small Firm Conference: Evolution

Automating Work Processes for Lawyers (Slides)

Michelle Weger

Venture Creative Collective

June 13, 2024



Automating Work Processes for Lawyers

Michelle Weger
Venture Creative Collective
www.venturecreative.com

1

Purpose

Have you leave today understanding how automation can be used in your business with a plan on how to make it happen.

- Save time
- Make more money
- Have more freedom



2

BFD List

- Own an Aston Martin
- 12 years owning website development & automation business
- Mortgage free before 30th birthday
- Never worked a 'real' job
- Super profitable business
- Youngest ever 40 under 40 winner
- **Living with a disability: narcolepsy**



FORTYUNDER40
2020 RECIPIENTS

**YOU CAN'T
ASK THAT**

RBC Canadian Women
Entrepreneur Awards
Presented by:
**WOMEN OF
INFLUENCE**
NOMINEE

The National

**OTTAWA
BUSINESS
JOURNAL** > marketplace

3

Who would be left picking up the pieces?



4

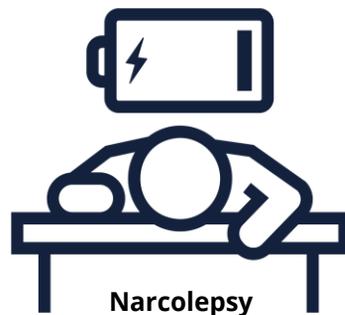
Why didn't he automate?

Michelle Weger Keynote

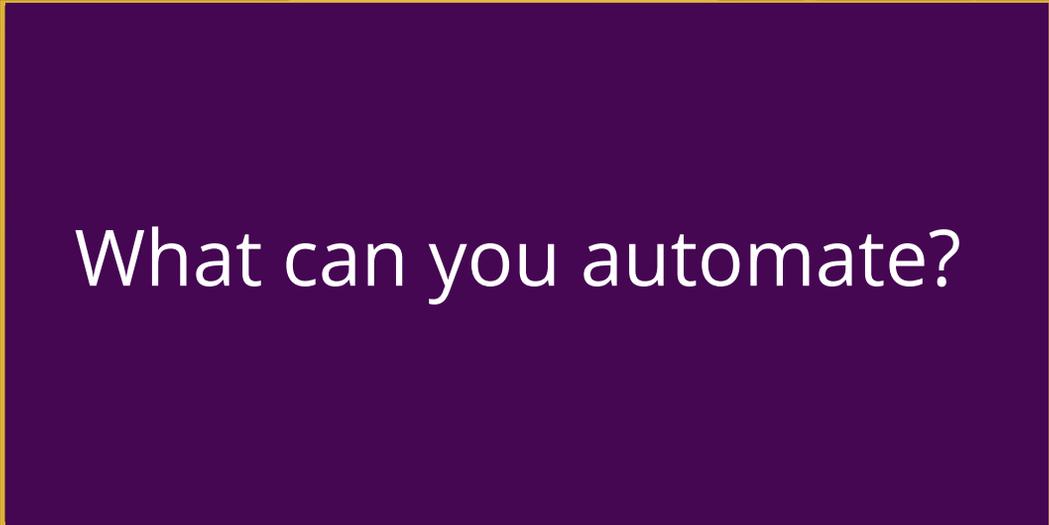
5

Why did I automate?

- Feels like 48 hours without sleep
- Low chance of career & life success
- Not allowed to drive
- Most live on the poverty line
- Excessive daytime sleepiness
- Bouts of muscle weakness
- Sleep paralysis



6



What can you automate?

Michelle Weger Keynote

7



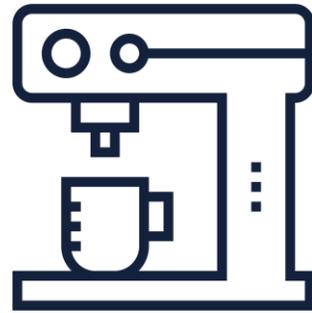
“Anything repeatable *is*
Automatable”

Michelle Weger Keynote

8

Who likes coffee?

- If you drink... 3 cups a day
- Then you refill the water 5 times per week
- 3 min/refill
- 15 min/week
- 1 hour/month
- **12 hours per year**



9

What should you automate?

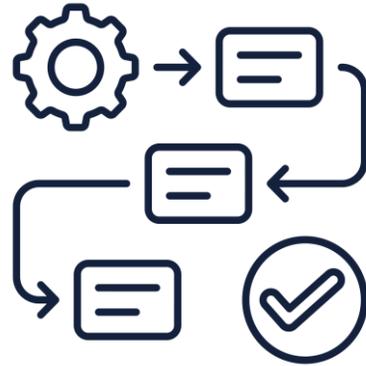
Michelle Weger Keynote

10

4-5

Focus on non/low billable items

- Intake
- Billing
- Document Management
- Contracts
- Conflict Search
- Referral Requests
- Payment Reminders
- Reporting



11

Let's focus on intake

Michelle Weger Keynote

12

Write down ALL the ways
someone first contacts
your firm

Michelle Weger Keynote

13

Text Message

Email

Phone

Website

Chatbot

Social Media

Business Card

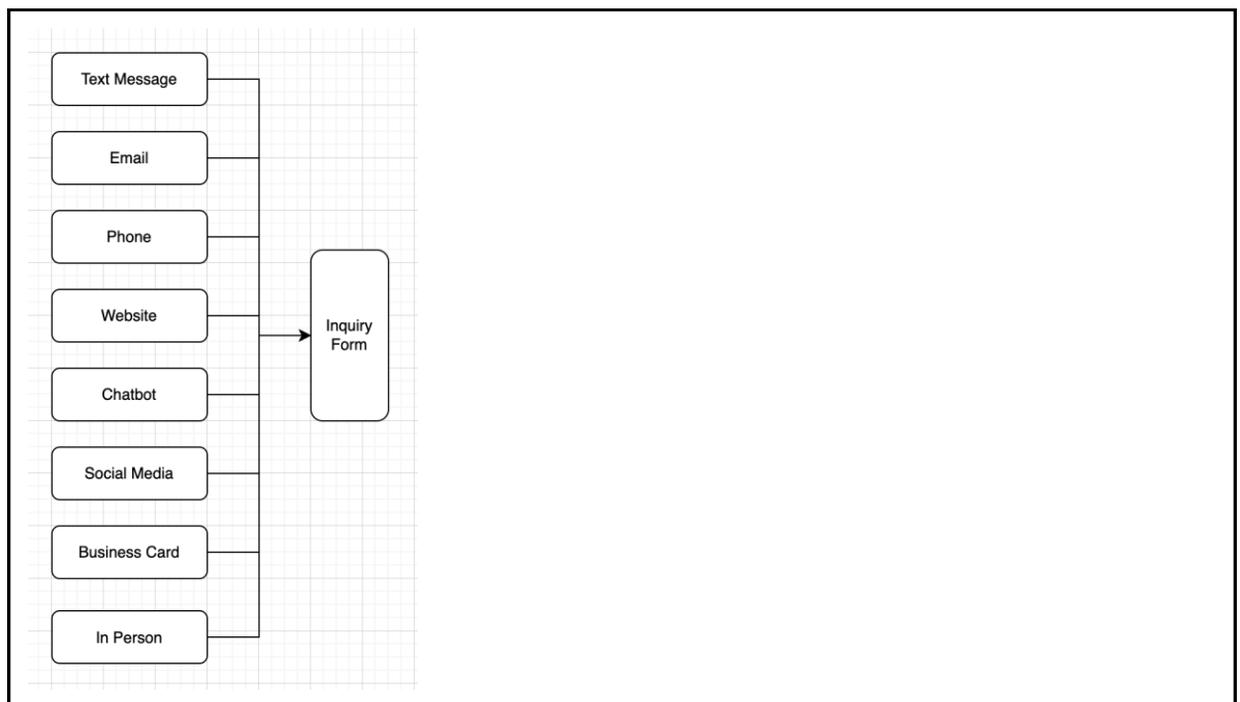
In Person

14

Pick 1 way to collect their information

Michelle Weger Keynote

15



16

Choose 1 area of law you offer

Michelle Weger Keynote

17

What information do you always need?

Michelle Weger Keynote

18

What service specific
information do you
need?

Michelle Weger Keynote

19

Turn it into a form

Michelle Weger Keynote

20

What you shouldn't do

Fill out the form below and we will contact you as soon as we possibly can!

<input type="text" value="First Name"/>	<input type="text" value="Last Name"/>
<input type="text" value="Email Address"/>	<input type="text" value="Phone Number"/>
<input type="text" value="Message"/>	
<input type="button" value="Send"/>	

21

Phase 2: Routing

Michelle Weger Keynote

22

Less options means less chaos

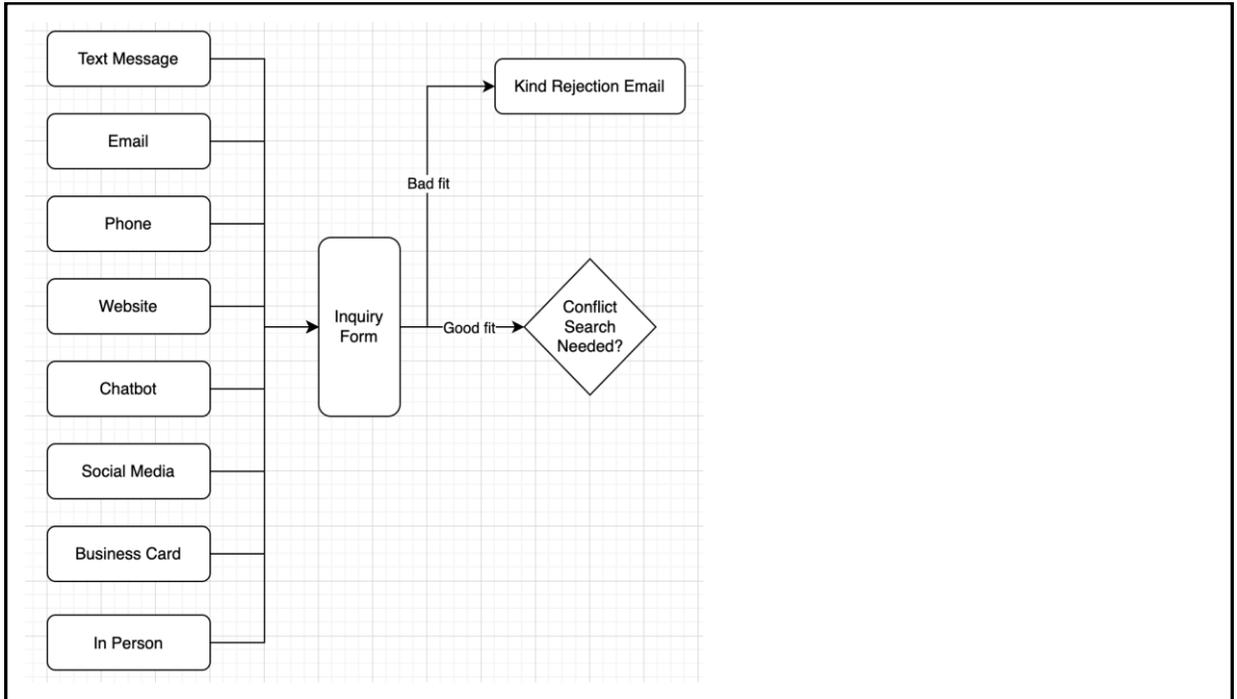
Michelle Weger Keynote

23

- Now what happens?
- Auto reject
 - Auto send to next step
 - Human intervention required

Michelle Weger Keynote

24

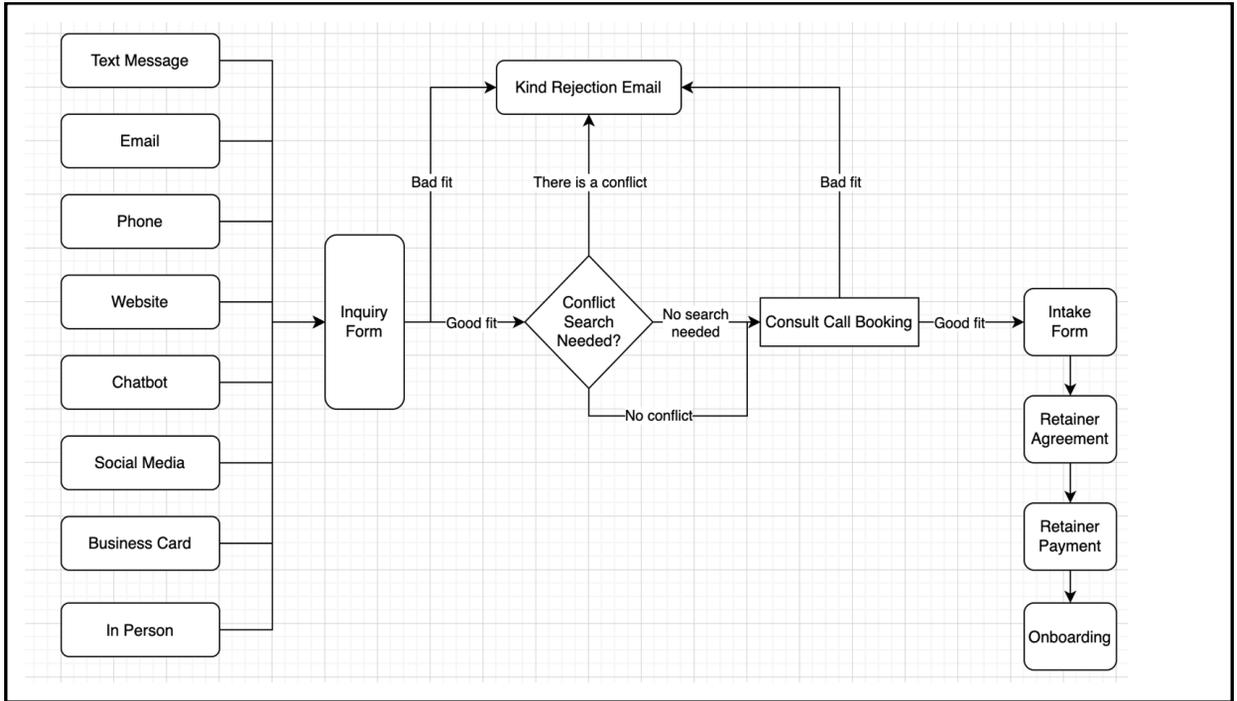


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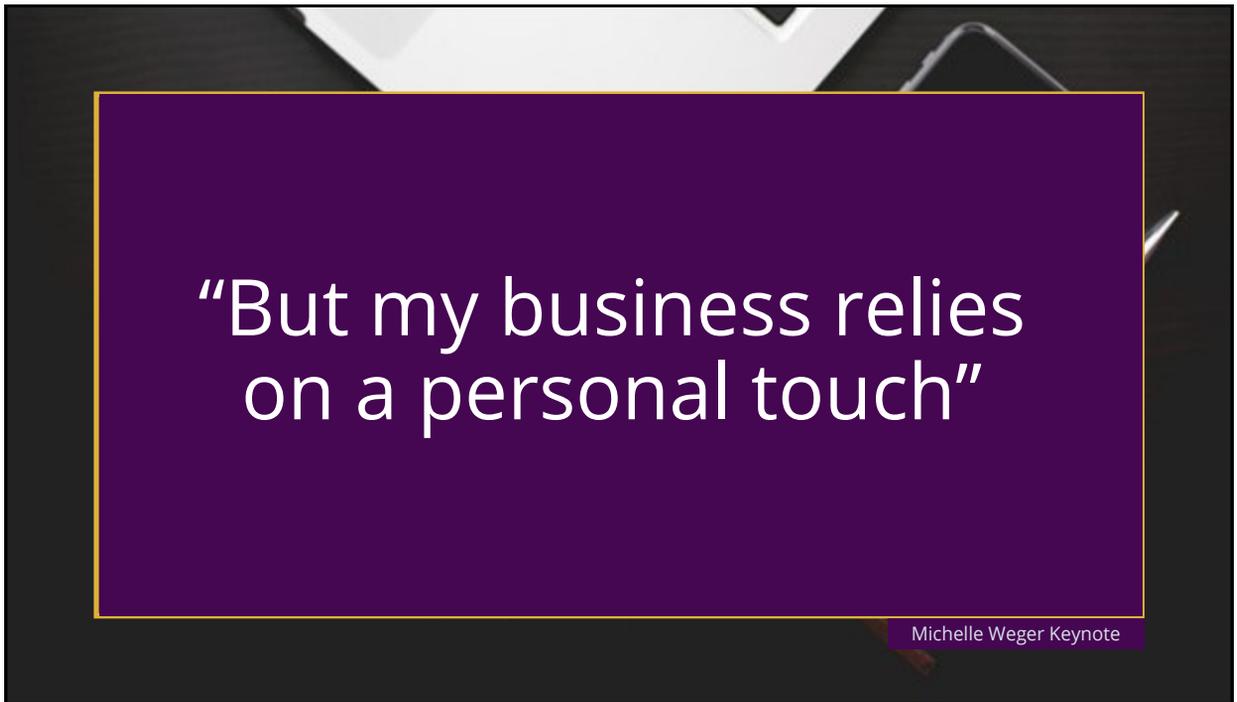
- Repeat for next step
- and the next step
- and all the next steps
- until the client has completed their journey

Michelle Weger Keynote

26



27



28

Your rate \times 6 \times weeks per year
=
Your cost of NOT automating

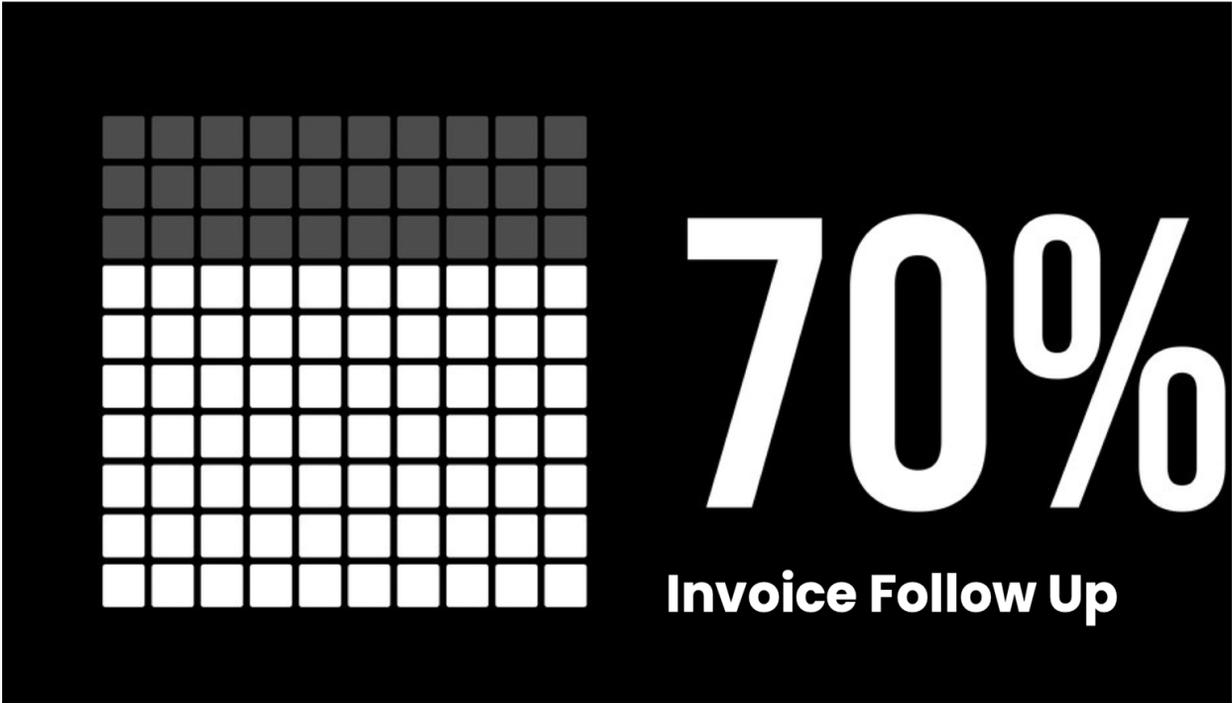
Michelle Weger Keynote

29

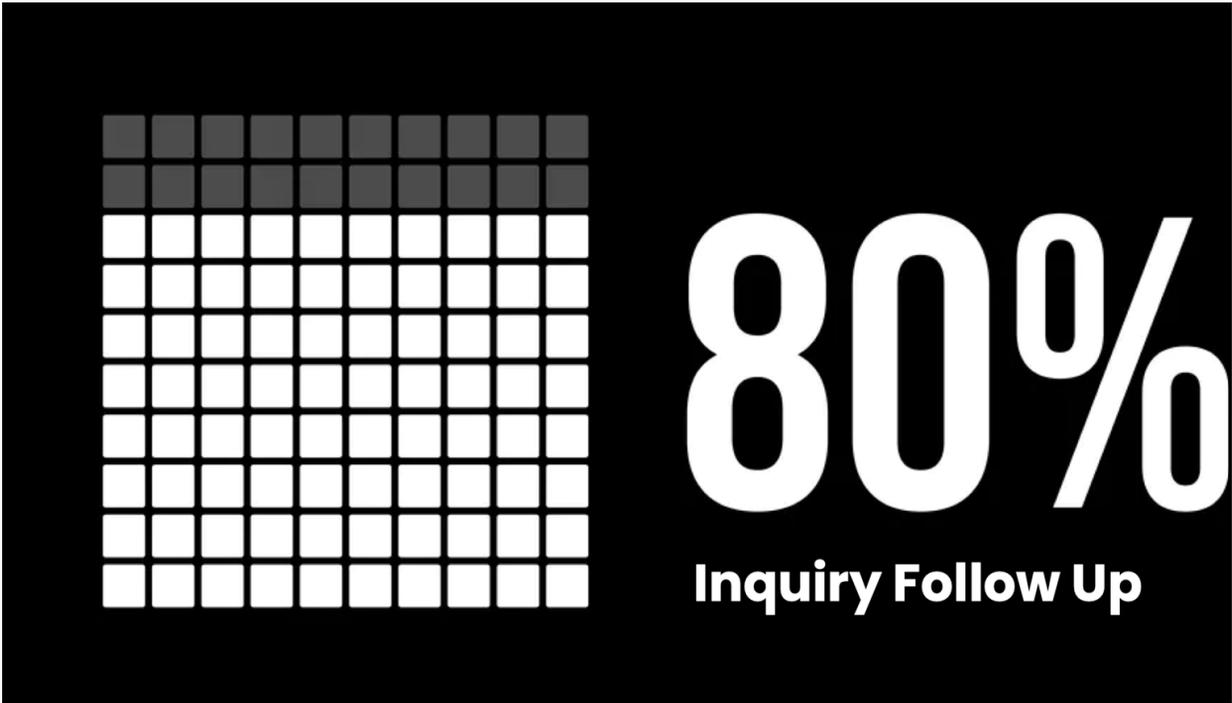
What is Falling Through
the Cracks?

Michelle Weger Keynote

30



31



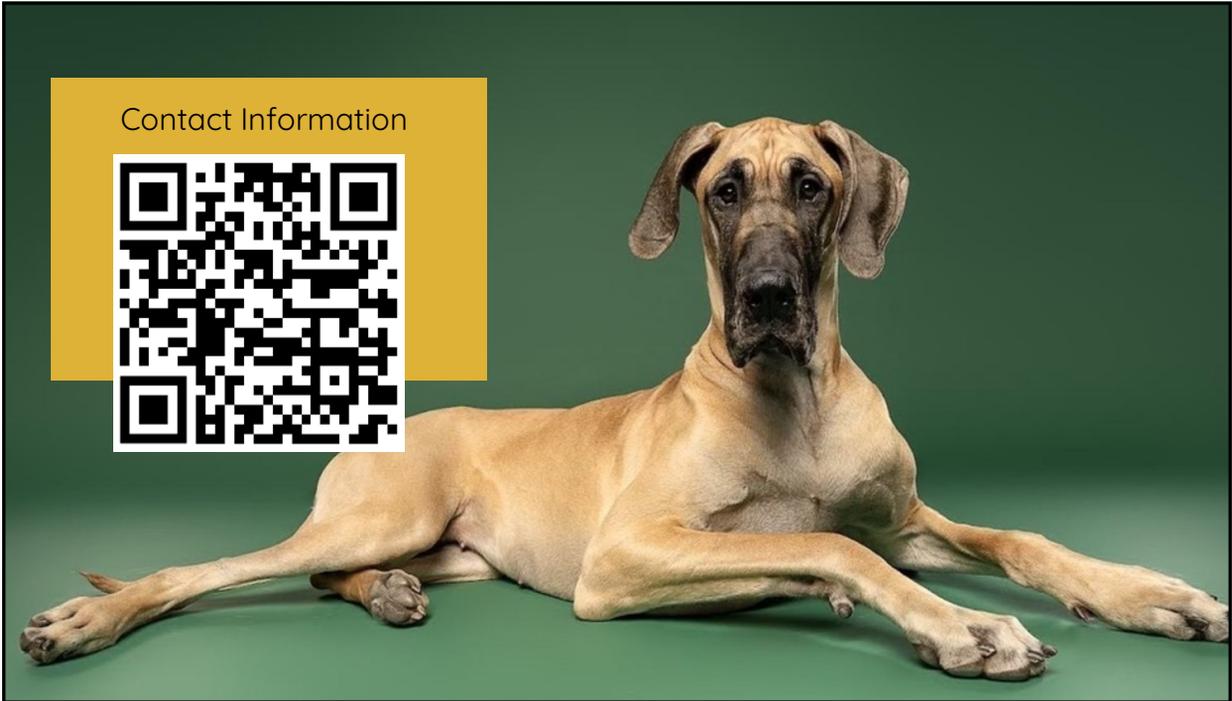
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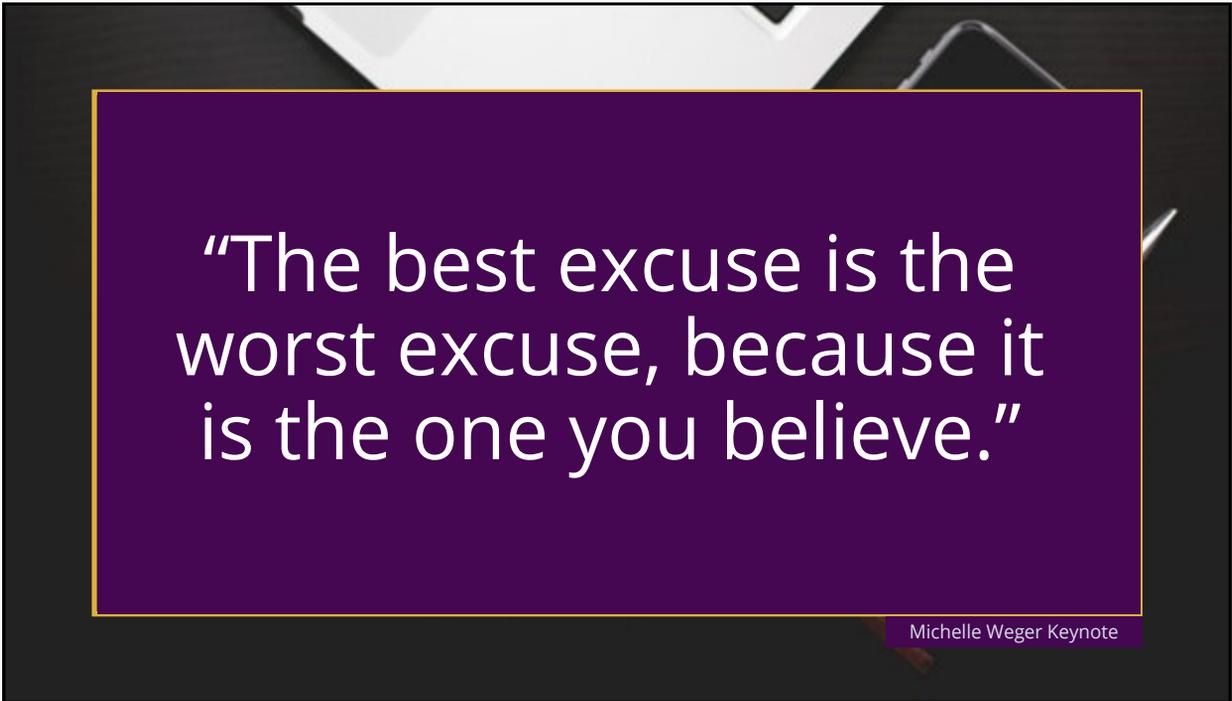
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34



35



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TAB 5

18th Solo and Small Firm Conference: Evolution

Summaries of Law and Jurisprudence

Ben Kates

WeirFoulds LLP

Daniel Goldbloom

Goldbloom Law

Janani Shanmuganathan

Shanmuganathan Law

June 13, 2024



18TH SOLO AND SMALL FIRM CONFERENCE

A Focus on Legal Ethics for Solo/Small Firm Practices:
Strategies to Manage Challenging Issues

Ben Kates, *WeirFoulds LLP*
Daniel Goldbloom, *Goldbloom Law*
Janani Shanmuganathan, *Shanmuganathan Law*

Summaries of Law and Jurisprudence¹

1) TRUST FUND ISSUES

A. SELECTED GUIDANCE:

[LSO Practice Support:](#)

Lawyers and paralegals who operate a trust account must comply with the trust account and related recordkeeping requirements under By-Law 9. Because money in a trust account belongs to the client, licensees are required to handle trust funds with special care and ensure they are not co-mingled with the licensee's or the firm's operating funds (i.e., general account). The trust account requirements in By-Law 9 assist licensees in documenting compliance with these obligations and help reduce the risk of misusing or misapplying trust funds by ensuring these monies are properly allocated, reconciled, and recorded.

[Rules of Professional Conduct:](#)

- [Rule 3.6-10](#): A lawyer shall not appropriate any funds of the client held in trust or otherwise under the lawyer's control for or on account of fees except as permitted by the by-laws under the *Law Society Act*.
- [Rule 3.2-7.3](#): A lawyer shall not use their trust account for purposes not related to the provision of legal services.

[Paralegal Rules of Conduct](#)

- [Rule 3.02\(6\)](#): A paralegal shall not use his or her trust account for purposes not related to the provision of legal services.

¹ **Note: Nothing herein should be regarded as legal advice.** These summaries are provided for informational purposes only and to serve as a starting point for understanding the professional obligations of lawyers and paralegals in respect of certain issues. Licensees' professional obligations are detailed in full in the [Rules of Professional Conduct](#), the [Paralegal Rules of Professional Conduct](#), and on the Law Society of Ontario [website](#), more generally. More information is also available through the Law Society of Ontario's [Practice Management Helpline](#)

- [Rule 5.01\(5\)](#): A paralegal shall not appropriate any funds of the client held in trust, or otherwise under the paralegal's control, for or on account of fees, except as permitted by the by-laws under the *Law Society Act*.

Law Society By-Laws:

Parts IV and V of the Law Society [By-Law 9](#) prescribe detailed requirements relating to the use of trust accounts. It states that every licensee shall maintain financial records to record all money and other property received and disbursed in connection with the licensee's professional business. Every licensee shall maintain the following records, among other things:

- [ss 18\(8\)](#): This rule states that licensees must keep a record showing a comparison—made monthly—of the total balances held in the trust account or accounts for clients.
- [ss 18\(10\)](#): Licensees must maintain bank statements or pass books, cashed cheques and detailed duplicate deposit slips for all trust and general accounts.
- [ss 18\(11\)](#): Licensees must also keep signed electronic trust transfer requisitions and signed printed confirmation of electronic transfers of trust funds.

Regarding the requirement to maintain sufficient balance in trust accounts, By-Law 9 states:

- [s. 14](#): A licensee must, always, maintain sufficient balances on deposit in their trust accounts to meet all their obligations with respect to money held in trust for clients.

When withdrawing money from trust funds, By-Law 9 clarifies that:

- [s. 9\(1\)](#): A licensee may withdraw from a trust account only if: 1) the money is required for payment to a client, or person on behalf of a client; 2) the money is required to reimburse the licensee for services or money expended on behalf of the client; 3) the money is directly transferred into another trust account and held on behalf of a client; 4) the money is directly transferred into another trust account and held on behalf of the client; 5) the money should not have been paid into a trust account but through inadvertence, was paid into the account.

Lastly, but most notably, By-Law 9, [s. 21](#) and [s. 22](#) state that financial records must be permanent (by either hands or electronic means) and that they be entered and posted so as to be current at all times for the Law Society to see.

B. SAMPLE CASES

Law Society of Ontario v. Eliezer, [2022 ONLSTH 98](#)

- *A Lawyer who fails to maintain proper books and records or improperly withdraws funds from trust accounts, contrary to LSO By-Law 9 and the Rules of Professional Conduct, is guilty of professional misconduct. Such misconduct justifies disciplinary action, including suspension, practice restrictions and fines.*

The Lawyer was a sole practitioner who practised primarily in the area of criminal law. In 2017, the LSO undertook a “re-audit” to follow up on past deficiencies. The issues identified included, among other things, the failure to maintain books and records, failure to prepare monthly trust comparisons, failure to prepare electronic trust transfers, and pre-taking fees and disbursements from trust without delivering billing fees to clients. The Lawyer acknowledged the deficiencies, and his compliance improved for a short time. However, in 2019, when the LSO again obtained books and records as part of an ongoing investigation, it was discovered that the Lawyer’s recordkeeping had once again deteriorated. Many of the issues identified in 2017 were manifested once again. Most notably, the Lawyer failed to maintain monthly trust reconciliations by the 25th day of the month (By-Law 9, ss. 18(8), 21 and 22); failed to sign electronic trust transfer requisitions or printed confirmations of electronic transfers (By-Law 9, ss. 18(11), 21 and 22); failed to create detailed deposit slips for all trust and general accounts (By-Law 9, ss. 18(10), 21 and 22); withdrew money from the trust account without delivering a billing of fees (By-Law 9, s. 9(1)); and failed to maintain sufficient balance in the trust account to meet all obligations (By-Law 9, s.14).

Part of the issue arose because of the Lawyer’s failure to judiciously monitor his trust account. He would “transfer funds out of his trust account by ‘feel’ without having maintained the required contemporaneous records”, and in so doing put his trust account into a deficit position. Even when the bookkeeper attempted to reconcile his records, not all his transfers from trust could be accounted for.

The Tribunal found that although the Lawyer had no prior disciplinary record, he expressed remorse, acknowledged the seriousness of this misconduct, committed to preventing recurrence, cooperated with the LSO, made efforts to rectify his mistakes and arranged to practise as an employee to improve compliance, penalization for misconduct was still warranted. It was determined that the Lawyer would face a 2-month suspension, with additional practice restrictions and costs.

Law Society of Ontario v. McQuaid, [2022 ONLSTH 124](#)

- *A lawyer who fails to advance a client’s legal proceedings, neglects to deliver statements of account and fails to return client funds promptly, does not respond with reasonable promptness to opposing counsel, and fails to maintain client confidentiality and safeguard client property, is guilty of professional misconduct.*

The Lawyer was a sole practitioner with general litigation practice. He was hired to represent a client in their divorce. He failed to advance the matrimonial proceedings by providing incorrect forms and neglecting to monitor the case, resulting in delays and financial burdens for the client. In addition to issues related to the provision of services, the Lawyer did not promptly return the balance of a client’s retainer after the termination of the retainer and failed to provide statements of account. Although the Lawyer had a limited disciplinary history, he admitted to the misconduct, fully cooperated, expressed understanding of the harm caused to his clients, returned his client’s retainer funds and faced challenging personal circumstances, including a serious medical diagnosis impacting his practice. It was determined that the Lawyer would receive a 2-month suspension, with additional practice restrictions and costs.

***Law Society of Ontario v. Roman*, [2023 ONLSTH 68](#)**

- *A paralegal's failure to deposit client retainers into a trust account, failure to serve clients competently, providing legal services beyond the scope of their license, misleading clients and the Law Society, and lacking integrity constitute professional misconduct. Such breaches justify severe penalties, including revocation of the licence, reimbursement of misappropriated funds, and payment of costs to maintain public confidence in the legal profession and ensure deterrence, rehabilitation, and restitution.*

A paralegal faced allegations of professional misconduct based on complaints from six clients. The charges included mishandling retainer funds, failing to serve clients competently, misleading the Law Society, providing services beyond the paralegal licence, and lacking integrity. The paralegal did not deposit client retainers into a trust account, violating Rules 3.01 and 3.02 of the Law Society's Rules of Professional Conduct. He failed to complete required applications and documents for clients, resulting in financial and legal consequences. He also provided services outside the scope of his licence, including handling permanent residence and travel document applications, in violation of section 26.1 of the *Law Society Act*. Furthermore, the paralegal misled clients about case statuses and provided false information to the Law Society, violating Rule 2.01. Despite being deemed to have admitted these allegations by failing to respond to the Law Society's request to admit, his actions showed severe breaches of professional duties. The Tribunal found the paralegal guilty of professional misconduct and revoked his licence immediately. He was ordered to reimburse the Law Society's Compensation Fund up to \$15,289 if compensation payments were made, repay Client A in the amount of \$1,125 and Client C in the amount of \$3,500 within two years, and pay \$1,000 in costs to the Law Society within two years. The revocation and penalties were aimed to maintain public confidence in the legal profession and ensure deterrence, rehabilitation, and restitution.

2) CONFLICTS OF INTEREST

A. SELECTED GUIDANCE:

LSO Practice Support:

"A conflict of interest exists when there is a substantial risk that a lawyer or paralegal's loyalty to or representation of a client would be materially and adversely affected by competing duties to another party or competing interests between the client(s) and the licensee. Because even well-intentioned licensees may not realize that the performance of their duties has been impaired, the rules address the risk of impairment rather than actual impairment. Substantial risk means a significant and plausible risk. It need not be certain or even likely, but it must be more than a mere possibility..."

Rules of Professional Conduct:

- **Rule 3.4-1:** This rule addresses conflicts of interest, highlighting that a lawyer must avoid conflict between their interests and those of their clients.

- [Rule 2.1-1](#): A Lawyer has a duty to practise law and discharge all responsibilities to clients, tribunals, the public and other members of the profession honorably and with integrity.

Paralegal Rules of Professional Conduct:

- [Rule 2.01\(1\)](#): A paralegal has a duty to provide legal services and discharge all responsibilities to clients, tribunals, the public and other members of the legal profession honourably and with integrity.
- [Rule 3.04\(1-3\)](#): A paralegal shall not act or continue to act for a client where there is a conflict of interest, unless there is consent, or the paralegal reasonably believes that they can represent each client without having a material adverse effect upon representation. Further, a paralegal shall not advise or represent opposing parties in a dispute.

The Bright Line Rule in *McKercher*:

To decide whether a Lawyer has a conflict of interest, the Tribunal looks to the bright line rule set out in the Supreme Court of Canada's decision in *Canadian National Railway Co. v. McKercher LLP*, [2013 SCC 39](#). In *McKercher*, the Supreme Court established a bright line rule that prohibits lawyers from acting against a current client, where the client's immediate legal interests are directly adverse, even in matters unrelated. If the situation does not fall under the bright line rule, the question then becomes whether there is a "substantial risk that the lawyer's representation of the client would be materially and adversely affected by the lawyer's own interests or by the lawyer's duties to another current client, a former client, or a third person."

B. SAMPLE CASES:

***Law Society of Ontario v. Marler*, [2018 ONLSTH 74](#)**

- *A Lawyer who has a conflict of interest and chooses to represent both parties despite the conflict, is guilty of professional misconduct.*

The lawyer acted for Clients "A" and "B" in the selling of a condo. At the outset, both parties wanted the property to be sold, and agreed on the timing and manner in which the sale would take place. However, over time, the interests of "Client A" and "Client B" began to diverge, and their goals became adversarial. Specifically, "Client A" wanted more time to leave the condo and was not interested in vacating the premises in "short order." Regardless of the adversarial interests of the clients, the Lawyer chose to continue to represent both. The Lawyer gave "Client B" confidential information about "Client A" and advanced the interests of "Client B" by convincing "Client A" to vacate the premises. Applying the bright line rule in *McKercher*, the Tribunal found that it was "obvious" that the legal interests of "Client A" and "Client B" were directly adverse. The clients were on opposite sides of a civil proceeding for a writ of possession, making the Lawyer guilty of professional misconduct.

Law Society of Ontario v. Rahimi, 2024 ONLSTH 36

- *A paralegal's duty of integrity, confidentiality, and loyalty to their clients extends beyond the duration of their formal representation. This duty prohibits the paralegal from taking retaliatory actions, such as disclosing confidential information or undermining a client's interests, even after the professional relationship has ended. The decision underscores that legal professionals must maintain high ethical standards and always protect their clients' interests and confidential information, regardless of personal grievances.*

A licensed paralegal faced 39 allegations of professional misconduct. The allegations stemmed from complaints by clients, the Immigration and Refugee Board (IRB), and the Law Society itself. The IRB is an independent administrative tribunal in Canada responsible for making decisions on immigration and refugee matters. The paralegal breached her duty of loyalty and confidentiality to her clients after their representation ended. Specifically, she sent "poison pen" letters to the IRB containing confidential information about former clients, accusing them of lying and manipulating the system. These actions were retaliatory, motivated by her anger over non-payment and perceived dishonesty from her clients, and were intended to jeopardize their refugee claims. The Tribunal found that the paralegal violated several Paralegal Rules of Professional Conduct. Among other breaches, the Tribunal found that the paralegal breached Rule 2.01, concerning integrity, by sending derogatory and confidential letters to the IRB, undermining her clients' refugee claims and showing a lack of honesty and fairness. The paralegal also breached Rule 3.04, related to conflict of interests, by prioritizing her grievances over her professional responsibilities, adversely affecting her duty of loyalty to her clients. The Tribunal held that the paralegal's actions undermined the trust and confidence required in legal professionals, particularly in the sensitive context of refugee claims, demonstrating serious violations of professional ethics.

3) SCOPE OF PRACTICE

A. SELECTED GUIDANCE:

LSO on the Scope of Paralegals:

"Paralegals are an integral part of the legal system. They are professionally educated and insured and are licensed by the Law Society of Ontario to serve the public and provide access to justice. Paralegals can provide an affordable option for those in need of legal services or representation... They are licensed to independently represent people in small claims court, traffic court, some criminal matters and before tribunals."

Paralegal Rules of Professional Conduct:

- [Rule 8.03\(2\)](#) states that a paralegal may market legal services only if the marketing (a) is demonstrably true, accurate and verifiable; (b) is neither misleading, confusing, deceptive, nor likely to mislead, confuse or deceive; and (c) is in the best interests of the public and is consistent with a high standard of professionalism.

B. SAMPLE CASES:

Law Society of Ontario v. Oliver, 2023 ONLSTH 140

- *Paralegals who engage in work outside the permitted scope of their practice commits professional misconduct. Such misconduct justifies disciplinary action, including indefinite suspension, fines, and other costs.*

The paralegal, a licensed P1 professional, faced accusations of professional misconduct on two main grounds: exceeding the scope of her licence and misleading clients about her qualifications. First, she entered into various retainer agreements to perform work beyond the permissible activities for paralegals, such as handling catastrophic impairment claims and damages claims outside the jurisdiction of the Small Claims Court. Second, the paralegal misled clients about her licensing scope. She owned a paralegal firm and entered into contracts with lawyers to handle tort cases, which were outside the permitted practice for paralegals. She instructed these lawyers to use her firm's email address and letterhead, creating a false impression that their firm was authorized to offer these kinds of legal services. Moreover, her website claimed that her paralegal firm was a "full-service law firm capable of advocating on your behalf at Ontario courts, boards and tribunals," and she described herself as part of the "paralegals and lawyers on the legal team", further misleading clients about the scope of her practice. The Tribunal held that the Paralegal was in violation of Rule 8.03(2), thereby indefinitely suspending her license, and ordered \$10,000 in costs to the Law Society.

4) FRAUD

A. SELECTED GUIDANCE:

Even when a lawyer does not know that they have facilitated fraudulent or otherwise dishonest conduct, the lawyer will still have committed professional misconduct if they *ought to have known* they were doing so. (See, e.g., *Purewal v. The Law Society of Upper Canada, 2009 ONLSAP 10* at para. 34.) The disciplinary penalties for unknowingly facilitating fraud, while significant, are far lower than those for knowing assistance.

Rules of Professional Conduct:

- Rule 3.2-7: A lawyer shall not
 - (a) knowingly assist in or encourage any dishonesty, fraud, crime, or illegal conduct;
 - (b) do or omit to do anything that the lawyer ought to know assists in, encourages or facilitates any dishonesty, fraud, crime, or illegal conduct by a client or any other person; or
 - (c) advise a client or any other person on how to violate the law and avoid punishment.

- [Rule 3.2-7.2](#): When retained by a client, a lawyer shall make reasonable efforts to ascertain the purpose and objectives of the retainer and to obtain information about the client necessary to fulfill this obligation.
- [Rule 3.2-7.3](#): A lawyer shall not use their trust account for purposes not related to the provision of legal services.
- [Rule 5.1-2\(e\)](#): This rule asserts that knowingly attempting to deceive the tribunal or influence the course of justice by offering false evidence, misstating facts, or law, presenting or relying upon a false or deceptive affidavit, suppressing what ought to be disclosed, or otherwise assisting in any fraud, crime, or illegal conduct.

[Red Flags in Real Estate Transactions](#)

Real estate lawyers are often targeted by unscrupulous individuals trying to commit various types of mortgage fraud. These fraudulent transactions may occur without the lawyer's knowledge (if the lawyer is not paying sufficient attention) and the lawyer will often receive no financial benefit apart from their modest legal fees. These frauds can take many forms, including fraudulently inflating the nominal purchase price so the buyer can secure a larger mortgage; falsifying documents to prove compliance with mortgage conditions; or even impersonating the owner of the property to complete a transaction.

Much has been written on how to red flags real estate transactions. The commentary under [Rule 3.2-7](#) (s. 4.1) provides some useful examples:

- Purchase price manipulations;
- One or more parties playing a nominal role in the transaction;
- The purchaser has no funds (or nominal funds) toward the funds required at closing;
- The parties appear to be concealing a non-arms-length relationship or otherwise colluding regarding the purchase price;
- Suspicious or repeated third party involvement; and
- The sale proceeds are paid to parties unrelated to the transaction.

The Law Society's online Practice Area Resources for Real Estate provides more detailed list of factors in [Red Flags for Fraud in Real Estate Transactions](#) and further resources on [Fighting Real Estate Fraud](#).

B. SAMPLE CASES:

***The Law Society of Upper Canada v. Abbott*, [2017 ONCA 525](#)**

- *The presumptive penalty for knowing participation in mortgage fraud is revocation of the lawyer's licence. The lawyer must demonstrate exceptional mitigating circumstances to obtain a lesser penalty.*

The lawyer knowingly participated in mortgage fraud in seven transactions over four months by failing to disclose material facts to his lender clients. The lawyer did not have actual knowledge of the frauds, but was reckless (i.e. he knew there was a risk he was assisting with fraudulent transactions, but persisted nevertheless) and wilfully blind (i.e. he knew that further inquiry was necessary to address the risk of fraud and chose not to make that inquiry). Recklessness and willful blindness are tantamount to knowledge. The lawyer failed to demonstrate exceptional mitigating circumstances (i.e. those that would credibly indicate not only that the misconduct was out of character and unlikely to recur, but that also explain why the misconduct occurred). The presumptive penalty therefor applied and the lawyer's licence was revoked.

***Purewal v. The Law Society of Upper Canada*, [2009 ONLSAP 10](#)**

- *The presumptive penalty for knowing participation in mortgage fraud is revocation of the lawyer's licence. The lawyer must demonstrate exceptional mitigating circumstances to obtain a lesser penalty.*

The lawyer knowingly participated in mortgage fraud in seven transactions over four months by failing to disclose material facts to his lender clients. The lawyer did not have actual knowledge of the frauds, but was reckless (i.e. he knew there was a risk he was assisting in the fraud).

***Law Society of Ontario v. Albaum*, [2023 ONLSTH 116](#)**

- *Using a trust account for purposes not related to legal services, failing to record these purposes, and failing to inquire further as to what the client's intentions are in pursuing these purposes, constitutes professional misconduct.*

The lawyer practised as a sole practitioner in securities and corporate law. In 2017, a client retained the lawyer and provided him with funds to be placed in trust. For a time, the lawyer hoped to receive legal work from this client related to the purchase and sale of bearer bonds, but this never occurred. Instead, on multiple occasions, the lawyer disbursed the funds to his client (some of which were received from a different client, whose identity he failed to verify) without doing any associated legal work. The Tribunal rejected the lawyer's argument that trust funds could be accepted as part of "business development" to develop a lawyer-client relationship with the hope of obtaining future legal work. The Tribunal found the lawyer was in violation of Rules 3.2-7.2 and 3.2-7.3 of the Rules of Professional Conduct. Rule 3.2-7.3 prevents lawyers from using their trust account for purposes not related to the provision of legal services while Rule 3.2-7.2 requires lawyers to make reasonable efforts to ascertain the purpose and objectives of the retainer and to obtain the client information necessary to fulfill this obligation. The lawyer never questioned the reasoning of his client for the misuse of the

trust, and relied on unreasonable assertions, such as the client owning billions in bearer bonds. The lawyer's misuse of his trust account could have shielded unsavoury financial dealings from scrutiny, including money laundering, tax evasion, or even terrorist financing. Lastly, the lawyer was found to be in violation of s. 18 of By-Law 9. Contrary to the By-Law, the lawyer did not record in his financial records when he would make disbursements from the trust account.

Law Society of Ontario v. Nejal, [2024 ONLSTH 42](#)

- *Misleading clients about the security of their investments and the status of their mortgage transactions, and failing to disclose critical information about the transactions, constitutes professional misconduct.*

The lawyer, a sole practitioner since 2009, was accused of professional misconduct for her handling of syndicated mortgage loans between 2013 and 2017. The Law Society alleged that she failed to obtain written consent or explain the consequences of joint retainers to her 27 clients. Additionally, she did not identify issues in mortgage documents, disclose risks, hold back required interest amounts, or inform clients about borrower defaults, thereby misleading them about the security of their financial interests. Furthermore, the lawyer misstated facts in a wrongful suit against a client, prioritizing her interests over the client's. She allowed clients' mortgages to exceed property purchase prices without informing them, used altered Form 9D documents, and permitted mortgage postponements without proper consent or risk explanation. Following these actions, the clients' mortgages defaulted, causing financial losses. She also wrongly sued a client for an interest payment due to a returned cheque. The lawyer admitted to and was found guilty of professional misconduct. Consequently, she received a six-month suspension, a permanent restriction from syndicated mortgage transactions, had to complete additional CPD courses, and was ordered to refund clients' fees and disbursements. Additionally, the lawyer was ordered to pay \$35,000 in costs to the Law Society.

Law Society of Ontario v. Mobberley, [2024 ONLSTH 15](#)

- *Recklessly affirming an affidavit containing false information and filing it with a court constitutes professional misconduct.*

The paralegal affirmed an affidavit containing false information and filed it with the Small Claims Court. He was reckless as to whether it contained false information, in that he knew this was a risk but proceeded anyway. The Tribunal rejected the Law Society's argument that any act of dishonesty triggered the presumptive revocation of the paralegal's licence (which ran contrary to the appeal panel's decision in *Law Society of Ontario v. Manilla, [2021 ONLSTA 25](#)*) and instead imposed a one-month licence suspension.

Law Society of Ontario v. Canizares, [2024 ONLSTH 33](#)

- *If a lawyer participates in fraudulent transactions, the Law Society may suspend their licence on an interlocutory basis in certain cases.*

On June 1, 2023, Toronto Police Services advised the Law Society that a lawyer was involved in fraudulent real estate transactions. The lawyer had acted for clients on four

real estate transactions despite one “very, very bright red flag” – these “clients” had been dead for many years. There was no evidence the lawyer acted on behalf of their estates. Pending further investigation, the Law Society sought to suspend the lawyer’s licence. To obtain an interlocutory suspension, the Law Society must show that (1) there are reasonable grounds to believe there is a significant risk of harm to members of the public or to the public interest in the administration of justice if the order is not made, and (2) that an interlocutory suspension is likely to reduce that harm. (See *Law Society of Upper Canada v. Weisdorf*, [2015 ONLSTH 39](#).) The lawyer consented to his own interlocutory suspension, for which the Tribunal had no difficulty in finding that the test was met.

5) FILE MANAGEMENT & ADVERSITY

A. SELECTED GUIDANCE:

Rules of Professional Conduct:

- [Rule 2.1-1](#): A Lawyer has a duty to practise law and discharge all responsibilities to clients, tribunals, the public and other members of the profession honorably and with integrity.
- [Rule 3.1-2](#): A lawyer shall perform any legal services undertaken on a client's behalf to the standard of a competent lawyer.²
- [Rule 7.2-1](#): A lawyer shall be courteous, civil, and act in good faith with all persons with whom the lawyer has dealings in the course of their practice.

Paralegal Rules of Conduct

- [Rule 2.01\(1\)](#): A paralegal has a duty to provide legal services and discharge all responsibilities to clients, tribunals, the public and other members of the legal profession honourably and with integrity.
- [Rule 2.01\(3\)](#): A paralegal shall be courteous and civil, and shall act in good faith with all persons with whom he or she has dealings in the course of his or her practice.
- [Rule 3.01\(1\)](#): 3.01 (1) A paralegal shall perform any services undertaken on a client's behalf to the standard of a competent paralegal.³

Mental Health and Professional Misconduct: Mental illness can provide a defence to professional misconduct only in rare circumstances where the illness *precludes* compliance with a licensee’s regulatory obligations (*LSO v. Khan*, [2020 ONLSTA 18](#)). Otherwise, it may be considered as a mitigating factor on penalty (*LSO v. Adams*, [2018 ONLSTH 20](#)).

² A “competent lawyer” is defined at [Rule 3.1-1](#).

³ A “competent paralegal” is defined at [Rule 3.01\(4\)](#).

B. SAMPLE CASES:

Law Society of Ontario v. Harris, [2022 ONLSTH 4](#)

- *A licensee's mental health issues can only serve as a defense to professional misconduct if the licensee can prove, on a balance of probabilities, that their mental illness prevented them from complying with their professional obligations. This requires a demonstrated connection between the mental illness and the alleged misconduct.*

The Law Society brought an application against the Lawyer for professional misconduct, alleging that he failed to serve and misled 15 clients over a period of at least 10 years. The findings against the Lawyer were extensive. He failed to commence lawsuits, lied about their progress, and provided false updates for several clients. The Lawyer did not pursue claims as retained, fabricated settlements, and misled clients about the status of their cases, affecting numerous others. He inadequately handled malpractice and insurance claims, resulting in dismissals and misleading multiple clients. In one case, he failed to defend a family law application, resulting in a significant judgment against the client. He withdrew a motion to change spousal support without the client's knowledge and concealed payments to avoid detection. Additionally, the Lawyer failed to advance a family law application, abandoned negotiations, and misled the client about the status of the case.

Despite presenting evidence from a forensic psychiatrist, the Lawyer did not prove that his mental illness prevented compliance with his professional obligations. Although he had mental health issues, he competently managed 300-500 active files, except for the 15 in question. The forensic psychiatrist could not link his mental illness to his misconduct. Therefore, the Tribunal concluded the Lawyer's mental health did not excuse his professional misconduct.

SPEAKER BIOGRAPHIES**BEN KATES**

WEIRFOULDS LLP (bkates@weirfoulds.com)

Ben is a Partner and Co-Chair of the Regulatory Practice Group at WeirFoulds LLP. Ben practises both administrative law and civil litigation. He represents and advises industry regulators with a focus on self-regulated professions, providing advice on issues related to, among other things, governance, registration, investigations, and capacity. He also serves as prosecutor in disciplinary and fitness to practice matters. Ben's civil litigation practice involves advising public and private-sectors clients, including not-for-profits, on litigation avoidance and governance issues, as well as representing them in civil proceedings. Immediately prior to joining WeirFoulds, Ben was Discipline Counsel at the Law Society of Ontario.

DANIEL GOLDBLOOM

GOLDBLOOM LAW (dq@goldebloomlaw.ca)

Daniel Goldbloom is lead counsel at Goldbloom Law in Toronto, practicing in criminal and regulatory defence. He defends people facing allegations of criminal, professional, and academic misconduct, and has appeared at all levels of Court in Ontario, including the Supreme Court of Canada. Among other professionals, he regularly represents lawyers and paralegals in Law Society investigations and before the Law Society Tribunal.

JANANI SHANMUGANATHAN

SHANMUGANATHAN LAW (janani@shanlaw.ca)

Janani Shanmuganathan is a criminal appellate and trial lawyer with her own firm, Shanmuganathan Law. She frequently argues at the Ontario Court of Appeal, and has also argued at the Saskatchewan Court of Appeal, Newfoundland and Labrador Court of Appeal and the Supreme Court of Canada. In addition to criminal law, Janani also does regulatory work, defending professionals subject to investigations and disciplinary proceedings, such as lawyers before the Law Society of Ontario.

Special thanks to WeirFoulds Summer Student Matt Gaulton for his assistance in preparing this handout.



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TAB 6

18th Solo and Small Firm Conference: Evolution

AI The Future is Now

Rachelle Laforge

Things Change Legal Services

Generative AI (Slides)

Julie Sobowale, Freelance Journalist

Canadian Bar Association

June 13, 2024



efficiency

ENHANCEMENTS

quick results
consistency
document summarization
training and education

practical

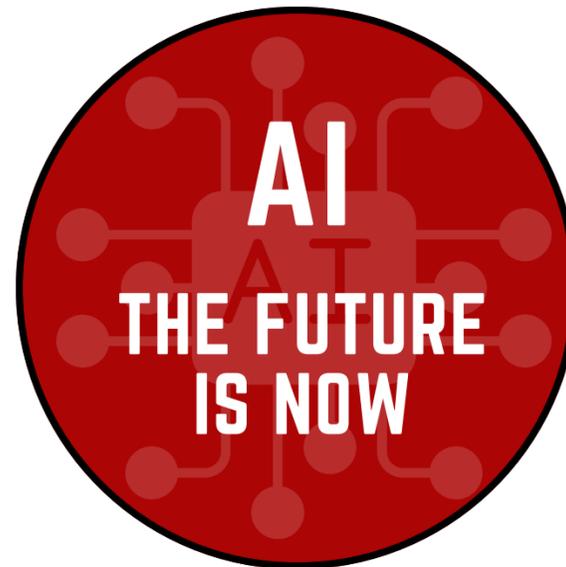
APPLICATIONS

client communication
legal research
document drafting
marketing

benefits

easy to use
creative solutions
time efficiency
rapid learning

accessibility
narrative tone
alternate perspectives
accessibility



cost

REDUCTION

automate routine tasks
case summarization
improved client retention

scheduling
minimize errors
scalable solutions

privacy

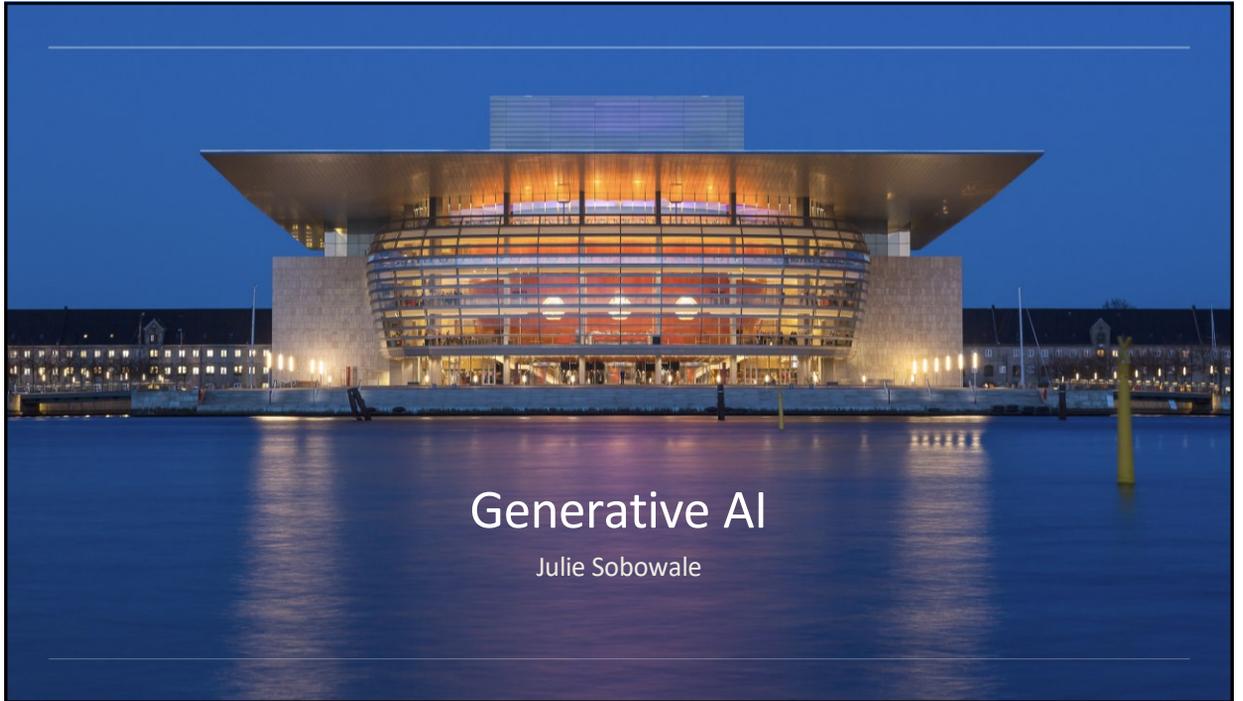
keep details generic
use secure platform
training and awareness
anonymization

ethical

CONSIDERATIONS

accuracy and reliability
transparency
bias and fairness
client benefit

**THINGS
CHANGE**



1

LSO Guidance

- [Licensee use of generative artificial intelligence](#) (White paper)
 - [Generative AI: Your professional obligations](#) (Practice note)
 - [Generative AI: Your quick-start checklist](#) (Checklist)
 - [8 best practice tips for using generative AI](#) (Tool)
-

General Tips

- Gen AI can supplement, not replace, legal judgement
 - Use by verify
 - Supervision
 - Time and billing budgets
-

3

The products

Public use generative AI

- OpenAI's ChatGPT
- Microsoft's Copilot
- Google's Bard or Gemini
- Midjourney

Legal generative AI

- LexisNexus AI+
 - CoCounsel
 - Spellbook
 - Jurisage AI
 - CanLII
 - Lexata
-

4

6-3



What about ChatGPT?

Don't use it for legal research!

5

Confidentiality and Privacy

- Default settings for public facing generative AI products is to use your data for training purposes, which violates confidentiality and privacy
 - OpenAI is currently under investigation by Privacy Commissioner of Canada
- Read the Terms of Use!
- The Sony example

6-4 6

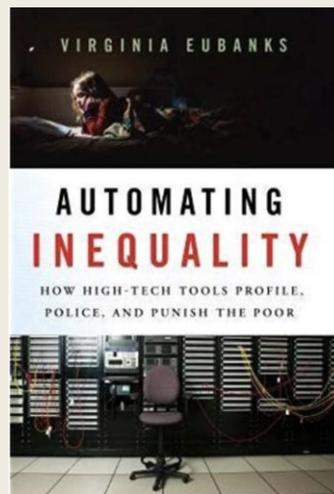
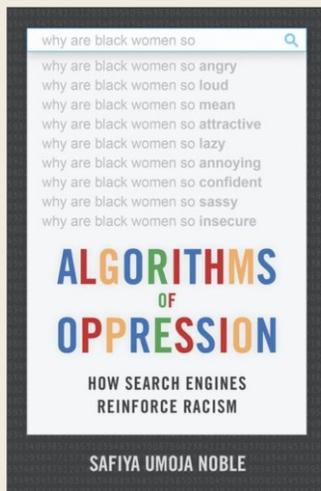


Copyright

Several lawsuits against OpenAI, Microsoft, Google and Midjourney

7

Systemic Discrimination



8

6-5

What to purchase

- Don't use the free version
- Read the Terms of Use!
- Start with one tool



9

Thank you!

Email: sobowaleconsulting@gmail.com

Twitter - JulieSobowale



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TAB 7

18th Solo and Small Firm Conference: Evolution

Ethical Persuasion (Slides)

Ethical Persuasion – Workshop Handout

Marsha Shandur, Storytelling and Persuasive Communications Coach and Trainer
Yes Yes Marsha

June 13, 2024





ETHICAL PERSUASION

@yesyesmarsha

1

1. Problems
2. Desired Outcomes
3. Myths/Objections

@yesyesmarsha

2

7-1

PERSUASION SITUATION

@yesyesmarsha

3

1. Problems
(that they THINK they have)

@yesyesmarsha

7-2 4

1. Problems
2. Desired Outcomes
3. Myths/Objections

@yesyesmarsha

5

YES YES
marsha



YesYesMarsha.com/solosmallfirm

6

7-3

THE PERSUASION SITUATION I WILL BE WORKING ON:

THE PROBLEMS THEY (THINK THEY) HAVE:

DESIRED OUTCOMES THEY (THINK THEY) HAVE:

MYTHS AND OBJECTIONS

(Fill this in after the workshop)

1-3 MAIN TAKEAWAYS

THREE THINGS TO GET CLEAR ON BEFORE ANY PERSUASIVE COMMUNICATION

1 What are the problems they currently have that your suggestion will solve?

- The ones you know they have
- The ones they *think* they have

2 What are the desired outcomes they have that your suggestion will deliver?

- The ones you know they have
- The ones they *think* they have

3 What are any myths or objections about your suggestion that they may have?

- How can you address them either directly or indirectly?



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TAB 8

18th Solo and Small Firm Conference: Evolution

LinkedIn Strategy for Law Firm Owners
With 1-Hour/Week

Tony Albrecht
CONTENDER

June 13, 2024



LinkedIn **Strategy** for Law Firm Owners with **1-Hour/Week**

Tony Albrecht

Founder, CONTENDER Creative

Prepared for the Ontario Law Society's 18th Solo and
Small Firm Conference.

June 13, 2024

CONTENDER

LinkedIn's Untapped Potential

LinkedIn is the world's largest professional networking site.

It has:

- More than 1 billion users.
- All of your colleagues.
- Countless potential clients.

Based on that alone, LinkedIn's potential value to your business as a marketing channel is substantial.

But how can you tap into that potential to connect with the right people?

You've never tried being active on LinkedIn.

You don't have the time to learn how to be effective, much less spend time every day on LinkedIn.

You have a law firm to run, right?

I've spent the last 2.5 years investing heavily in understanding the LinkedIn platform.

You can be effective on LinkedIn with an hour a week.

Benefits of Building an Online Presence on LinkedIn

Client Acquisition

Name Recognition and Brand Awareness

Strengthening Professional and Referral Network

Growing Your Reputation

Speaking Opportunities

How to Leverage LinkedIn in ~1 Hour/Week

I'll be honest—I've never been a numbers guy. So forgive me if I'm not bang on with my calculations here.

What I've tried to create here is an effective LinkedIn strategy that can be executed in an average of 1 hour/week over the course of 6 months.

The strategy has 4 pillars. Here's how it breaks down.

- **Clarify your Personal Brand**
2 hours total
- **Engage with Your Network**
2 hours/month (30 minutes/week)
- **Create Content**
1.5 hours/month
- **Optimize Your Profile**
1.5 hours/month

If you were to execute this strategy as outlined here, your time investment would amount to ~25 hours total.

That's right around 1 hour per week.

Personal Brand

“You have a brand in 2024, or you’re invisible. Your brand is the stories that people tell themselves about you and what they think you’ll be like when you walk in the room.”

-Seth Godin

Your personal brand boils down to how you want people to see you online.

To start clarifying yours, identify

- Your Corner of the Internet, the piece of digital real estate you’re out to claim and own (Eg. I’m on a mission to be the best family lawyer in London, ON);
- Your Content Pillars, the main topics you post about;
- Your People, the groups of people you’re interested in reaching and resonating with.

Filling out **Your Brand Pyramid** (available after the session) can help you get clear. You’ll then be in a better position to proceed on LinkedIn with confidence.

Content Creation

- Posting once weekly on LinkedIn is sufficient to gain traction as a creator.
- Traction means that when you say something, people will pay attention.
- You don't need to be an expert in every post.
- A strategy that has worked for me is to try to:
 - Be consistent (even 1x weekly).
 - Be interesting.
 - Be generous.
- Show your Point of View in every post.
- Keep it aerodynamic. If the post is longer than 250 words, it's probably too long.
- Batch write your posts. A single 90-minute session can give you a month's worth of content.

Engagement

- Start with commenting on 1 post/day you find interesting.
- Comment to show your perspective, your expertise, or your experience.
- Spending 30 minutes/week on commenting can help you establish a presence.
- Commenting is a good way to build relationships with the person posting and attract more attention to your own profile.
- Use direct messages as a way to show appreciation for people. Say you liked something about what they posted, for instance. Doesn't need to be a big thing.
- But avoid making your DM a salesy thing.

Profile Optimization

- **Headshot**

- If it needs updating, your phone's camera and decent lighting can get the job done.

- **Banner**

- The background graphic at the top.
 - Photos are good.
 - Informational graphics are usually better.
 - Don't leave it blank.

- **Headline**

- This is the info below your name.
 - Your title is fine. Something more descriptive as to who you help and how is better.

- **Featured Section**

- What action do you want people to take?
You can include links to your website, a calendar link, or a resource you offer.

- **About Section**

- Share the essence of your story.
 - Include what you do and why you're doing it.
 - Point people toward where they can learn more.

I'll see you out there.

Owning Your Corner of the Internet.

And of course, feel free to connect with me on LinkedIn.



Law Society
of Ontario

Barreau
de l'Ontario

TAB 9

18th Solo and Small Firm Conference: Evolution

Civility Checklist

Elena Roizen
Adesse Legal Services

June 13, 2024



CIVILITY CHECKLIST

Elena Roizen
Adesse Legal Services PC

FOCUS ON THE ISSUE

Address the issue, not the person

AVOID ASSUMPTIONS

USE A CALM TONE

SHOW APPRECIATION AND GRATITUDE

USE “I” STATEMENTS OR REPHRASE

‘I think’, ‘I feel’, ‘I tend to think’, ‘from my point of view’ and ‘in my opinion’

TAKE A BREAK

Take some time to gather your thoughts before responding

DO NOT ATTACK OR BLAME

VALUE DIVERSITY

TAB 10

18th Solo and Sma II Firm Conference: Evolution

Law Firms and Cyber Security (Slides)

Lisa Barazzutti
Barazzutti Strybos

Selecting and Implementing
Legal Technology Tools (Slides)

Yonida Koukio
Oziel Law

Working Remotely as a Lawyer or Paralegal
From Anywhere in the World

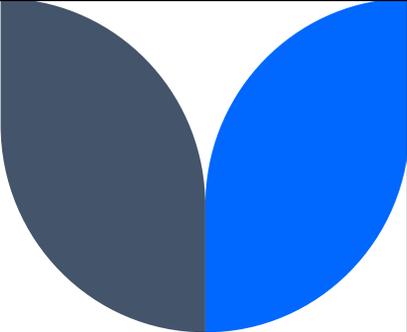
Working Remotely (Slides)

Andrew Leroy Rudder
Rudder Law Group

June 13, 2024



Law Firms and Cyber Security



Lisa F. Barazzutti
Barazzutti Strybos, Barristers & Solicitors

1

Discussion

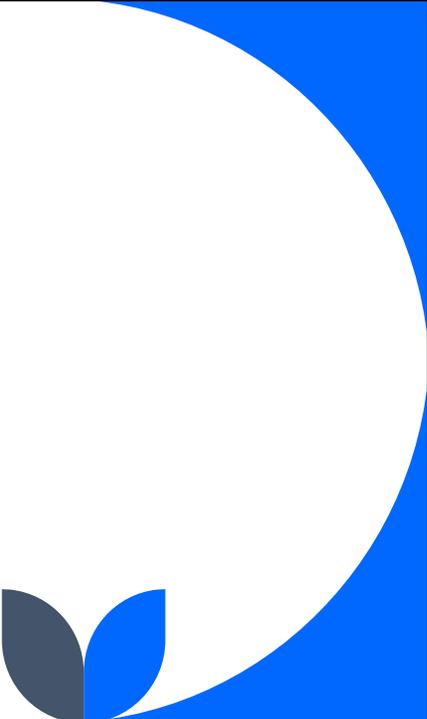
My Encounter with a Cyber Security Breach

Be Proactive

Caution is your friend

Knowledge is Power

Final tips & takeaways



2

**March 10, 2020
5:53 p.m.**



3

Cyber Attack

Mar 10, 2020	Electronic Funds Transfer MISC PAYMENT;PAYPAL	\$254.81
Mar 10, 2020	Electronic Funds Transfer MISC PAYMENT PAYPAL	\$1,542.21
Mar 10, 2020	Electronic Funds Transfer MISC PAYMENT PAYPAL	\$9,552.56
Mar 10, 2020	Electronic Funds Transfer MISC PAYMENT PAYPAL	\$1,099.22

- After bank hours
- After COVID announced
- Panic and chaos

4

Be Proactive and Be Prepared

- Check your trust and operating accounts often- I check morning and afternoon before the bank closes
- Have your banking information and all passwords ready and accessible
- Have after hours bank contact information accessible
- Use a dependable and reliable computer technician
- Know your bank manager

5

**Caution is your
friend**

Be aware and prepared

6

Tips for exercising caution

Beware of emails:

- Phishing emails
- Emails that ask for too much information
- If the email makes you go through too many hoops-chances are it is a scam

Guard your office banking information:

- Copies of office and trust checks should not be thrown out- shred them
- Change your passwords often
- Consider two step authentication
- Educate your staff
- Consider implementing tests for your staff

7

Knowledge is power

1. Regular staff meetings and regular updates to staff
2. Consider restricting access to online banking
3. Regular virus protection programs
4. Hard policy for clients and electronic e transfers

Use Resources that are available to you:

- Law Pro- regular updates and notices
- Anti-virus software- do the updates
- Consider not having on your firm website the “ask a question or contact us boxes” – this attracts a lot of bot emails which can be dangerous
- Consider restricting internet withdrawals from your trust and operating accounts

8

Tips to Minimize Risk

1. Check the email address.
2. Double check wire information and email information from the other side.
3. Two step verification for receiving wire transfers. I like to use the phone and speak to the lawyer or their clerk.
4. Call the client to verify how they want the funds or how they are to send you funds.
5. Be suspicious of last minute changes to previous instructions.



9

Final tips & takeaways

- Include instructions in your retainer agreement on how funds are received, released and transferred.
- Advise client that any changes to instructions for their funds should be verified by calling the office.
- Call client to verify any changes in their methods of sending in funds.
- Not only should you educate your staff about cyber fraud but you need to educate your clients.



10

10-5



Thank you

Lisa F. Barazzutti

705-531-3200

lisa.Barazzutti@lfbllaw.ca

www.barazzutilaw.ca



Selecting and Implementing Legal Technology Tools

18th Solo and Small Firm Conference: Evolution

June 13, 2024

Yonida Koukio, Oziel Law

Outline

1. ASSESSING FIRM NEEDS
2. IDENTIFYING THE SELECTION CRITERIA
3. RESEARCHING AND EVALUATING OPTIONS
4. IMPLEMENTING SELECTED TOOLS
5. LAW SOCIETY OF ONTARIO RULES
6. RESOURCES



Assessing Firm Needs



Firm Size and Stage

- Depending on the size and stage of your firm, prioritize the technology that will be more impactful, i.e. practice management, billing, communications etc.

Identify Pain Points and Workflow Challenges

- Conduct interviews or surveys with team members across different roles to gather insights into their daily tasks and the areas where they encounter obstacles

Understand Firm Goals and Strategic Objectives

- Evaluate how adopting legal technology tools can contribute to achieving the firm's goals, such as increasing efficiency, improving client service, or expanding into new practice areas

Consider Client Expectations and Industry Trends

- What would your clients expect in terms of technology adoption, e.g. regarding client communications, practice management, billing, and efficiency in delivering legal services

Identifying The Selection Criteria

Features and Functionality

- Before evaluating what's out there, create a list of the technology features that are important to you and meet your firm's needs
- Distinguish between “Must-have” and “Nice-to-have” features

Price Range

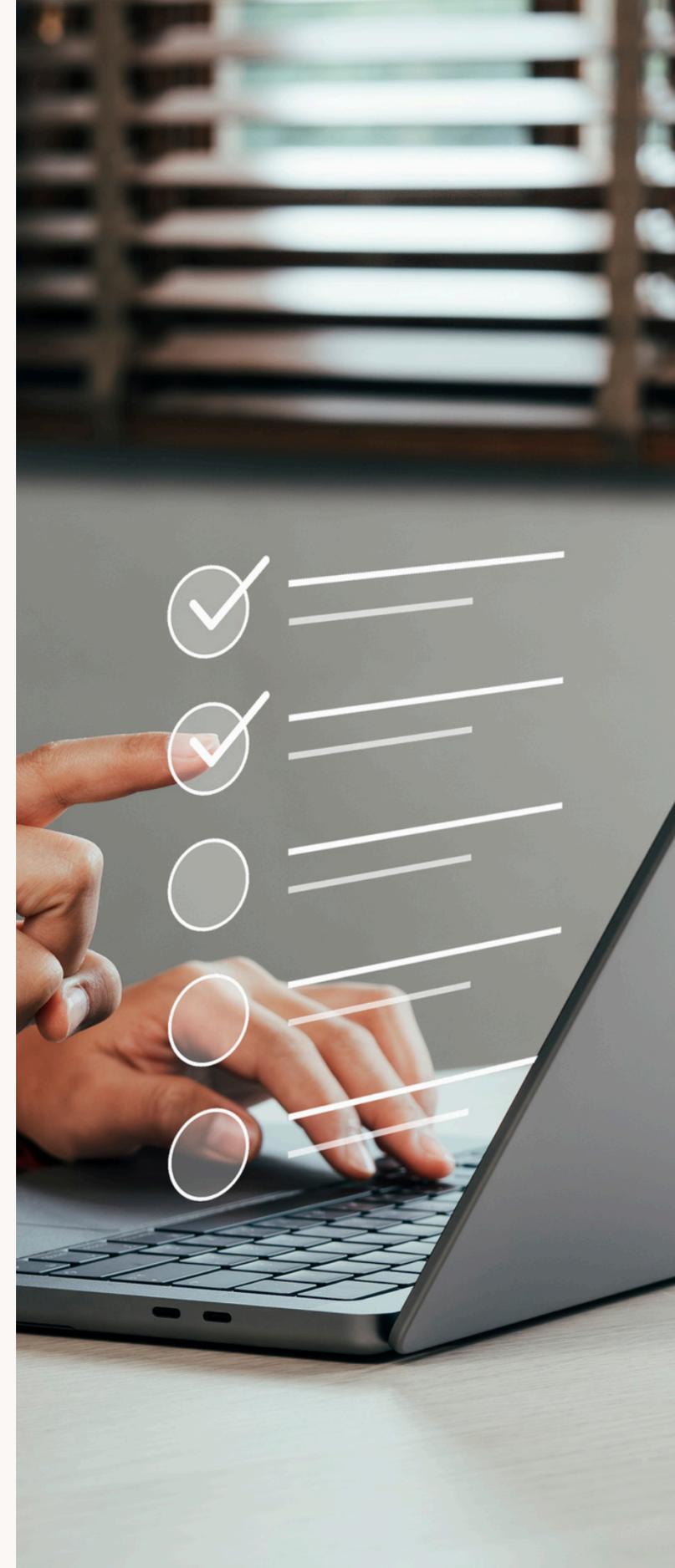
- Assess what your budget is, and your payment preference, i.e. annually, or monthly

Users and Adoption

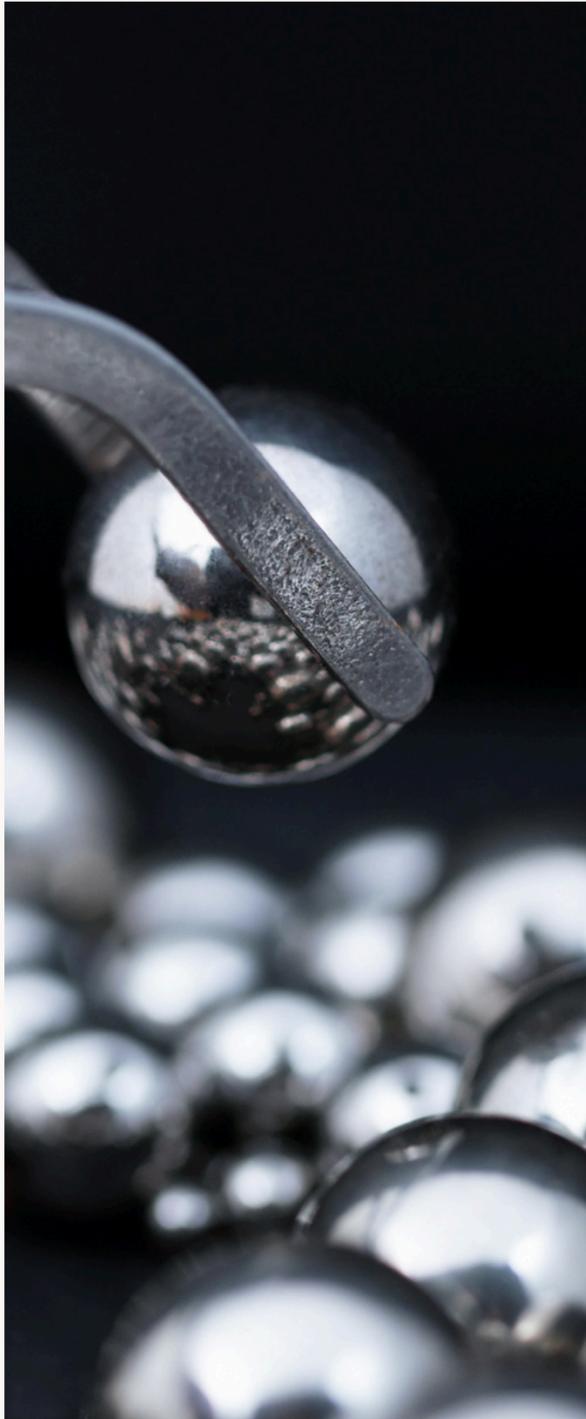
- Is the technology tool intended for internal use (if so, how many users) and/or by third parties (i.e. clients, opposing counsel, etc)?
- How intuitive should it be given the time you are willing to devote to training new users and their sophistication level?

Integration with Existing Tools

- What other technology tools are you currently using and how easy will integration with new tools be; ask your existing vendors for API integration and support



Researching and Evaluating Options



Functionality, User-Friendliness, and Scalability

- Research available solutions on Google, [Capterra](#), or by asking other legal professionals
- Assess the features against your firm's needs; is it intuitive, customizable, or scalable?
- Does it include initial setup support or migration from existing tool?

Cost-Effectiveness

- Does the value outweigh the cost? Any initial setup fees, subscription costs, additional expenses for training and support, price fluctuations, paid upgrades, ROI, etc.?

Security and Reliability

- Request independent security assessments and audits to validate its security and identify any vulnerabilities or weaknesses, i.e. ISO, SOC 2, etc.
- Ensure that the data is backed up frequently and located on servers in jurisdictions with equivalent legal protection to yours

Vendor Reputation and Customer Support

- Assess vendor's track record, industry experience, and customer reviews, as well as stability, longevity in the market, and commitment to product development
- Ensure that the vendor offers free support in a timely fashion

Implementing Selected Tools



Pilot Testing and Feedback

- Assess the free trial periods of each tool
- Put together a team of early adopters to test your two or three best options
- Use feedback from pilot testing to refine the implementation plan and make necessary adjustments before rolling out the tool to the entire firm

Make Available Training Resources

- Designate a team member as the internal expert who can train new users or communicate with the vendor's support team
- Refer to or make available new training resources about the best practices of using such tool within your firm

Assess Adoption and Other Metrics

- Track key performance indicators (KPIs) such as user adoption rates, productivity gains, and client satisfaction levels to measure the impact of the new tool on the firm's operations and outcomes

LSO Rules of Professional Conduct

Rule 3.2-1 and Rule 4.1-1 describe the lawyer's duty to provide *efficient legal services*.

Rule 3.6-1 requires that lawyers charge *reasonable fees and disbursements*; a lawyer's fee might not be considered "fair and reasonable" if the lawyer charges a higher fee as a result of not using a relevant technology that could have generated efficiencies, or fails to pass on cost savings from technology use to clients.

Rule 3.1-2 provides the lawyer's obligation to provide *competent legal services*; in 2019, the Federation of Law Societies of Canada added the following commentary on technological competence to the Model Code: ***"To maintain the required level of competence, a lawyer should develop an understanding of, and ability to use, technology relevant to the nature and area of the lawyer's practice and responsibilities."***

LSO Rules (cont'd)

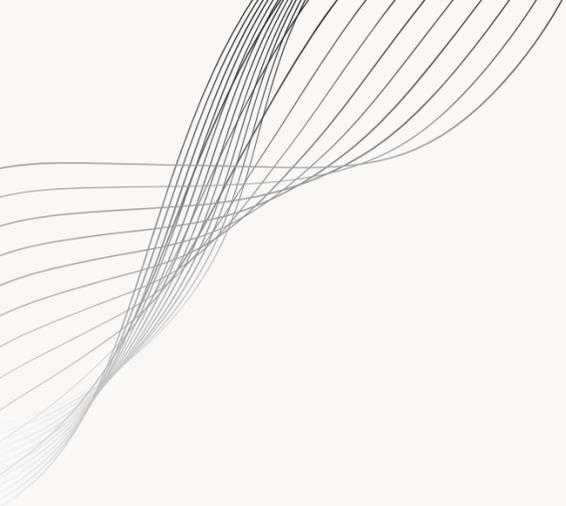
The appropriate use of technology can assist lawyers in *competently* meeting their other professional obligations, namely:

- **Rule 3.4-1:** using technological tools to assist in screening for potential conflicts of interest;
- **Rule 3.5:** setting appropriate technical safeguards to protect client property and funds;
- **Rules 3.5 and 3.6:** using technological tools to assist in complying with time-keeping, record-keeping and accounting obligations;
- **Rules 3.1-1 [d] and 3.1-2:** using electronic communications tools such as virtual meetings platforms, digital messaging tools and client portals to meet obligations to communicate with clients in a timely and effective manner;
- **Rules 4.2 and 7.2-1:** adopting appropriate digital marketing and social media practices.

Resources

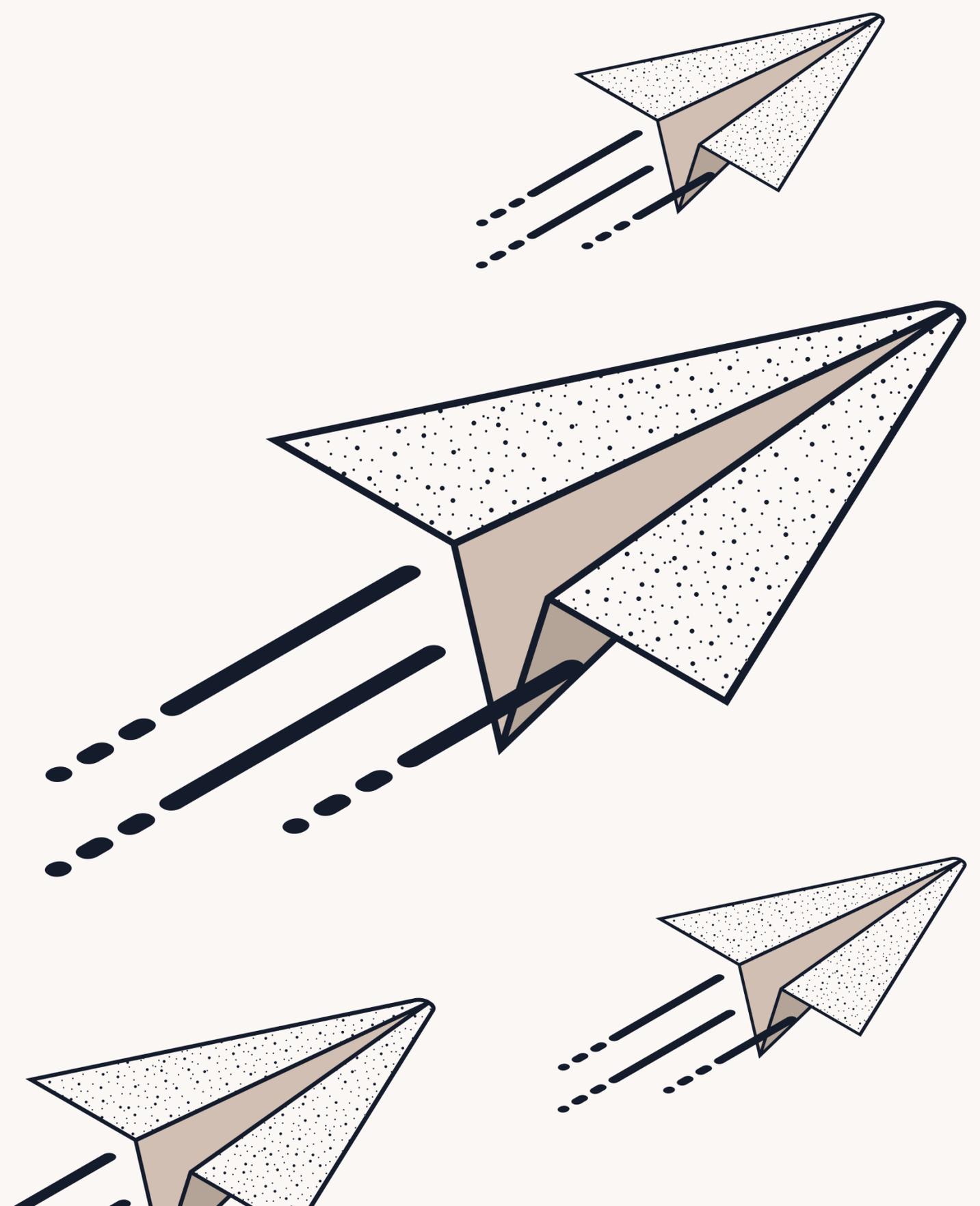
- Law Society of Ontario's (LSO) Technology Resource Centre [[Link](#)]
- LSO Training and Tutorials [[Link](#)]
- LSO's White Paper on Licensee's Use of Generative Artificial Intelligence [[Link](#)]





Questions?

Let us know if you have any questions or suggestions based on your experience.





Yonida Koukio

Email: ykoukio@oziellaw.ca

Phone: (647) 370-6065

[Website](#) | [LinkedIn](#)

Oziel Law

77 Bloor Street West, Suite 1220

Toronto, Ontario, Canada M5S 1M2



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Working Remotely as a Lawyer or Paralegal from anywhere in the World

Written by [Andrew Leroy Rudder](#)

AL Rudder AR

ANDREW LEROY RUDDER – B.A., LL.B., J.D.
Barrister & Solicitor



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LexisNexis Published Author ► Catastrophic Impairment Law in Canada

<https://store.lexisnexis.ca/en/categories/shop-by-jurisdiction/federal-13/catastrophic-impairment-law-in-canada-skusku-cad-6790/details>

LinkedIn

<https://www.linkedin.com/in/andrewleroyrudder/>

Rudder Law Professional Corporation

Tel: 289-430-0728

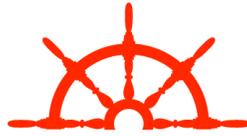
Fax: 289-856-9367

Toll Free: 877-409-4528

andrew@rudderlawgroup.ca



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Introduction

In today's fast-paced digital world, technology has become an integral part of the legal industry. Times are changing fast. I remember it wasn't too long ago that I used to depend on spreadsheets and paper-based processes while working at law firms. However, when I made the decision to start my own legal practice as a solo practitioner, I knew I needed to adapt and embrace the new legal technology, in order to level the playing field with much larger law firms that had a lot more resources. One of the relatively new legal technologies I embraced was a cloud-based legal solution, in order to harness the power of cloud computing to provide me with easy access, storage, and collaboration of legal documents, advanced document management, streamlining case management, and optimizing my workflows. I knew I had to leave behind the traditional legal practices that involved extensive paperwork, physical document storage, and only face-to-face interactions. I adopted cloud-based computing processes, in order to work smarter, faster, and more efficiently. I knew by moving my law firm operations to the cloud, I would be able to streamline my processes, enhance collaboration, go paperless, and empower myself to work remotely without compromising productivity.

I started my own law firm during the tailend of the global pandemic, so I had no choice but to set up a virtual, paperless office where I worked remotely from my condominium. However, even if I started my law firm post-pandemic, I would've still been intrigued with doing so. Why? I value traveling. It's one of my immense passions in life that gives it a more fulfilling meaning. It helps me become a better global citizen. So, I've always been intrigued by the idea of combining my passion for travel with my passion for entrepreneurialism and the law. I always believed that I could work from anywhere in the world, so long as I have a rock-solid internet connection, and I'm getting my work done and producing exceptional results for my clients.



In this paper, I'll discuss ten things you must adopt and learn in order to successfully work remotely as a lawyer or paralegal from anywhere in the world.

1a. Be Transparent with Your Clients About Your Remote Law Firm

Since I was opening a remote-first legal practice from the start, I was transparent with my clients about the fact that I would be working remotely, so they could make an informed decision about whether they wanted to retain me on that basis. I educated them on what this would mean for the provision of my legal services, and how it would benefit them and enhance their experience working with me.

I remember I was initially self-conscious of the fact that I didn't have a traditional brick and mortar legal office, and I was worried that my new clients would think less of me as a lawyer. Nonetheless, I felt obliged to be honest with them. I was pleasantly surprised when none of my clients really cared about where I worked from, so long as I produced exceptional results for them. This reaffirmed my initial belief that I can work from anywhere in the world, and ultimately bring to fruition what initially started as an idea I saw in my mind's eye.

Set the Frame Early: Managing Client Expectations

Framing, in client communication at the pre-retainer stage, is essentially the act of being transparent and intentionally setting the stage for the parameters surrounding the communications you want to have with your clients throughout the course of your retainer. This

Rudder Law Professional Corporation
Tel: 289-430-0728
Fax: 289-856-9367
Toll Free: 877-409-4528
andrew@rudderlawgroup.ca



kind of framing early on is important to manage expectations with your clients and to avoid disappointment.

Consider clearly outlining the scope of your legal services in your written letter of engagement, including the parameters surrounding communications. For example, in your engagement letter, specify the parameters, in regards, but not limited to, the following:

- How soon they could expect to hear back from you; especially if you're traveling abroad;
- How often they could expect you to update them on their files;
- How they could reach you;
- The times that you'll be available if you happen to be working unconventional hours or in a different time zone;
- How often your clients can expect communications from you and your law firm;
- How soon you will respond to your clients (ex. I endeavour to respond within 24 hours if I'm in North America, and no later than 48 hours if I'm abroad in Europe, Asia, et cetera);
- What your communications will entail; and
- Which communication channels you'll use (personalize it to your client's preference).

Also, remember to explain the benefits of working remotely to them. For example, I'm a personal injury lawyer specializing in catastrophic impairment law, so my clients sustained catastrophic impairments and have serious mobility issues. So, one of the benefits I mention is that they won't have to drive in rush hour traffic to see me at an office, look for handicap parking, struggle to access a building that is not easily accessible for people with disabilities, sit in an office chair for hours, and then drive back home in a rush hour traffic.



1b. Communicate Changes with Clients, Staff and Colleagues

If, however, you're shifting from a more traditional, paper-based law firm model to a paperless-based law firm model, where you're working remotely – permanently or temporarily –, then it's imperative that you clearly communicate any changes and new policies to your staff and clients. Send an email making it clear that you're shifting to remote work, and set expectations for which communication channels to use, how meetings will take place, and how often you'll be contacting clients. If you're canceling all in-person meetings, let everyone know far in advance so they adjust their plans accordingly. Make the switch to video conferencing even easier by adding links to video invites within the notes section of any upcoming calendar events. All of these things will make the transition as smooth as possible for you, your staff and your clients.

Also, if you're clear about why you're working remotely, this will help clients to better understand, and help them see, the changes in a positive light. Consider the following actions:

- Explain to all staff that you are moving to a paperless environment and provide them with the sound reasons for doing so;
- Give your team clear and reasonable timelines for when this work will be completed and remember to try to give as much notice as possible so that they are not unduly stressed;
- Explain the benefits to them, your clients, and the law firm as whole in accordance with your mission statement, as well as the importance of moving to a paperless way of working;
- Be open to feedback and constructive criticism on the approach your law firm is taking with this transition;



- Be empathetic to your staff who are used to working with paper files, and are concerned about how they will work without them and how they'll adjust to working with digital files;
- Assess whether training might be needed to teach your team how to work with digital files, in order to facilitate a smoother transition from working with paper files; and
- Appoint a person who has the responsibility for managing the smooth transition from paper files to digital files, in order to ensure progress is being made in a timely fashion and the deadlines are met.

Lastly, in regards to deadlines, set the following two finishing dates:

1. A finishing date for when old paper files will be digitized or discarded; and
2. A finishing date for when paper can no longer be used for new matters going forward.

2. Set Up Remote Access to Cases and Documents

If you're planning on working remotely while traveling internationally, then you can't take bulky filing cabinets with you around the world, and you don't want to be mailing paper documents from abroad. Therefore, set your virtual law practice up so that you can access all of your legal files and documents easily from anywhere, and electronically share them to your clients, staff, colleagues, opposing counsel, and the courthouse.



Store your Documents in the Cloud

I opted for cloud-based document storage for my legal practice. I use the advanced document management software called Clio Manage, which provides me with unlimited document storage. I back-up files in the cloud using Google Drive, which seamlessly syncs with Clio Manage. Other cloud-based document storage solutions include Dropbox, Box, and OneDrive.

I'm a personal injury lawyer, so at the examination for discovery stage of the litigation process, I gather a lot of documentation – primarily medical documentation such as clinical notes and records –, in order to include it in the Schedule “A” section of my client’s sworn affidavit of documents. Again, Clio Manage has unlimited storage space, so it’s great for uploading all these large Schedule “A” documents and organizing them. Prior to the examination for discovery stage, I have to share many documents with defence counsel, and Clio Manage enables me to do so easily, by sending a secure download link for them to access the documents after they create a free Clio account.

Also, Clio Manage has a mobile app, which my clients can download for free to their smartphones. They can then use the app to create PDF files by taking a photograph of the document, and then securely sharing it with me. Once I receive the PDF file from them, it’s automatically associated with their file, which streamlines the case management process.

Set up a Cloud-Based VoIP Virtual Fax

If you want to work remotely from anywhere in the world, then you can’t carry a bulky fax machine with you. I set up a Virtual Fax for my law firm, which I use to send and receive

Rudder Law Professional Corporation
Tel: 289-430-0728
Fax: 289-856-9367
Toll Free: 877-409-4528
andrew@rudderlawgroup.ca



facsimiles (faxes) with a VoIP.ms service using a Direct Inward Dialing (DID) number specifically dedicated to sending and receiving faxes.

The highly flexible, feature-rich, and cloud-based Voice over Internet Protocol (VoIP) service provider I use is VoIP.ms, which is a Montreal-based VoIP company that *“provides a vast range of standard telephony features as well as enhanced communication features to simplify both business and residential communications such as local DID numbers in 60+ countries. It also offers termination (outgoing calls) in over 125 countries across the globe, toll-free numbers, call conferencing and services such as E911, CNAM Lookup, SMS/MMS, virtual fax, virtual PRI and local number portability”*. I obtained my DID number from their Customer Portal in the Fax Numbers section under the Order DID(s) of the DID Numbers menu, as regular voice DID numbers are not compatible with their Virtual Fax feature.

Anytime someone sends me a fax, I receive an email notification. So long as I have my laptop and a strong internet connection, I simply log in to my VoIP.ms account via my web browser, and then safely and securely access the fax, which is automatically converted to a PDF file that I can download or send to my cloud-based document storage software (ie. Clio Manage). I also receive a notification of the fax via email, as well as a PDF copy of the fax in my email, which I can access from my smartphone or laptop from anywhere in the world.

Scan Your Paper Documents

Once you decide to go paperless, you have to digitize your paper documents that aren't already scanned and then upload them to your cloud storage so you can access them from anywhere in the world. Even though there are many quality scanners available for you to choose from, I personally use the Fujitsu ScanSnap iX600 desktop scanner, which was attractive to me because of the following benefits:

Rudder Law Professional Corporation
Tel: 289-430-0728
Fax: 289-856-9367
Toll Free: 877-409-4528
andrew@rudderlawgroup.ca



- It works with my MacBook Pro as well as PCs, plus it's easy to set up and operate;
- It scans 40 to 50 pages per minute;
- It scans in colour, or black and white if it detects the absence of colour;
- It scans both sides of a page in one pass (ie. duplex) and automatically bypasses blank pages;
- It automatically rotates pages that are fed in upside down and straightens crooked or skewed pages;
- It handles receipts with relative ease;
- It rarely jams or misfeeds; and
- It's small, sits on a desktop for easy use, and takes up very little desk space.

When I scan my legal documents I create PDF files, because they are not easily editable, unlike word processor documents where it's easy to inadvertently make changes to them.

Again, my cloud-based advanced document management software, Clio Manage, has a mobile app, which my clients can download for free to their smartphones. They can then use the app to create PDF files by taking a photograph of the document, and then securely share it with me. This is great for my impecunious clients who can't afford a scanner or go to the store to scan documents due to their mobility impairments.



VPN vs. Cloud-Based Practice Management System

One of the options to setting up a private network for you and your team to access your legal files, is a virtual private network (VPN). A remote access VPN enables you and your team to securely connect to a private network for your law firm, from a remote location. If you're using on-premise case management software, or if your legal files are stored locally on your firm's network, then you'll need to set up a VPN in order to access the legal files that are stored on it.

Again, I chose to use a cloud-based practice management system called Clio Manage, so I didn't have to worry about setting up a VPN. So long as I have my laptop and a strong internet connection, I simply log in to my account via my web browser, and then safely and securely access all of my cases, legal files, and documents. Since Clio Manage also has a mobile app, all I need is my iPhone and a good cellular connection, and I can safely and securely access my legal files from my smartphone as well.

3. Get a Rock-Solid Internet Connection

A rock-solid internet connection is an essential prerequisite for a lawyer who wants to effectively work remotely. The moment I decided to work remotely with my laptop and mobile phone, I knew I couldn't have the internet connection dropping off in the middle of an important video conference meeting with my clients, colleagues, and opposing counsel. I also wanted to remotely collaborate with my clients and colleagues on legal documentation that would be stored in the cloud rather than on my laptop's harddrive. So, I needed a strong internet



connection to ensure I'd be able to quickly and easily access my legal documents from anywhere in the world.

The Two Key Things that Constitute a Good Connection

The speed of your connection is obviously important, but there are other factors to consider, such as the stability of your connection.

The Speed of Your Connection

If you're a lawyer working remotely, you need a strong and fast internet connection to at least do the following two things:

1. Download and/or upload your legal files and documents (ie. thousands of pages of clinical notes and records, expert reports, video files, audio files, et cetera); and
2. Video conference calls.

It's easy to evaluate whether or not your downloading and uploading speed is up to par. If you discover that downloading and uploading your legal files is consistently taking too long, then it's time to upgrade your internet connection. However, evaluating your video conferencing calls is not as easy, because video conferencing applications such as Zoom are able to adapt to a bad connection quality by lowering the resolution and frame-rate, which also lowers the video



and audio quality – including a loss of visual cues –, which ultimately, adversely affects the face-to-face communication quality.

Minimum Requirements for Good Video Conferencing

The minimum requirements for effective video conferencing calls is 8 megabits per second (Mbps) for downloads and 1.5 Mbps for uploads. If you meet these minimum requirements, then the quality of your video conferencing calls will be sufficient while working remotely.

However, when I'm working remotely from home with a router and a cable modem, my download and upload speeds are 65 Mbps and 12 Mbps, respectively, which is excellent as it is well above the aforementioned minimum requirements.

Measure Your Speed

If you want to measure your speed to ascertain if you meet the aforementioned minimum requirements, there are several test services online that you can utilize for free, such as, but not limited to, the following:

- SpeedTest.net;
- SpeedOf.me; and
- BandwidthPlace.com



The result from the tests will produce a number for both download and upload speed, which will be expressed as Mbps. If you use any of these test services, then be sure to conduct the test at different times of day because internet infrastructures experience both peak and minimum hours.

The Stability of Your Connection

In addition to measuring your connection speed, you also need to measure your connection stability.

Measure your Packet Loss

Your internet data is carried via small chunks known as packets. If your internet connection is experiencing what is known as packet loss, then this will slow your internet browsing, and in relation to video conferencing calls, it'll cause a decrease in your video and audio quality.

I have a MacBook Pro, so periodically I easily check my internet connection for packet loss by opening up my Applications folder, then opening my Utilities folder, and then opening the Terminal application. Once the small Terminal window is open, I then type the following command and hit "Enter":

- `ping -c 50 8.8.8.8`

I patiently wait for approximately one minute until I see something like the following:

Rudder Law Professional Corporation
Tel: 289-430-0728
Fax: 289-856-9367
Toll Free: 877-409-4528
andrew@rudderlawgroup.ca



— 8.8.8.8 ping statistics —

*50 packets transmitted, 50 packets received, 0.0% packet loss
round-trip min/avg/max/stddev = 12.138/23.864/100.054/19.984 ms*

If I see 0% packet loss, then I'm happy!

If you're not a Mac guy like me, and you use Windows, then you open your terminal by selecting the Search box in your Start menu, and then type "cmd" and press Enter. After the small Terminal window opens, type the following command and hit "Enter":

- *ping -n 50 8.8.8.8*

Again, after approximately one minute you'll see something similar like the following:

Ping statistics for 8.8.8.8:

Packets: Sent = 50, Received = 49, Lost = 1 (2% loss).

In this example with Windows, we see the packet loss is 2%, which is doable, but not perfect. In this day and age networks are reliable, and decent internet connections shouldn't be losing packets, so a good packet loss rate is zero percent.

If you are experiencing packet loss, then the first thing to do is to connect your laptop directly to your Internet router using an ethernet cable, as your router will be connected to your modem. WiFi is always convenient, but it can be unreliable due to interference or a bad reception. If this doesn't work, then contact your Internet Service Provider.



As a final note, if you're working from home, then it's imperative that you talk to your Internet Service Provider about the level of the speed and stability you're getting with your internet package and whether an upgrade is necessary to satisfy your work-related needs.

Portable WiFi Hotspot

If you're periodically working abroad like me and you can't connect your laptop directly to an internet router using an ethernet cable, then you can't solely rely on a spotty hotel Wi-Fi or Public Wi-Fi because they are rarely secure, and again, they can be unreliable due to interference or a bad reception. So, if you're working abroad, then strongly consider investing in a portable Wi-Fi hotspot.

Portable Wi-Fi hotspots are pocket-size wireless routers that generate a small, private Wi-Fi network, which allows you to connect your laptop, tablet, and other devices to the same cellular data network as your smartphone. So, instead of draining your smartphone's battery and data plan in just a few minutes by tethering your laptop to your smartphone, these devices use a separate plan that you'll buy through your cellular carrier. Since they're dedicated routers, portable Wi-Fi hotspots provide you better performance, support a larger number of devices and deliver better battery life than a tethered smartphone.

Some of the best portable Wi-Fi hotspots are, but not limited to, the following:

- **Netgear Nighthawk M6 Pro 5G Wi-Fi 6E Mobile Hotspot (One of the Best Overall);**
- **Verizon Wireless Jetpack MiFi 8800L Mobile Hotspot (One of the Best Value);**
- **GlocalMe DuoTurbo 4G LTE Mobile Hotspot (One of the Best Pay-As-You-Go);**

Rudder Law Professional Corporation
Tel: 289-430-0728
Fax: 289-856-9367
Toll Free: 877-409-4528
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- **Orbic Speed 5G UW Mobile Hotspot**; and
- **Inseego MiFi X Pro 5G Mobile Hotspot**.

What to Consider in a Portable Wi-Fi Hotspot: Spectrums and Bands

The primary determining factor between an affordable or cheaper portable Wi-Fi hotspot, and an expensive one, is its capacity to pick up a wider range of frequency bands, which allows it to provide faster speeds in high-traffic areas. An important factor in portable Wi-Fi hotspot's ability to access certain frequencies is your carrier and data plan, which I'll explain below.

Some of the Different Types of Cellular Data Networks

There are different types of cellular data networks you'll experience at any given time and place, which includes three different versions of 5G service. If you buy a portable Wi-Fi hotspot that supports the speediest bands, then you'll unlock the potential for higher speeds, if and when these networks are available; however, you won't necessarily get superfast downloads and uploads all the time. The actual performance speed of your downloads and uploads at any given moment will be heavily influenced by your cellular carrier and their coverage in your specific location.



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4G and 4G LTE (Fourth Generation Long-Term Evolution)

The 4G and 4G LTE cellular networks are the most ubiquitous. They offer speeds of up to 150 Mbps for downloads and 50 Mbps for uploads. Remember that the minimum requirements for effective video conferencing calls is 8 Mbps for downloads and 1.5 Mbps for uploads. So, even though 4G isn't as fast as 5G, it's good enough for you to work remotely and conduct effective video conferencing calls, plus it's considered the baseline for mobile internet and the norm outside of major metropolitan areas.

Low-Band 5G

A Low-band 5G cellular network offers speeds of up to 200 Mbps for downloads, which isn't that much faster than a 4G LTE cellular network. It does have a wider range of about 16 kilometres to pick up a wider range of frequency bands.

Mid-Band 5G

A Mid-band 5G cellular network offers speeds of up to 500 Mbps for downloads, so if in addition to conducting video conferences you want to download a large movie, then you could do so in a few minutes with a strong mid-band. Also, it has a wider range than the low-band 5G cellular network, so it's easier to pick up a wider range of frequency bands, plus the signal is better. This extra speed comes in handy when I have to download surveillance video footage.

Rudder Law Professional Corporation
Tel: 289-430-0728
Fax: 289-856-9367
Toll Free: 877-409-4528
andrew@rudderlawgroup.ca



5G Millimeter-Wave (mmWave)

The 5G Millimeter-wave (mmWave) cellular network is superfast as it runs up to 2 Gigabits per second (Gps) for downloads, but the drawback is that it only works in small pockets. The range is so bad that you'll have to position your portable Wi-Fi hotspot outdoors, about 457 metres from a signal tower, and with an unobstructed view of the antenna. It's nice to have but it's not necessary to work remotely as a lawyer or paralegal, so don't focus on buying a portable Wi-Fi hotspot that supports 5G mmWave.

Your Cellular Service Provider and Coverage

The quality of your coverage depends on the cellular service provider you select as much as the portable Wi-Fi hotspot you buy. Every cellular service provider, whether it's one of the big three – Rogers, Bell, and Telus – or another provider, has a list of their recommended and compatible portable Wi-Fi hotspot models for their network, as well as specific requirements for models not on their list. The cellular service providers will also have specific plans for portable Wi-Fi hotspots, as they tend to use more data than smartphones. It's imperative that you know where you plan to use your portable Wi-Fi hotspot and review your provider's coverage map, because you don't want to spend a lot of money on a portable Wi-Fi hotspot and a plan if your cellular service provider doesn't provide coverage in that area where you want to work remotely in.

Here is a URL link to a coverage map of the Rogers 5G network:

- [5G, 4G LTE and HSPA+ Network Coverage Map - Rogers](#)



International Use

If you're buying a portable Wi-Fi hotspot to work remotely abroad, then it's imperative that you do research to ascertain which cellular bands your cellular service provider will be able to offer you wherever you plan to work during international travel. Since the quality of your service will vary depending on the region that you're working remotely in, it's important to diligently plan in advance. If you want to get updated information on the network coverage options in countries from around the world, then search GSM Arena's Network Coverage database at the following URL address:

- [Network coverage in United States - 2G/3G/4G/5G mobile networks](#)

Tethering Your Laptop to a Smartphone

The other alternative is tethering your laptop to your iPhone or Android smartphone, in order to use it as a temporary hotspot, but the drawback is that tethering yields poor bandwidth while draining your smartphone's battery and data. I only use this as a last resort if for whatever reason my portable Wi-Fi hotspot isn't working, has been misplaced, or stolen. Since I know that I may have to use it as a last resort, I pay for sufficient data to cover my working needs.



4. Prepare a Positive Remote Experience to Clients

In addition to being upfront, honest and transparent with your clients about the fact that you are working remotely, it's also important to embrace the legal technology solutions that empower you to enhance their overall experience while working with you.

Create a Streamlined Onboarding Process via CRM Software

In regards to the pre-retainer stage when you are advertising and marketing your legal services to prospective clients in order to generate new leads, you also want to create a good first impression with your new potential clients, by creating an onboarding process that's organized and structured. In order to do this, seriously consider investing in a cloud-based client or customer relationship management (CRM) and automated intake software, where you can access any information about potential new clients remotely from anywhere in the world. For example, I use Clio Grow, which is an advanced cloud-based client intake and legal client relationship management software that helps me with, amongst other things, contact organization, custom intake forms, and e-signatures. So long as I have my laptop and a strong internet connection, I simply log in to my Clio Grow account via my web browser, and then safely and securely access the information about any potential new clients.

As new client inquiries come in, I use my CRM to easily apply automations to set the intake process in motion, which ranges from scheduling appointments and collecting client information using intake forms, to sending emails, tracking the sources of the referrals, and many more administrative tasks. My CRM also enables me to use pre-built templates for automated intake workflows that I can customize to my own unique processes. Whenever an incoming client completes a task, next steps are triggered automatically so they aren't left



waiting. My CRM also allows me to use unlimited email templates, timed-delivery email scheduling, and automated text reminders to keep potential clients in the loop. This keeps my prospective clients engaged through the automated intake process, which enables me to effortlessly deliver a great client experience from the first touchpoint with quick follow-ups and regular communications. Lastly, my CRM provides me with a bird's eye view of the progress I'm making with transitioning my new lead from a prospective client to a retained client, as I can see where each incoming client is in my pipeline in real-time, and what automated tasks are in process and upcoming.

If I'm working remotely in another country and I need to communicate with a potential new client as part of a free consultation, then I do so via a video conference call or over the phone.

Use ADM Software to Enhance Client Experience

As I'm working abroad I use my cloud-based advanced document management (ADM) software – Clio Manage – to update my clients at the major milestones of the litigation process. Further to my engagement letter/retainer agreement, which outlines the scope of my communication with my clients and is transparent about the fact that I work remotely, I inform them clearly and often at the major milestones of the litigation process, as well as the progress I'm making on their files. I do it primarily because it enables them to make informed decisions and makes them feel respected. This may seem like a time consuming and onerous task, but it's not. The good news for me is that the milestones in the litigation process of a personal injury lawsuit are predictable, which are as follows:

- Case Theory, Gathering Facts and Documents;
- Starting the Lawsuit;

Rudder Law Professional Corporation
Tel: 289-430-0728
Fax: 289-856-9367
Toll Free: 877-409-4528
andrew@rudderlawgroup.ca



- Interim Applications;
- Document Discovery;
- Examination for Discovery;
- Review of the Law and Settlement Consideration;
- Private Mediation / Settlement Conference;
- Preparation for Trial;
- Trial; and
- Completing the Lawsuit.

Since my goal at each major milestone of the litigation process is similar for all of my clients, it makes it easier to create templates for the progress and update letters I send out, which I alter slightly to factor in specific details unique to a particular client's case.

If you have good cloud-based ADM software, then it makes periodically updating your clients while working remotely a little bit easier. Clio Manage also has a personal injury add-on component that I like. It has a cool feature called Matter stages, which are kanban-style boards that I use much like a PIPELINE to visualize and track the progress of each client's case through the aforementioned stages of the litigation process of a personal injury action.

In Clio Manage, I first create stages by my practice area – personal injury law –, and then I add the client matters to specific stages that correspond with the aforementioned 10 stages or milestones in the personal injury litigation process. I then create task list templates, which are a series of pre-built administrative tasks that as a solo practitioner, I assign out to myself in bulk, rather than creating individual tasks each time I open a file. My 10 different task list templates directly correspond with the aforementioned 10 different matter stages, which I view as the 10 major milestones in the litigation process.

So, in regards to updating my clients on a regular basis, one of the tasks I create in each stage is to send out a progress report letter/update to my clients. I also use Clio Manage's



Document Templates feature to save time drafting commonly used letters and documents such as the progress report and update letters.

My reliance on cloud-based CRM and ADM software at both the pre-retainer and post-retainer stages, respectively, empowers me to provide a positive remote experience for potential new clients and retained clients.

5. Communicate with Clients Securely

While I'm working remotely from either my home office or from abroad in another country, I'm not meeting my clients in-person, but I still need to communicate with my clients online, via text, or over the phone. Further to my initial engagement letter/retainer agreement, where I identify my clients' preference for communication, I like to respect my client's preference. So, for example, the vast majority of my teenage clients prefer most of the communication to proceed via text messages, and I'm able to do so via my advanced document management software, Clio Manage, which allows me to send and receive text messages. My clients appreciate the convenience of the different communication methods and options I provide them.

However, irrespective of what channel of communication I'm using with my clients while working remotely, the most important thing is that those communication methods are encrypted and secure.



Encryption

So, what is encryption? It's a form of cryptography that scrambles and unscrambles your legal data using an algorithm. Law firm data encryption can be applied to everything from your cloud-based applications to your internet browsers, and from your local hard drives to your email. In order to keep your law firm's data secure, it's imperative that you encrypt everything, including your laptop, email communications, and any data stored in your cloud-based document storage.

Cloud Encryption

In regards to cloud encryption, if you're using cloud-based Software as a Service (SaaS) services in your legal practice, then it's imperative to confirm with the company that they are taking care of encryption on their end.

Again, I use Clio Grow and Clio Manage, so when I connect to a web browser, I connect via HTTPS – as opposed to HTTP – , and as such, all of the data that is transmitted between my web browser and the web server is using encryption. No one can intercept or view the information I'm sending, whether I'm at my home office or using a public network in a coffee shop in Lako, Como, Italy, while sipping a doppio espresso! If you're connecting via HTTP, then third parties, government agencies, and even your internet service provider can intercept your information.

I feel confident with using Clio Manage, because Clio ensures that their security certificates and encryption standards are always easily accessible. Regardless of which cloud-based document storage software you use, if you don't see the icon or security certificates



available in the browser, then reach out to the cloud vendor to confirm that they're using encryption. If they're not, then immediately find a new cloud vendor.

Cloud Mask

If you want an extra layer of security, then use CloudMask to protect your law firm's data, because even if there happens to be a data breach in a worst-case scenario, data that has been "masked" by CloudMask will stay protected.

Duty to Protect Confidentiality

As lawyers we have a duty to protect the confidentiality of our clients' information, so it's imperative that we do everything in our power to ensure that all of our communication channels are encrypted.

Options for Secure Video Conferencing and Text Messaging

If you want more secure video conferencing, then consider tools like Legaler or Jive, which both use encryption to keep your video conferencing calls with your client secure. Here are URL links to the two aforementioned video conferencing software:

Rudder Law Professional Corporation
Tel: 289-430-0728
Fax: 289-856-9367
Toll Free: 877-409-4528
andrew@rudderlawgroup.ca



- <https://www.legaler.com/>; and
- <https://www.jivesoftware.com/blog/communication-tools#gsc.tab=0>

If you want more secure and encrypted text messages, than consider the following:

- Signal Messenger;
 - <https://signal.org/>
- Zipwhip;
- Heymarket; and
- Kenect.

If you are sending longer messages, and sharing documents and invoices, then using email will suffice provided that you are using an encrypted email service.

Again, I use Clio Manage, which enables me to use a secure client portal called Client Connect for my encrypted communications and document sharing. So, I add a message or share a document via the secure platform, and then either my client, a colleague or opposing counsel receives an email notifying them that they have a secure message waiting for them. They then log in to see the document or message I sent them.

Clio Manage also enables me to send and receive encrypted text messages with my clients and contacts, and assigns me a unique mobile number.



6. Set Up Mail Forwarding

If for whatever reason you're not able to go completely paperless or if you're only working remotely temporarily from your office, then you can contact Canada Post to set up a temporary mail forwarding service from your office to the address where you'll be temporarily working at. Here is a URL link to Canada Post's mail forwarding service:

- https://www.canadapost-postescanada.ca/cpc/en/personal/mail-forwarding.page?ecid=sem_102&qad_source=1&qclid=Cj0KCQjwxqayBhDFARIsAANWRnRfHZNDoNjB6fajo19qAlx69eRm3Fwo1wOYx-fqPeCQ7D0V13VHh1AaAte8EALw_wcB&qclsrc=aw.ds

Cloud-Based Mailing Services

If you are working remotely full-time abroad and you need to send out physical mail, then strongly consider a cloud-based mailing service, which will enable you to mail documents directly from your computer. There are companies such as Recourse, which enable you to send your legal documents via regular or registered mail right from your computer in three easy steps, as follows:

1. Upload your document with a few simple clicks;
2. Enter the recipient and sender details that include the name and address; and
3. Hit "Send", and allow them to take care of the rest, while you track the status all online from anywhere in the world.

Here is the URL address for Recourse:

Rudder Law Professional Corporation
Tel: 289-430-0728
Fax: 289-856-9367
Toll Free: 877-409-4528
andrew@rudderlawgroup.ca



- [Send Mail Online - Recourse](#)
 - Approximately \$19.99 per month (Best Value Price)

Recourse uses CanadaPost, DHL Express, FedEx, and Purolator as their carriers.

Here is a URL link to Recourse's privacy policy:

- <https://myrecourse.ca/privacy-policy/>

Services like this are great because no matter where you are in the world, you can send your regular and trackable mail anywhere in Canada, and you'll avoid international mailing fees and the general inconvenience of envelopes, printing, and postage.

Reducing the Dependency on Physical Mail

I have almost eliminated mail and its associated costs by choosing to receive and send legal documents and letters online. I have let opposing counsel, the insurance companies and my colleagues know of my preference of electronic mail.

Virtual Mailbox

If you're working remotely abroad and need your physical mail scanned, then consider a virtual mailbox service, such as Anytime Mailbox. If you have a virtual mailbox with a company



such as AnyTime MailBox, then they will receive your physical mail securely and scan your mail's content so you can view and manage your postal mail through their secure online platform from anywhere in the world. The URL address for Anytime Mailbox is as follows:

- <https://www.anytimemailbox.com/mail-scanning>

Just make sure that you exercise your due diligence to ensure that the company you choose has a secure platform for mail scanning services.

Here is a URL link to a blog explaining how AnyTime MailBox secures your privacy:

- <https://www.anytimemailbox.com/blog/virtual-mailbox-secures-your-privacy-in-business>

Wire Transfer

In regards to settlement funds, I let the insurer know of my preference for a direct deposit into my Trust account. I then use TD Bank's small business wire transfer service to securely send the funds directly to my clients' bank account in less than an hour. This eliminates the need to send out the cheque via a carrier to my client, or have my client drive to a location to meet me to pick it up.

7. Be Reachable by Phone

Rudder Law Professional Corporation
Tel: 289-430-0728
Fax: 289-856-9367
Toll Free: 877-409-4528
andrew@rudderlawgroup.ca



It's important to be flexible and meet your clients where they already are in terms of their preference for communication channels, and to not force them to accept your preference. Some of your clients – especially elderly clients – either won't have access to the latest communication technologies or might not know how to use all of them, and might find it easier to just phone you.

Forward Calls from Your Office Landline to Your Cell phone

If you're working remotely on a temporary basis, then make sure that you can forward calls from your office number to either your personal cell phone or another cellphone. Set up call forwarding from your home office landline to your cell phone. If you're with Rogers, then from your home phone, dial *72. Enter the 10-digit phone number you want your calls forwarded to. The call will ring through to the number you entered. Accept the call (if forwarding to a cell phone).

VoIP Phone Service

If you're planning on working remotely on a more permanent basis, then strongly consider acquiring a Voice over Internet Protocol (VOIP) phone service, which will enable you to make phone calls from your laptop. You can obtain a non-fixed VoIP number that doesn't need a physical address, so in other words you'll have a number that can be tied to any location across the globe. A VoIP phone call works as follows:

- A VoIP caller uses an internet-connected PC, smartphone, or VoIP phone to place a call;



- The caller's VoIP service provider calls the other party;
- The provider sends the caller's digital voice signal to a server; and
- The server routes the digital voice signal to the phone of the other party, who hears it as audio.

A VoIP phone relies on the internet, so if you have an internet connection, then you can call and receive calls anywhere in the world.

Session Initiation Protocol (SIP) Software for Phone Calls

Another great option to send and receive work-related phone calls on your cell phone without revealing your personal cell phone number is the use of Session Initiation Protocol (SIP) software, which is a protocol used in VoIP communications allowing users to make voice and video calls, mostly for free. A SIP software is a *“program that you install on your computer or mobile device, which contains softphone functionality and some other features, and provides an interface for you to communicate”*. For example, I use Groundwire – a SIP software – to send and receive business calls from my cell phone. I downloaded the Groundwire App from the Apple store and integrated a Direct Inward Dialing (DID) number that I purchased from VoIP.ms. My DID number is my business number and I chose a number with “289” area code. As I set up my DID number in Groundwire, I also associated the name of my law firm to it. So now if I want to make a phone call using my DID number, I open my Groundwire App on my personal cell phone, dial the phone number I want to call, and then on the receiver’s caller ID, they’ll see my DID number or business number and the name of my law firm. However, they won’t see my cell phone number or my name.

If anyone calls my business number or DID number, they are brought to voicemail, where one of the options – in addition to leaving a voicemail message – is to be directed to me.

Rudder Law Professional Corporation
Tel: 289-430-0728
Fax: 289-856-9367
Toll Free: 877-409-4528
andrew@rudderlawgroup.ca



If they choose this option, then the call will be directed to my cell phone, where I can answer it. If, however, they choose to leave a voicemail message, then Groundwire will transcribe the voicemail message and send it along with the audio recording of it to me via email. So, in my email I can play the audio file to listen to the voicemail message or read the transcript from anywhere in the world. Here is a URL link to the GroundWire App from the Apple Store:

- <https://apps.apple.com/gb/app/groundwire-voip-sip-softphone/id378503081>

Virtual Receptionist Service

Another option to explore in order to ensure you never miss a phone call and you are enhancing an exceptional client experience while you are working remotely, is a virtual receptionist service. A couple of viable options for virtual receptionist services are as follows:

- LexReception;
 - <https://www.lexreception.com/ca/law-firm-virtual-receptionist-canada>
- Smith.ai;
 - <https://smith.ai/industries/legal-law-firms-answering-service>
- Posh Virtual Receptionist; and
 - <https://posh.com/en-ca/industry/attorney-answering-service/>
- Cititel
 - <https://cititel.com/telephone-answering-services-lawyers/>



A virtual receptionist service can be very beneficial to you, especially if you're working remotely in a different time zone or irregular hours, and you're receiving more phone calls than you can handle. Remember that you should always be implementing the 80/20 rule or the Pareto Principle, which means that 20% of your time should be spent on moving the money needle, while the remaining 80% of things, such as administrative tasks like answering the phone, should be either outsourced or designated to an administrative assistant.

8. Take Advantage of E-Filing

If you're working remotely – especially in another country – and you have to file legal documents with the courthouse, then take advantage of e-filing your court documents online for your civil cases and your Divisional Court cases in the Superior Court of Justice – without having to go to court. One of the good things that came about following the global pandemic was that the Ontario government expedited the availability and access to e-filing court documents. So, you can now file most court documents online in a civil and a Divisional Court case in the Superior Court of Justice via a secure online portal. You can also now request the issuance of court documents online.

Here is the URL link to the Ontario government website for e-filing court documents:

- [File civil or Divisional Court documents online | ontario.ca](https://www.ontario.ca/en/justice/e-filing)

You can submit the civil court documents listed in Rule 4.05.1 of the R.R.O. 1990, Regulation 194: *Rules of Civil Procedure*, under the *Courts of Justice Act*, R.S.O. 1990, c. C.43, for automatic filing and issuance through the civil claims online portal. You can submit other



documents for a civil case or a Divisional Court case in the Superior Court of Justice for filing and issuance through the civil submissions online portal. You will get an email from the court within five business days to tell you if your documents were accepted and successfully filed or issued.

How to E-file Your Documents Online

Prior to e-filing your documents online, make sure you have the following:

- An online My Ontario account;
- All your court documents completed and saved as individual PDFs or in Word (.docx) format;
 - You need Adobe Acrobat Reader version 5.0 (or higher) installed on your computer to complete these forms in PDF format;
- Your Visa, Mastercard, or debit card, if filing fees apply; and
- Your court file number ready, if you are filing documents for an existing case.

Fees

In order to file your court documents online, you need to pay the required filing fees. The filing fees are in accordance with those laid out in the Ontario Regulation 293/92: *Superior*



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Court of Justice and Court of Appeal – Fee, under the *Administration of Justice Act*, R.S.O. 1990, c. A.6, which can be found at the following URL link:

- [O. Reg. 293/92: SUPERIOR COURT OF JUSTICE AND COURT OF APPEAL - FEES](#)

Time Cap on E-filing Sessions

Once you commence your e-filing online, your session will expire if you're inactive for 15 minutes and your information will not be saved. So, it's important that you have all your court documents completed, organized, saved as individual PDFs or in Word (.docx) format, and ready to go.

I personally file court documents while I'm working remotely from anywhere in the world, which saves me a lot of time and associated costs.

9. Plan for Professional Video Meetings

If you're working remotely – especially if it's abroad – and you're doing a lot of video conferencing calls with your clients, colleagues and opposing counsel, then take the initiative to look as professional as possible for the video meetings, in order to create strong, positive impressions.

Rudder Law Professional Corporation
Tel: 289-430-0728
Fax: 289-856-9367
Toll Free: 877-409-4528
andrew@rudderlawgroup.ca



Here are is a non-exhaustive list of some things to keep in mind:

1. Look extra sharp and dress to impress.
 - a. Select business casual or formal outfits, depending on the nature of the video meeting.
 - b. Refrain from wearing pajamas or overly casual clothing, as it may give the impression of unprofessionalism.
 - c. Pay close attention to your color selection, as solid, muted colors work best on camera.

2. Select professional backgrounds to maintain a polished and professional image.
 - a. Virtual background:
 - i. If you are using a virtual background, then consider investing in a retractable green screen, in order to eliminate the pixelation that tends to emerge around the edges of your face and body.
 - b. Home office background:
 - i. If you are using a home office background, which is a real set-up in your own home office, then keep it clean and tidy.
 - ii. A neutral background is important, as loud colours and patterns will distract people.

3. Avoid Distractions.
 - a. If you are working remotely abroad in a country where there is a local festival for example, then avoid doing the video conference in front of it with all of that noise and distractions.
 - i. Find a quiet place to conduct the video conference.



- b. You also want to ensure that you're able to adequately hear what your clients, colleagues, and opposing counsel are saying as well.
- c. I use a Blue Yeti USB microphone, which costs approximately \$149.99 plus HST.

Remember that even in the world of video conferencing while working remotely, your first and ongoing impressions are of the utmost importance. If you want to be taken seriously and present yourself in a professional light, then take the initiative to always maintain a polished and professional image during your video conferencing.

10. Make Your Mental Health a Priority

One of the ongoing challenges of working remotely is the isolation you have to deal with throughout the year, especially during the temporary down swings of running a legal practice. It's particularly more difficult to deal with the isolation, if you are used to interacting with other people on a daily basis.

Here are some of the things that I do to combat this downside of working remotely;

1. Create a routine.
 - a. I wake-up early every morning during the weekday at 5:30 and start a 90-minute workout session, followed-up by stretching and recovery in a sauna or jacuzzi, and then transcendental meditation. This enhances my mental clarity, improves my focus and mental energy, and increases my productivity at work or in my daily tasks. I also go for a hike a couple of times every week – completely detaching



from my smartphone – in a tranquil conservation area or by a lake, just before lunch time.

2. Join Social Groups, Volunteer in your Community, and attend Networking Events.
 - a. I'm a co-chair of the Law Society of Ontario's Solo & Small Firm Conference, and a director on the board of Head Injury Rehabilitation Ontario, plus I'm on its governance committee. I also volunteer by mentoring the next generation of young lawyers, as well volunteering in my community by engaging in, and supporting, charitable events such as, but not limited to, the Run for Burlington charity run every year. I attend plenty of networking events throughout the year, where I meet with other professionals such as lawyers, doctors and accountants. I also participate in over ten speaking engagements throughout the year, where I am able to connect with more professionals. As a result, even though I work alone as a solo practitioner, I still feel connected to a larger social and professional network, where I've met people who I could call when I need help or feeling down and isolated.

3. Call a Colleague and/or Friend.
 - a. I've met so many people through my networking events, speaking engagements, volunteer work in the community, charitable events, and my involvement in various organizations, so I call them every so often and set up a lunch or dinner meeting, or grab a drink to talk and share experiences and have fun, while also discussing some business and professional development stuff.

4. Unplug and Take Stock of your Surroundings.
 - a. One of the most intriguing things about working remotely was that idea of combining my immense passion for traveling, and seeing the world and immersing myself in different cultures, with my passion for the law, running my own business, and being my own boss. So, when I'm working remotely abroad



in a beautiful country with a rich history, art, architecture, people, and exceptional viticultural and culinary indulgences, I don't hesitate to unplug and immerse myself in the culture, which brings so much joy to my heart, mind and soul. Remember that you worked hard to be able to work remotely anywhere in the world, so your remote location shouldn't be a foreign prison cell, but rather a springboard to cultural exploration.

5. Set Clear Work Hours.

- a. If you don't set clear working hours, then it's easy to blend your work and your personal life together, because unless they blend seamlessly like water and sugar, and not like vodka and milk, it'll be hard to create the needed mental boundary between them.

Conclusion

The idea of working remotely as a lawyer might prima facie seem far-fetched, a perk for the select and lucky few, or as an unorthodox and unrealistic lifestyle choice for the dreamers and hopeless romantics, but it's not. If you take a deep dive into how to efficiently and successfully work remotely as a lawyer and study the tools that more lawyers – like myself – are utilizing to do so, then all of a sudden, it no longer seems like an implausible idea, but rather something that falls within the realm of reality and perceived as something tangible within your grasp. If prior to reading this paper, you had the burning question in your mind *“Is it possible for me to work remotely as a lawyer or paralegal?”*, then I hope that the answer to your question is now a resounding *“Yes, I can. It is possible”*.



Contact me

If you have any further questions about working remotely, then please don't hesitate to contact me at andrew@rudderlawgroup.ca.

Bon voyage!

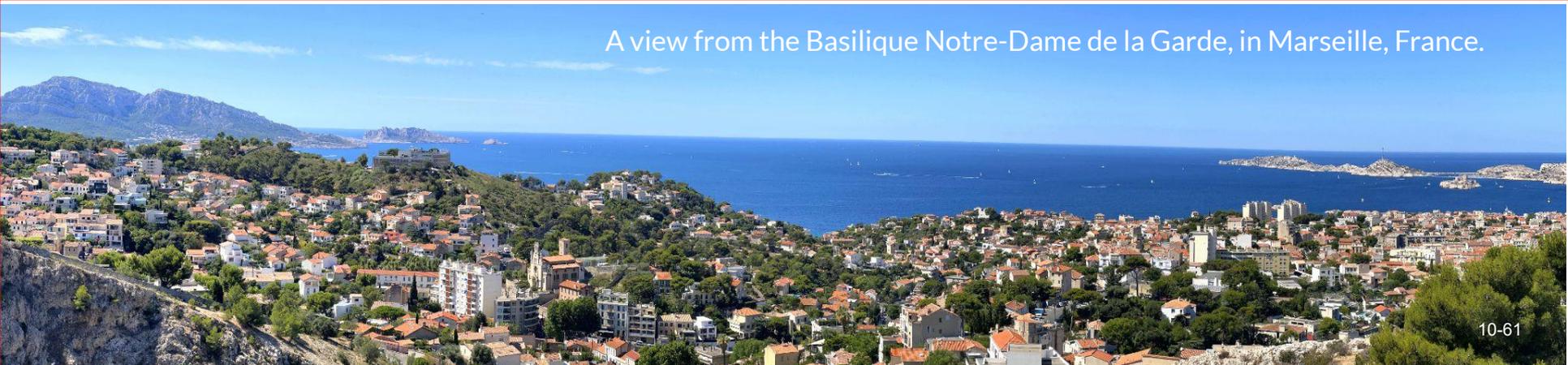
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andrew@rudderlawgroup.ca

Working Remotely

I started my own law firm during the tailend of the global pandemic, so I had no choice but to set up a virtual, paperless office where I could work remotely from anywhere in the world. However, even if I started my law firm post-pandemic, I would've still done so. Why? I value traveling. So, I've always been intrigued by the idea of combining my passion for travel with my passion for entrepreneurialism and the law. I always believed that I can work from anywhere, so long as I'm getting my work done and getting great results for my clients.



A view from the Basilique Notre-Dame de la Garde, in Marseille, France.



Agenda

In this presentation, I'll discuss 10 things you must adopt and learn in order to successfully work remotely as a lawyer or paralegal from anywhere in the world.

- 01 | Being Transparent and Communicating Changes
- 02 | Setting up Remote Access to Cases and Documents
- 03 | Setting up a Rock-Solid Internet Connection
- 04 | Creating a Positive Remote Experience for Clients
- 05 | Communicating with Clients Securely
- 06 | Setting up Mail Forwarding
- 07 | Being Reachable by Smart Phone
- 08 | Taking Advantage of E-Filing
- 09 | Planning for Professional Video Meetings
- 10 | Prioritizing Your Mental Health



I value traveling. I've always been intrigued by the idea of combining my passion for travel with my passion for entrepreneurialism and the law. I believe I can work from anywhere, so long as I'm getting my work done and getting great results for my clients.

01.a | Be Transparent



If you're opening a remote-first legal practice from the start, be transparent and intentionally set the stage for the parameters surrounding the communications you'll have with your clients while working remotely to manage expectations and to avoid disappointment.

- 01 | How soon they could expect to hear back from you.
- 02 | How often they could expect an update from you.
- 03 | How often they can expect communications from you .
- 04 | What the communications will entail.
- 05 | Which communication channels you'll use.
- 06 | How soon you will respond.
- 07 | How working remotely benefits them.
- 08 | How they could reach you.
- 09 | The times that you'll be available if you'll be working unconventional hours or in a different time zone.



01.b | Communicate Changes

If you're shifting from a more traditional, paper-based law firm model to a paperless-based law firm model, while working remotely – permanently or temporarily –, then clearly communicate any changes and new policies to your staff, colleagues, and clients.

- 01 | Explain to all staff that you are going paperless and why.
- 02 | Give clear/reasonable timelines for when this will be done.
- 03 | Explain the benefits of going paperless and remote work
- 04 | Explain the importance of a paperless way of working.
- 05 | Be open to feedback on the approach.
- 06 | Assess whether training is needed to teach staff how to work with digital files instead of paper.
- 07 | Appoint a person to manage the transition
- 08 | **Set two finishing dates:** one for when old paper files will be digitized or discarded, and one for when paper can no longer be used.





02 | Set Up Remote Access to Legal Documents

1

Store your Documents in the Cloud

I opted for cloud-based document storage. I use the advanced document management software Clio Manage, which provides me with unlimited document storage. I back-up files in the cloud using Google Drive.

2

Cloud-Based VoIP Virtual Fax

I set up a Virtual Fax for my law firm, which I use to send and receive facsimiles with VoIP.ms' service using a Direct Inward Dialing (DID) number specifically dedicated to sending and receiving faxes.

3

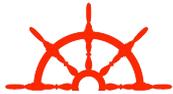
Scan Your Paper Documents

Once you decide to go paperless, you have to digitize your paper documents and upload them to your cloud storage. I personally use the Fujitsu ScanSnap iX600 desktop scanner to scan my documents.

4

Virtual Private Network

A remote VPN is another option to enable you and your team to securely connect to a private network for your law firm from a remote location. Especially, if you're using on-premise case management software, or if your legal files are on your firm's network.



03 | Set up a Solid Internet Connection

The moment I decided to work remotely, I couldn't have the internet connection dropping off in the middle of an important video conference meeting with my clients, colleagues and opposing counsel. I also needed a strong internet connection to ensure I'd be able to quickly and easily access my legal documents from anywhere in the world.

What Constitutes a Great Internet Connection?

The **speed** of your connection is obviously important, but so is the **stability** of your connection.





03.a | The Speed of Your Connection

If you're a lawyer or paralegal working remotely, then you need a strong and fast internet connection to primarily do two things:

1 Download and/or upload your legal files

Evaluating the Download/Upload Speed of Files

It's easy to evaluate whether or not your downloading and uploading speed is up to par. If you discover that downloading and uploading your legal files is consistently taking too long, then it's time to upgrade your internet connection.

2 Video conference calls

Evaluating the Quality of Video Conferencing Calls

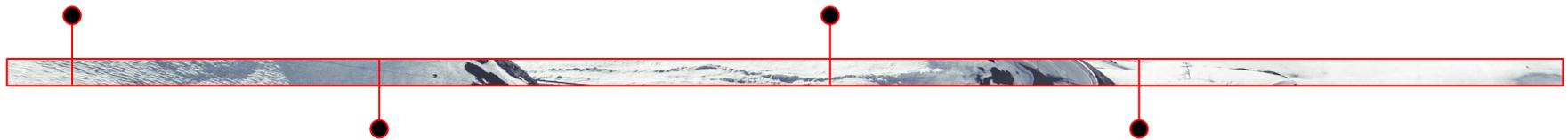
Evaluating your video conferencing calls is not as easy, because video conferencing applications are able to adapt to a bad connection quality by lowering the resolution and frame-rate, which also lowers the video and audio quality – including a loss of visual cues.

03.b | Minimum Requirements for Good Video Conferencing

Minimum upload speed  

1.5 mbps

The minimum requirements for effective video conferencing calls is 8 Mbps for downloads and 1.5 Mbps for uploads. If you meet these minimum requirements, then the quality of your video conferencing should be sufficient.



Mbps = Megabytes per second

Minimum download speed  

8 mbps

03.c | Measure Your Speed



If you want to measure your speed to ascertain if you meet the aforementioned minimum requirements, there are several test services online that you can utilize for free, such as:

- 1 SpeedTest.net
- 2 SpeedOf.me
- 3 BandwidthPlace.com

Make sure you conduct the test at different times of day because internet infrastructures experience both peak and minimum hours.

When I'm working remotely from home while using a router & cable modem, my download & upload speeds are 65 Mbps and 12 Mbps, respectively, which is excellent.

My upload speed   at home

12 mbps

My download speed   at home

65 mbps

03.d | The Stability of your Connection



Measure Your Packet Loss

Your internet data is carried via small chunks known as packets.

If your internet connection is experiencing what is known as **packet loss**, then this will slow your internet browsing, and in relation to video conferencing calls, it'll cause a decrease in your video and audio quality.

How do you check your internet connection for Packet Loss?

Open the Utilities folder, and the Terminal application. In the small Terminal window type and enter:

```
ping -c 50 8.8.8.8
```

After one minute you'll see :

— 8.8.8.8 ping statistics —
50 packets transmitted, 50 packets received, **0.0% packet loss**
round-trip min/avg/max/stddev = 12.138/23.864/100.054/19.984 ms

10-70

If you see a 0% packet loss, then that's perfect!



03.e | Portable Wi-Fi Hotspot

If you're periodically working abroad like me and you can't connect your laptop directly to an internet router and a good modem, then you can't solely rely on a spotty hotel Wi-Fi or Public Wi-Fi, because they are rarely secure, and they can be unreliable due to interference or a bad reception. So, consider investing in a portable Wi-Fi Hotspot.

What is a Portable Wi-Fi Hotspot?

It's a pocket-size wireless router that generates a small, private Wi-Fi network, which allows you to connect your laptop, tablet, and other devices to the same cellular data network as your smartphone.

Since it's a dedicated router, a portable Wi-Fi hotspot provides you better performance, supports a larger number of devices and delivers better battery life than tethering your laptop to your smartphone.

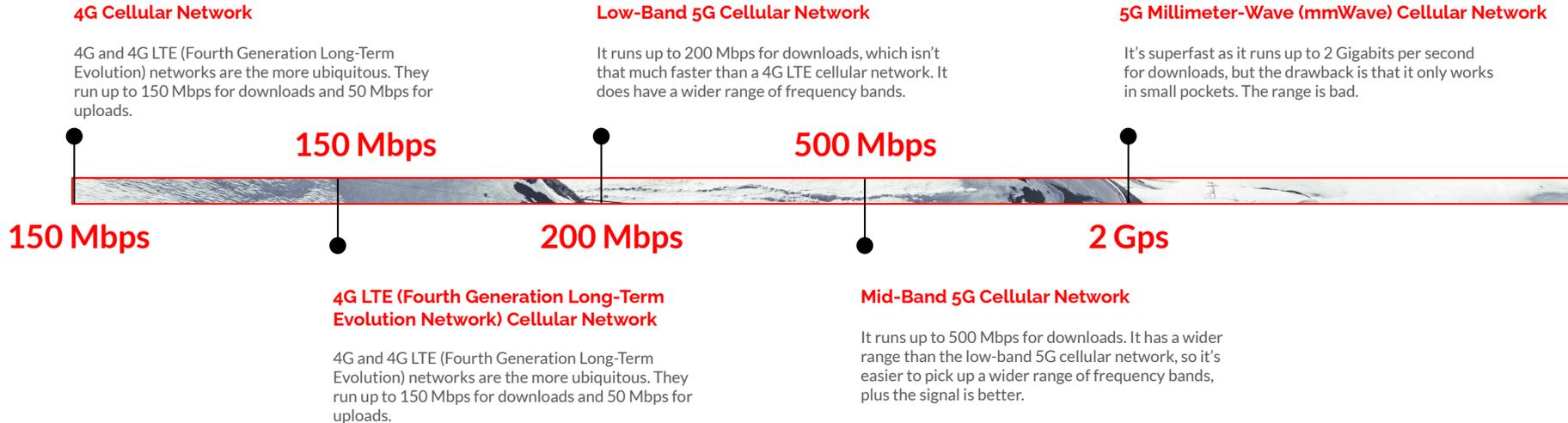
The primary determining factor between an affordable or cheaper portable Wi-Fi hotspot, and an expensive one, is its capacity to pick up a wider range of frequency bands, which allows it to provide faster speeds in high-traffic areas.



03.f | The Different Types of Cellular Networks

There are different types of cellular networks you'll experience at any given time and place. If you buy a portable Wi-Fi hotspot that supports the speediest bands, than you'll unlock the potential for higher speeds, if these networks are available. However, the actual performance of the speed of your downloads & uploads are influenced by your cellular carrier & their coverage in your specific location.

I personally use the [Netgear Nighthawk M6 Pro 5G Wi-Fi 6E Mobile Hotspot](https://www.netgear.com/ca-en/home/mobile-wifi/hotspots/mr6550/) > <https://www.netgear.com/ca-en/home/mobile-wifi/hotspots/mr6550/>



03.g | Other Things to Consider

1 Your Service Provider and Coverage:

The quality of your coverage depends on the cellular service provider (ie. Rogers, Bell, and Telus) you select as much as the portable Wi-Fi hotspot you buy.

Here is a URL link to a coverage map of the Rogers 5G network:

- https://www.rogers.com/mobility/network-coverage-map?icid=R_WIR_NTW_HEUQFZ

2 International Use:

Know where you plan to use it and review your provider's coverage map, in order to ensure that they provide coverage in the country where you want to work remotely. For updated information on the network coverage options in countries from around the world, search GSM Arena's Network Coverage database:

- <https://www.gsmarena.com/network-bands.php3>

3 Tethering Your Laptop to a Smartphone:

The drawback is that tethering yields poor bandwidth while draining your smartphone's battery and data. Use it as a last resort. If you do, then make sure you've paid for sufficient data to cover your working needs.



04 | Create a Positive Remote Experience for Clients

Pre-Retainer Stage:

Create a Streamlined Onboarding Process

1

Consider investing in a cloud-based client or customer relationship management (CRM) and automated client intake software, where you can access any information about potential clients remotely from anywhere in the world.

There are good CRM options, but I use Clio Grow to:

- 01 | Apply automations to set the intake process in motion, such as scheduling appointments & collecting client info using intake forms, to sending emails.
- 02 | Use pre-built templates for automated, customizable intake workflows.
- 03 | Use unlimited email templates, timed delivery scheduling, & automated text reminders to keep potential clients in the loop, so clients are kept engaged.
- 04 | Provide a bird's eye view of the progress of the new leads as they transition from prospective clients to retained clients.

Post-Retainer Stage:

Streamline the Case Management Process

2

Consider investing in a cloud-based advanced document management (ADM) software that functions like an operating system for your law firm, both in terms of managing your clients and cases, but also by serving as the technology hub of your law firm via its network of integrations.

There are good ADM options, but I use Clio Manage to:

- 01 | Update my clients at the major milestones of the litigation process.
- 02 | Track the progression of my clients' case via their Matter Stages feature.
- 03 | Create task list templates, which are a series of pre-built administrative tasks.
- 04 | Create document templates to save time drafting, such as progress reports.

05 | Communicate with Clients Securely



Regardless of what channel of communication you use with your clients while working remotely, it's essential that those methods are encrypted and secure.

What is encryption?

It's a form of cryptography that scrambles and unscrambles your legal data using an algorithm. Your data can be applied to everything from your cloud applications to your internet browsers, and from your local hard drives to your email. In order to keep your data secure, encrypt everything, including your laptop, email communications, and any data stored on your cloud-based document storage.

Cloud encryption:

If you're using cloud-based Software as a Service (SaaS) services in your law firm, then confirm with the company that they are taking care of encryption on their end.

I use Clio Grow and Clio Manage, so when I connect to a web browser, I connect via HTTPS – as opposed to HTTP –, and as such all of the data that is transmitted between my web browser and the web server is using encryption. No one can intercept or view the information I'm sending, whether I'm at my home office or abroad using my portable Wi-Fi hotspot.



If you want an extra layer of security, then use CloudMask to protect your law firm's data, b/c even if there is a data breach, the data that has been "masked" by CloudMask will stay protected.

06 | Set up Mail Forwarding



Mail Forwarding Service

1 If you're not able to go completely paperless or you're only working remotely temporarily within Canada, then you can contact **Canada Post** to set up their temporary mail forward service. They'll redirect your mail from your office to wherever you're working remotely.

Cloud-Based Mailing Service

2 If you're working remotely full-time abroad and you need to send out physical mail, then invest in a cloud-based mailing service, which will enable you to mail documents directly from your computer.

An example is a company called 'Recourse':
<https://myrecourse.ca/>

Virtual Mailbox

3 If you're working remotely abroad and need your physical mail scanned, then consider a virtual mailbox service, such as **Anytime Mailbox**. They'll receive your physical mail securely and scan you mail's content so you can view and manage it through their secure online platform from anywhere in the world.

Cloud-Based Bank Wire Transfer Service

4 In regards to transferring settlement funds to clients, I let the insurer know of my preference for a direct deposit into my Trust account. I then use **TD Bank's** small business wire transfer service – pay-as-you-go – to securely send the funds directly to my clients' bank account in less than an hour.

07 | Be Reachable by Phone



Call Forwarding from a Landline to a Smartphone

1 If you're working remotely on a temporary basis, then consider setting up call forwarding from your office landline to your cell phone. If you're with Rogers for example, the from your home phone, dial *72. Enter the 10-digit phone number you want your calls forwarded to. The call will ring through to the number you entered. Accept the call (if forwarding to a cell phone).

VoIP Phone Service

2 If you're planning on working remotely on a more permanent basis, then consider acquiring a Voice over Internet Protocol (VoIP) phone service, which will enable you to make phone calls from your laptop. You can get a non-fixed VoIP number that doesn't need a physical address, so the number can be tied to any location across the globe.

VoIP Session Initiation Protocol (SIP) Software

3 Another option I use to send and receive work-related calls on my cell phone without revealing my personal cell phone number, is the use of VoIP SIP software, which allows you to make voice and video calls, mostly for free. You download and install the VoIP SIP software on your computer or mobile device. I use the 'GroundWire' app, which sends voicemail messages to my email.

Virtual Receptionist Service

4 Another option to explore in order to ensure you never miss a phone call and you are enhancing an exceptional client experience while working remotely, is a virtual receptionist service. Some viable virtual receptionist companies are: **LexReception, Smith.ai, Posh Virtual Receptionist, and Cititel.**

08 | Use E-Filing

If you're working remotely and need to file legal documents with the courthouse, then take advantage of e-filing your documents online on your civil cases and Divisional Court cases in the Superior Court of Justice – without having to go to court.

How to E-file Your Documents Online:

Prior to e-filing your documents online, make sure you have:

- 01 | An online My Ontario account.
- 02 | All your court documents completed and saved as individual PDFs or Word (.docx) format.

You need Adobe Acrobat Reader version 5.0 (or higher) installed on your computer to complete these forms in PDF format
- 03 | Your Visa, Mastercard, or debit card, if filing fees apply.
- 04 | Your court file number ready, if you are filing documents for an existing case.

The advertisement for Rudder Law Group features a red background on the left with a white ship's wheel logo. Below the logo, the text reads "RUDDER LAW GROUP" and "RudderLawGroup.ca". On the right, a man in a dark blue lawyer's robe stands against a grey background. In the top right corner of the advertisement, the Rudder Law Group logo and website are repeated. A white box with a red border at the bottom contains the text "QUICK TIP" and "In order to file your court documents online, you need to pay the required filing fees."

Here is the URL link to the Ontario Government website for e-filing:

- <https://www.ontario.ca/page/file-civil-or-divisional-court-documents-online>



09.a | Plan for Professional Video Meetings



Look Extra Sharp

- Select business casual or formal outfits.
- Refrain from wearing pajamas or overly casual clothing.
- Pay close attention to your colour selection.

Select Professional Backgrounds

- **Virtual background:** Consider investing in a retractable green screen to eliminate pixelation.
- **Home office background:** Keep it clean and tidy. A neutral background is important.



Avoid Distractions

- Avoid video conferencing in a noisy environment.
- If you're at home or in a hotel, turn the volume down or off on devices, lock the animals out of the room, and give your significant others a heads-up.



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09.b | Plan for Professional Video Meetings



Select Strong Lighting

- Avoid backlighting, which covers your face in shadow & makes the background the focal point.
- Use three-point lighting (fill light, a key light, and a backlight)
- Use two-point lighting as an alternative.
- Invest in a LED ring/panel light for best results.

Camera Position

- The optimal location for a camera during a video conference is eye level or just above.
- If you have a monitor, connect your webcam at the top.
- If you have a laptop, you may have to prop it on a pile of books or a laptop stand.
- If you are using a smartphone, elevate it on a stand.



Invest in a Headset or Microphone

- Ensure that you maintain a crisp, professional sound quality at all times.
- Ensure that you're able to clearly hear what the other person is saying.
- I personally use a Blue Yeti USB microphone.

10 | Make Your Mental Health a Priority

Create a Routine and Set Clear Work Hours

1 I wake-up every morning at 5:30 during the weekdays and start a 90-minute workout session followed by stretching and recovery in a sauna or jacuzzi, and then transcendental meditation. This enhances my mental clarity, improves my focus and mental energy, and increases my productivity at work. My work hours are never the same every week, as it depends on my schedule, and the objectives I want to achieve that week.

Unplug and Take Stock of Your Surroundings

2 What's the point of setting up a legal practice so you could work remotely in other countries, if you don't explore them? When I'm working remotely abroad in a beautiful country with a rich history, art, architecture, people, and exceptional viticultural and culinary indulgences, I unplug & immerse myself in the culture.

Join Social Groups, Volunteer and Network

3 I'm a co-chair of the LSO's Solo & Small Firm Conference, and a director on the board of HIRO as well as a member of their Governing Committee. I also volunteer by mentoring young lawyers. I actively volunteer in my community, and support and sponsor charity events. I engage in over 10 speaking engagements every year, and I attend a lot of networking events. So, even though I work as a solo practitioner, I don't feel alone. I'm connected to a larger social and professional network.

Call a Colleague and Friend

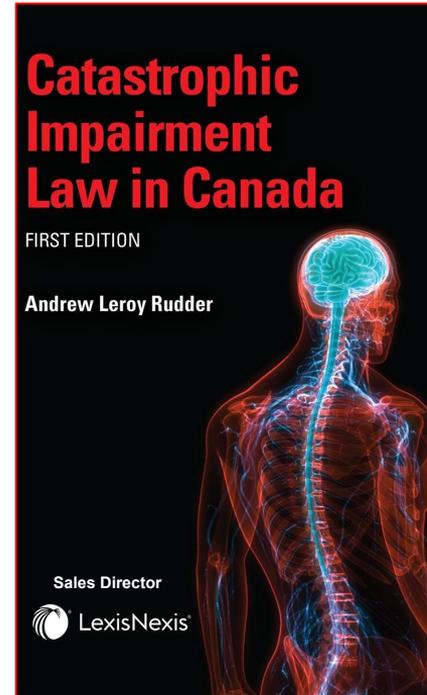
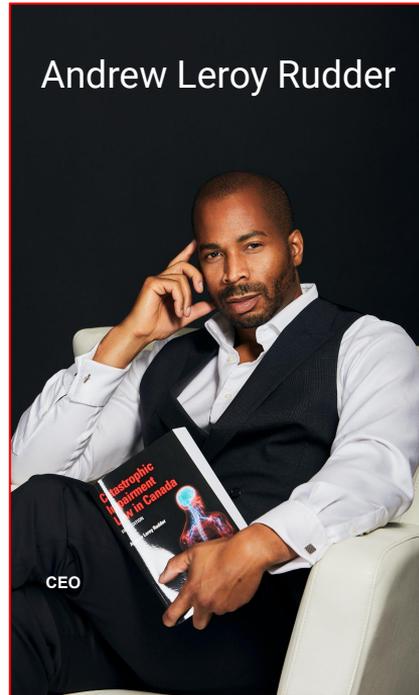
4 I've met so many people through my networking events, speaking engagements, volunteer work, and my involvement in organizations and the community, so I have network of people who I can call every so often and set up a lunch or dinner, or grab a drink and share experiences and have fun, while discussing some business and professional development stuff.



Thank you!

If you have any questions or comments, then please don't hesitate to contact me via email:

andrew@rudderlawgroup.ca





Law Society
of Ontario

Barreau
de l'Ontario

TAB 11

18th Solo and Small Firm Conference: Evolution

Do It Yourself with Canva (Slides)

Caitlin Spearing, Founder and Social Media Marketer
OMG Social Medial Agency

June 13, 2024



DO IT YOURSELF WITH CANVA

SOLO/SMALL FIRM LAW
CONFERENCE 2024





I HAVE A BIT OF A BOLD STATEMENT:

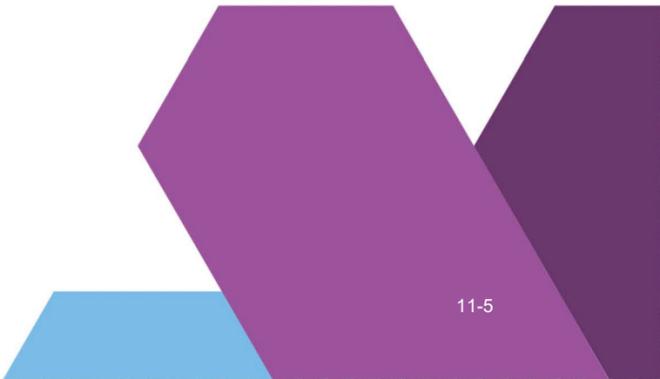


**I HAVE A BIT OF A BOLD STATEMENT:
CANVA IS THE KEY
TO MARKETING ON
A BUDGET**

HI, I'M CAITLIN!

- Founder and CEO of OMG Social Media Agency
- I help SMBs, and Sole Entrepreneurs elevate their social media marketing and content creation - without multi-thousand dollar retainers
- I've been an avid Canva user since 2020 and would consider myself a "Canva Pro"





**WHY IS THIS
IMPORTANT
TO ME?**



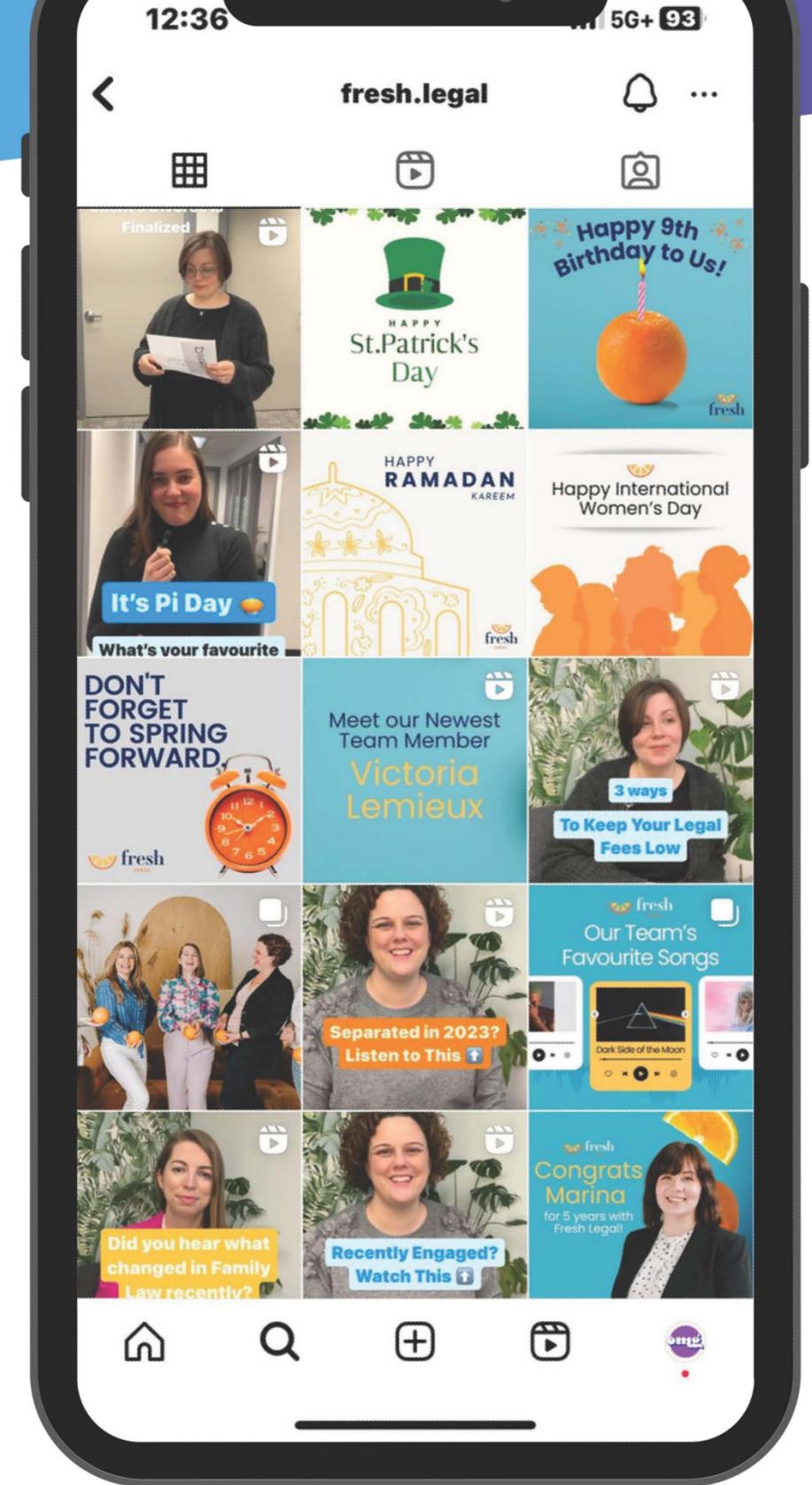
**WHY
SHOULD YOU
BE USING
CANVA?**

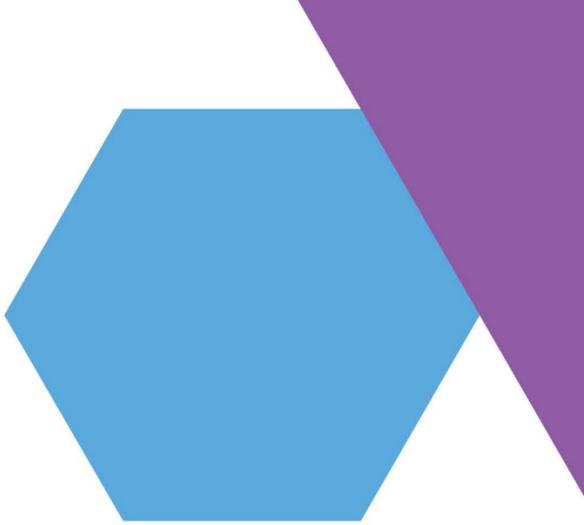


LET'S TALK SOCIAL MEDIA

BENEFITS:

- Creating a solid brand image
- Growing your audience
- Building brand awareness
- Sharing your expertise making you stand out from competitors and more





71%

of people are more likely to buy something based on social media referrals.

43%

of customers learn about new products or companies through social media networks.

A FEW QUESTIONS

**WHO IS YOUR
IDEAL AUDIENCE?**

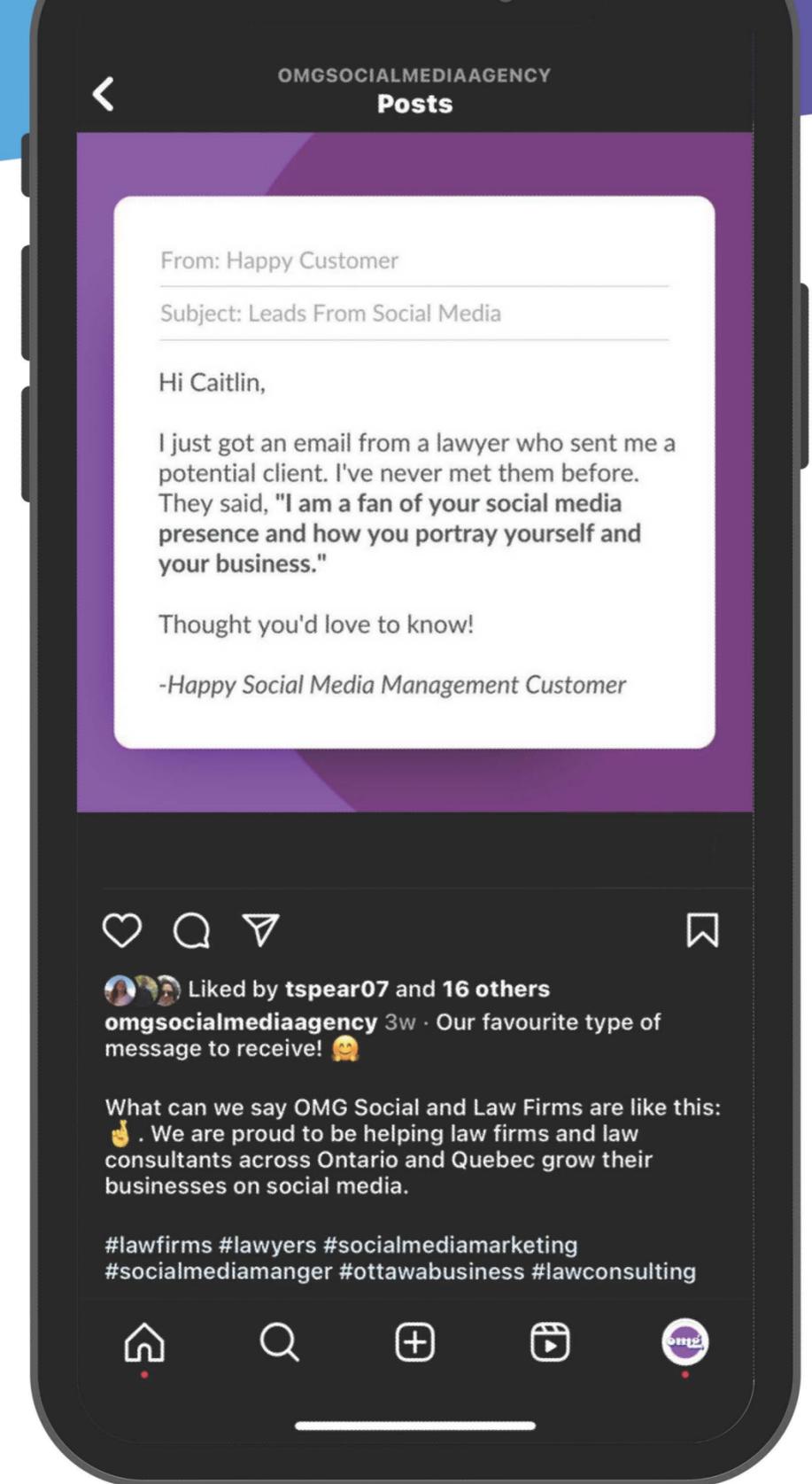
**WHAT TONE DO
YOU WANT TO
USE ON SOCIAL
MEDIA?**

**WHAT ARE YOUR
GOALS?**

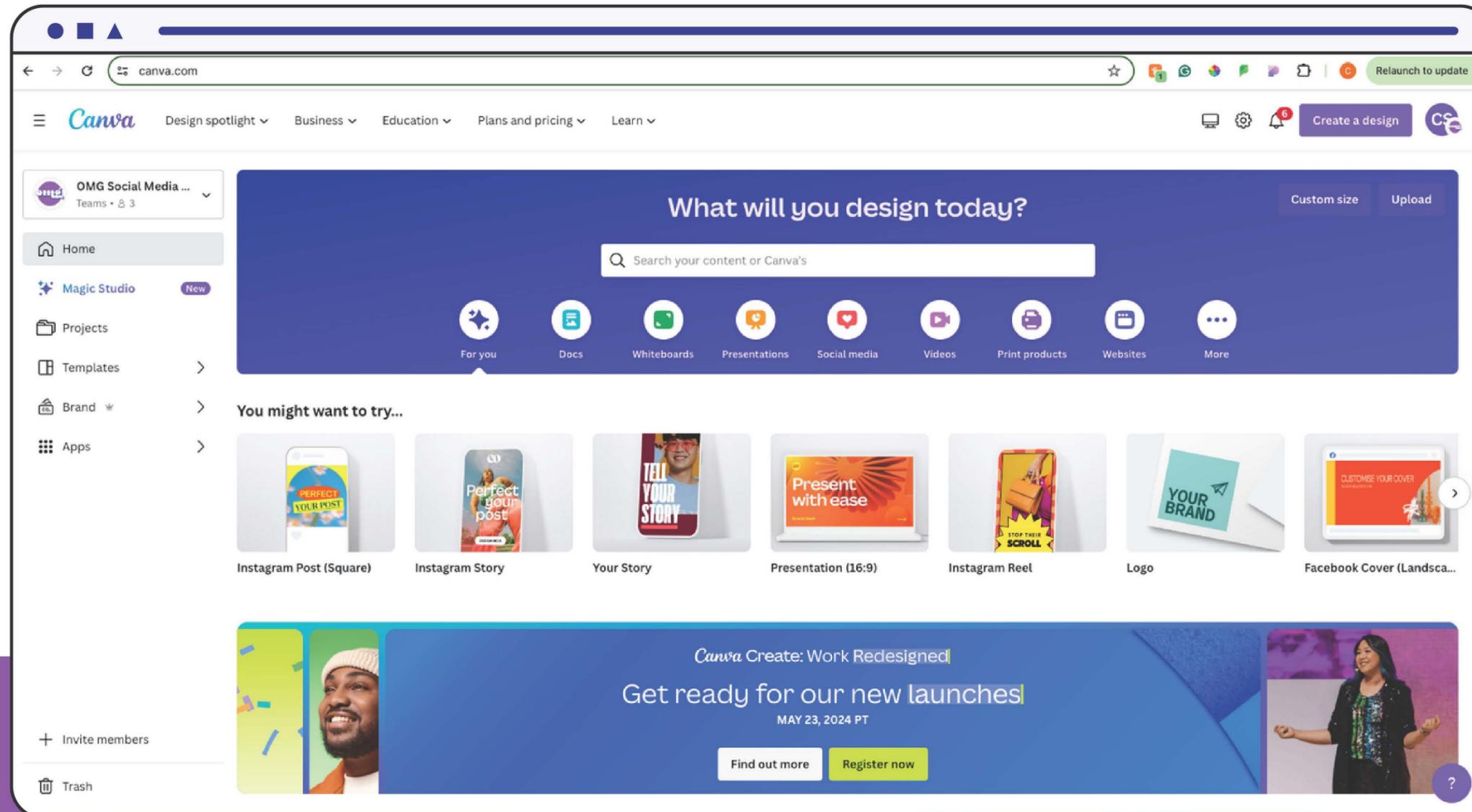
CANVA IS POWERFUL

IT CAN:

- Streamline the creation of the graphic - either through a template or designing something new
- Help write the caption with AI tools
- And schedule the post for you



LET'S CREATE SOMETHING TOGETHER!



QUESTIONS?

THANK YOU FOR
JOINING FOR MY
FIRST SPEAKING GIG!



MY WEBSITE

Don't want to spend
the time doing your
own marketing? That's
where I come in!



www.omgsocial.ca



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



OMG Social Media Agency



Law Society
of Ontario

Barreau
de l'Ontario

TAB 12

18th Solo and Small Firm Conference: Evolution

Civility in a Time of Change (Polling Slides)

June 13, 2024



Incivility Scenarios for Audience Participation

1

Rules of Professional Conduct for Lawyers and Paralegals

[Rules of Professional Conduct - Lawyers](#)

7.2-1 A lawyer shall be courteous, civil, and act in good faith with all persons with whom the lawyer has dealings in the course of their practice.

7.2-4 A lawyer shall not in the course of professional practice send correspondence or otherwise communicate to a client, another legal practitioner, or any other person in a manner that is abusive, offensive, or otherwise inconsistent with the proper tone of a professional communication from a lawyer.

[Paralegal Rules of Conduct](#)

2.01 (3) A paralegal shall be courteous and civil, and shall act in good faith with all persons with whom he or she has dealings in the course of his or her practice.

7.01 (3) A paralegal shall not, in the course of providing legal services, communicate, in writing or otherwise, with a client, another licensee, or any other person in a manner that is abusive, offensive, or otherwise inconsistent with the proper tone of a professional communication from a paralegal.

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Test for Incivility – In Court and Out of Court Communications

[2012 SCC 12 \(CanLII\)](#) | [Doré v. Barreau du Québec](#) | [CanLII](#)

The test for whether a particular communication reaches the threshold of professional misconduct, or a breach of the above-cited rules, was set out in *Dore v. Barreau du Quebec*, supra. Incivility was defined by the Supreme Court of Canada as:

“... potent displays of disrespect for the participants in the justice system, beyond mere rudeness or discourtesy”

In assessing whether a particular communication constitutes a potent display of disrespect beyond mere rudeness or discourtesy, context is always considered.

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Scenario #1 – Facts

The Respondent was a lawyer who practised civil litigation. In the course of a personal injury action, the Respondent sent a number of emails to his client's previous counsel, and to counsel on the other side of the action. Some samples are below:

“Unlike some lawyers involved with this file, I act pursuant to client instructions.”

“I have found Ms. C. to be utterly vulgar in my dealings with her. I will admit that has colored my dealings with her – and I have two kids who are half Chinese and have lived in Shanghai for many years so don't go where you may have been thinking of going.”

“There is a level of idiocy I will not stoop to. You have reached it.”

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Polling Question

Do you think the comments meet the test for professional misconduct set out in *Dore*: potent disrespect for participants in the justice system?

Yes

No

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Scenario #1 – Result

[2016 ONLSTH 198 \(CanLII\)](#) | [Law Society of Upper Canada v. Robson](#) | [CanLII](#)

The Law Society Hearing Panel found that these communications reached the threshold of incivility as set out in *Dore, supra*. The Hearing Panel specifically commented on the communication involving the Respondent’s children as having been born in Shanghai and stated it was racist, in that Ms. C is ethnically Chinese.

The Hearing Panel also observed at ¶ 81:

“... from a broader perspective, degrading and hostile language between counsel is incompatible with their responsibility to the administration of justice and the reputation of the legal profession.”

Penalty

1 month suspension, \$25,000 in costs.

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Scenario #2 – Facts

In the course of a civil action, counsel for the defendants informed the Respondent who acted for the plaintiff, that they had not received any motion materials he claimed to have sent them. The Respondent wrote the following to counsel on the other side:

"Halloween goblins must have been working against you all on Thursday and eaten things."

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Polling Question

Do you think the comments meet the test for professional misconduct set out in Dore: potent disrespect for participants in the justice system?

Yes

No

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Scenario #2 – Result

[2016 ONLSTH 198 \(CanLII\) | Law Society of Upper Canada v. Robson | CanLII](#)

The Hearing Panel found the communication to be silly rather than abusive or offensive (¶ 92) and as such did not make a finding of professional misconduct.

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Scenario #3 – Facts

The Respondent was a paralegal who owned a business called “Parking Ticket Guys Inc.” (PTG) As the name implies, the Respondent’s primary area of practice was the defence of parking tickets. On its website, PTG promised they would take care of a parking ticket for half its value. The website promised that if they lost in court, PTG would pay the full fine. Moreover, the website advised clients to disregard any Notice of Trial and not to attend court because PTG would take care of it.

PTG did not fulfill its promises. A number of clients ended up paying the full fine. When they asked PTG to reimburse them, PTG refused. The clients complained to the Law Society.

When one of the clients contacted the Respondent and asked for him to pay the outstanding fine, the Paralegal ignored him. When the complainant wrote again demanding a response, the Paralegal wrote the following:

“Are we spouses? Are we married? Do I have to respond to you like a wife or a husband?”

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Polling Question

Do you think the comments meet the test for professional misconduct set out in Dore: potent disrespect for participants in the justice system?

Yes

No

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Scenario #3 – Result

[2018 ONLSTH 102 \(CanLII\) | Law Society of Ontario v. Low | CanLII](#)

The Hearing Panel found that the communication above (and others) constituted professional misconduct.

Penalty

19 month suspension (there were other very serious findings of professional misconduct) and \$30,000 in costs

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Scenario #4 – Facts

The Lawyer had been in a virtual romantic relationship with one AB whom he had met on a sugar daddy/sugar baby matchmaking website. The Lawyer loaned AB approximately \$20,000 after AB told him she had cancer. In fact, AB did not have cancer and simply lied about it to obtain the loan. When the Lawyer found out about the lie, he demanded the return of his funds. AB refused and the Lawyer sued her.

AB was represented by counsel, CD. The Lawyer engaged in the following communications with CD:

He described CD as a “strip mall lawyer, at the bottom of his class, barely getting a C average.”

He accused CD of playing games and called him “crazy” for requesting disclosure.

He described AB’s actions as “a crock of shit”

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Polling Question

Do you think the comments meet the test for professional misconduct set out in Dore: potent disrespect for participants in the justice system?

Yes

No

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Scenario #4 – Result

[2023 ONLSTH 58 \(CanLII\)](#) | [Law Society of Ontario v. Ramal-Shah | CanLII](#)

[48] Over the course of almost two years, the Lawyer sent multiple highly abusive and offensive e-mails to AB, her family, and counsel. His sense of personal grievance, anger or alcohol consumption was no justification for his clear failure to conform with his professional duty of civility.

Penalty

1 month suspension plus \$6,000 in costs. Mitigating factors were:

- The Lawyer was a victim of fraud
- He adduced a psychological report assessing him as having persistent depressive disorder, major depressive disorder and generalized anxiety disorder
- The Lawyer committed to therapy and signed an undertaking to continue in therapy and release medical information to the Law Society
- The Lawyer wrote apology letters to AB and CD

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Test for Incivility – Allegations of Incompetence Made in Court

[2018 SCC 27 \(CanLII\)](#) | [Groia v. Law Society of Upper Canada | CanLII](#)

Allegation must be made in good faith and must have a sufficient factual foundation - ¶ 88

The above is in addition to the potent disrespect test.

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Scenario #5 – Facts

The Respondent was a suspended lawyer. While he was suspended, he attempted to represent a client in Small Claims Court. Counsel for the other side took the position he was not permitted to represent his client while suspended. A representative of the Law Society was in the courtroom and informed the Deputy Judge that the Respondent was not permitted to represent his client in Small Claims Court while suspended. During the course of these discussions, the Lawyer repeatedly interrupted the Deputy Judge, and persisted in his position that he was entitled to appear in court on behalf of his client.

The Deputy Judge became irritated with the Respondent and threatened to find him in contempt if he did not “keep quiet.” The Deputy Judge also said “you’re going to be locked up for the rest of the day.” The Deputy Judge ordered an adjournment of the matter and ordered that the trial not proceed until the Respondent provided proof that his suspension had been lifted. After the Deputy Judge read his endorsement, the Respondent engaged in a communication that resulted in an increased costs award. In response to this the Respondent said:

“I should advise the court I’m referring this matter to the judicial council, I’ll tell you right now.”

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Polling Question

Do you think the comments meet the test for professional misconduct set out in Dore as well as the Groia test: was the allegation made in good faith and was there sufficient factual foundation for the allegation?

Yes

No

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Scenario #5 – Result

[2017 ONLSTH 161 \(CanLII\)](#) | [Law Society of Upper Canada v. Isaac](#) | [CanLII](#)

The Hearing Panel found that the Respondent's behaviour and his advice that he was going to report the Deputy Judge to the Judicial Council did not rise to the level of professional misconduct.

[50] In deciding whether Mr. Issac's conduct rises to the level of incivility, careful consideration of both the content and the context of his statements, as well as all of the specific circumstances surrounding his alleged uncivil conduct, is essential. A contextual analysis on the question of incivility ensures that the challenges that confront courtroom advocates are fairly taken into account. A few ill-chosen words or sarcastic or even nasty comments may not constitute professional misconduct. Provocation from opposing counsel or the presiding adjudicator is a relevant consideration: *Johnson (Re)*, [2016 LSBC 20](#); *Law Society of Upper Canada v. Groia*, [2013 ONLSAP 41](#) at para. 7. Events leading up to or surrounding the alleged incivility may mitigate against a finding of misconduct, and must be considered and factored into our decision as to whether the conduct amounts to "potent displays of disrespect for the participants in the justice system, beyond mere rudeness or discourtesy" (*Groia CA*, above at para. 120).

The Hearing Panel found that the Respondent's conduct amounted to bad manners and even rude behaviour, but did not constitute "potent disrespect". Moreover, in advising the Deputy Judge that he was going to report him to his governing body, the Respondent may have had an objectively reasonable case for such a report, given the Court's comments throughout the proceeding.

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Scenario #6 - Facts

The Respondent was a lawyer practicing civil and criminal litigation in Toronto. In the course of a sexual assault trial he raised issues of an abuse of process without bringing a motion in writing as required by the Criminal Rules. The Respondent and the presiding Judge had many exchanges about this. In the course of these exchanges, the Lawyer made the following comments:

"... our courts are better than that, Your Honour. Our courts should not be used in this sort of way, alright? Our taxpayers pay a lot of money, and this is nonsense, is what I see."

" Well, Your Honour, I think you should give some thought to what you are doing, because you are trying to derail me."

"Okay. Your Honour, you've got to – you've got to do your job now. She – he asked that, and she said, five times. I mean, come on."

"Well, Your Honour, I don't think you're listening to me very carefully so I'm going to be very precise."

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Polling Question

Do you think the comments meet the test for professional misconduct set out in Dore as well as the Groia test: was the allegation made in good faith and was there sufficient factual foundation for the allegation?

Yes

No

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Scenario #6 – Result

[2023 ONLSTH 59 \(CanLII\)](#) | [Law Society of Ontario v. Guiste | CanLII](#)

The Hearing Panel made a finding of professional misconduct.

[54] We have concluded that Mr. Guiste's comments to the judge constitute professional misconduct. His comments attacked the judge's impartiality, integrity and competence. They are disrespectful and demeaning. Neither Mr. Guiste's duty of zealous advocacy nor expressive rights extends to excuse the comments at issue. A plain reading of the transcript shows there was no reasonable basis for the comments and no circumstances that warranted such remarks. Mr. Guiste was not holding the judge accountable; he was challenging her reasonable rulings and directions which are standard practice in trials.

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