

The Adviser



Published by
The Practice Advisory Service
The Law Society of Upper Canada
Osgoode Hall, Toronto
for the information of
its members

Number 1 - June 1982

The Adviser is being published for the Legal Profession in Ontario through the office of the Practice Advisory Service of the Law Society. It is designed to replace the former E. & O. Bulletin which was last published in January, 1980.

The purpose of the Adviser is to provide lawyers in Ontario with the following:-

- (a) brief information and advice concerning Errors & Omissions problem areas,
- (b) practice guidance, and
- (c) tips concerning law office administration.

The Practice Advisory Service will also be working with County & District Law Associations to provide to various areas of the Province educational programmes on legal and office administration subjects. Information concerning these programmes will be outlined in subsequent issues of the Adviser.

Brochures concerning the Practice Advisory Service were distributed to the Profession, with material concerning undertakings and mortgage discharges in real estate transactions, in March 1981. Copies of the brochure are available by writing to the Practice Advisory Service at Osgoode Hall.

E. & O. Claims - During the first quarter of 1982, E. & O. claims filed with the Law Society's Adjusters increased by 50% over the same period in 1981. Records indicate that 88% of claims filed are from lawyers who have never previously filed a claim, or have filed one previous claim. This indicates that the increase in claims is a general problem in the Profession. It will have an obvious effect on the E. & O. levy and potentially represents an extra overhead expense that many of us can ill afford in the current economic climate. The co-operation of every member of the Profession is requested in an attempt to reduce and control the number of potential claims. The problem areas are still much the same as outlined in the Risk Management Programme sponsored by the Law Society through Peter D. Norman & Associates in 1980. Regular reference to the Risk Management Handbook distributed at the 1980 lectures (and with Bar Admission Course materials to 1981 and 1982 graduates) will be of great assistance to you in identifying and avoiding the problems.

Missed limitation periods are still a major source of claims. In many cases they have resulted from a breakdown in the lawyer's tickler, or reminder, system. The Advisory Service has materials that might be of assistance and is prepared to provide advice concerning reminder systems and file management.

Failure to adequately review title searches is the principal cause of claims in real estate matters. The Profession is urged to give more careful attention to the review of title searches.

Alan T. Marshall,
Director, Practice Advisory Service.