



ERRORS & OMISSIONS

A periodic update from the
Lawyer's Professional Indemnity Company

Number 2

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How to Report a Claim

Have you just discovered that you have not served a Statement of Claim and missed a Limitation Period?

Has your former purchaser client just called and advised you that the sale of a property was not completed because there is a right-of-way 10 feet wide which runs through the middle of the property?

What do you do? You immediately *notify your Insurer.*

How Do You Give Notice?

Members of The Law Society of Upper Canada

Contact:

The Director of Insurance
The Law Society of Upper Canada
Osgoode Hall
Toronto, Ontario
M5H 2N6

Facsimile: (416) 599-8341
Telephone: (416) 947-3439

Members of The Law Society of Newfoundland

Contact:

Mr. R. P. Walsh, FIIC
Finnamore & Partners Ltd.
Suite 300, Chimo Bldg.
151 Crosbie Road
St. John's, Newfoundland
A1B 4B4

Facsimile: (709) 753-6129
Telephone: (709) 753-6351

Information Required

When making your report, be prepared to give the following information:

- ◆ Your name, the name of your firm, full mailing address and fax number.
- ◆ The name of your client.
- ◆ A brief description of your retainer stating when you were retained, why you were retained, the nature of the negligence now being alleged and the exact status of the matter at the time of the report.
- ◆ The manner and date in which you became aware of the potential claim.
- ◆ Any pertinent documentation relating directly to the claim.
- ◆ The amount of potential damages.

Your Obligation To Your Client

In most cases, if your client has a potential claim against you, you must advise your

client to obtain independent legal advice to ensure that the client's rights are protected.

Rule 3, Commentary 10, and Rule 5, Commentary 15 of the Rules of Professional Conduct set out your duties in detail. Please refer to them.

There may be situations in which the possibility of a claim is so remote that the client need not be advised, but those situations should be reviewed with the examiner at the Errors and Omissions Department.

And Finally . . .

Your insurance coverage is designed to protect you whenever a claim or alleged claim is made with respect to your professional services. Your cooperation and assistance can help us understand and resolve the situation as expeditiously as possible.