

E & O BULLETIN



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The E. & O. Bulletin will be issued from time to time for the information of all members who are covered under the Society's Errors and Omissions Insurance Plan. Its main purpose will be to notify the practising members of changes in the law to which special attention should be given if costly mistakes are to be avoided, though it cannot, of course, cover every significant change. It will also deal periodically with other matters of importance respecting the Errors and Omissions Insurance Plan.

Bill 77 amends The Judicature Act so that awards of interest may now be made before Judgment and damages may be awarded for improper registration of a lis pendens. Both are matters which could give rise to claims under the Errors and Omissions policy and thus should be read with care.

Interest may be awarded on an unliquidated claim from the date the person entitled gave notice in writing of his claim to the person liable therefor. Notice of the claim, and probably of the amount, should be given at the earliest possible time - in many cases, at the time of first interview.

"Any person" who registers a caution or certificate of lis pendens without a reasonable claim is liable for damages sustained as a result of the registration. Both lawyers and clients must now consider what constitutes a reasonable claim and who is "the person" registering. There is no precedent to give firm guidance on either issue.

Kenneth Jarvis

Secretary.