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A A R E B C

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■ Bulletin # 231 Better safe than sorry

You've heard it said before. Carrying portable technology tools, like iPads and other tablets, smartphones or laptops with you when traveling requires vigilance to protect both those tools and the data they contain from theft or loss.

This advice became particularly real to me when recently traveling with my own family. My daughter, on taking her seat at the beginning of a flight, placed both her iPod and iPad in the seat pocket in front of her. During the course of the flight, she used the iPad. As we landed, she carefully put her iPad and headphones back into her bag. It wasn't until well after we cleared customs and reached the gate for the next leg of our journey that we realized she had left the iPod behind. In this case, the device was found and ultimately returned to her possession some days later.

Unfortunately, this isn't just a problem encountered by children traveling with too many devices. In a recent presentation on the state of the legal malpractice insurance market, a speaker from a large U.S. malpractice insurer commented that to his surprise, lost portable technology claims continue to arise as lawyers leave their laptops and other devices behind in parked cars, airplanes and restaurants. Some of these devices are never recovered, whether lost or stolen.

It can happen to any of us, particularly when we are distracted or busy with many other tasks, such as when trying to make tight connections at the airport or racing from a business meeting to a social event.

Fortunately, it is also relatively easy to protect against such losses. You can, for example, take these simple steps:

- Make it your practice that you never store your electronic, data-containing tools in a parked vehicle.
- If you must leave portable tech tools in your car, don't leave them exposed in the front console, or backseat; rather, store them safely out of sight.
- Make sure to use password protection

and device locking mechanisms on all portable devices.

- Never put your phone in the airplane magazine pocket – it's much too easy to forget it there.
- Maintain a recent and accessible backup of all portable devices.
- Use convenient apps such as Find my Phone to locate misplaced devices or to lockdown devices that are lost or stolen.

This advice may seem trite but we're all human and prone to forgetting or getting distracted. For this reason, it is important to make a habit out of safely storing your portable technology tools whether you're at home, on the road or in the air.

■ Bulletin # 232 Calming the Anxious Lawyer

Studies consistently show that anxiety levels among members of the legal profession are higher than in many other professions. We know that unchecked stress and anxiety can have a negative impact not only upon lawyers' health and well-being, but also on the quality of their work and professional relationships.

The Anxious Lawyer is a new book co-authored by U.S. bankruptcy lawyer and mindfulness advocate Jeena Cho and mindfulness consultant (and former lawyer) Karen Gifford that addresses this issue head-on through a practical and easy to follow 8-week program designed specifically to meet the needs of stressed-out lawyers.

As described on the book jacket:

"Both Cho and Gifford began meditating as practicing attorneys, and have firsthand knowledge of the difficulties and rewards of legal practice.

They experienced how meditation and mindfulness practices support a more effective and enjoyable legal practice. Both also found unexpected rewards of meditation that go deeper: better self understanding, more rewarding relationships and a deeper feeling of connection with the world."

Cho and Gifford take on the subject of stress reduction through mindfulness in a way that

demystifies the practice and makes it both accessible and relevant to every lawyer, no matter their practice area.

They recommend meditation as another tool in the lawyer's toolbox, the regular use of which can create a ripple effect in other aspects of the meditator's life.

The authors dispel a number of common misconceptions about meditation, including that it requires a lot of time, a special skillset or a change in lifestyle or belief. They note that lawyers already have many of the skills necessary to build a strong meditation practice:

...the ability to concentrate, some discipline, the ability to set a goal and work toward it, and the tenacity to keep working toward your goal even if you encounter a few setbacks. These skills are the basic currency of any professional life....

If you're curious about reducing stress and anxiety through a mindfulness practice, this book provides an excellent introduction to the subject through its non-threatening and convincing explanations.

Additional information about *The Anxious Lawyer* and a free download of the e-magazine, *The Mindful Lawyer* is available at: <http://theanxiouslawyer.com>.

■ Bulletin # 233 On ending well and not burning bridges

Recently, I heard a tale of a junior lawyer who left a small firm to become a sole practitioner. In the process of leaving the firm, the lawyer focused efforts on bringing over as much work and as many clients as possible to the new firm. But the lawyer failed to appreciate the importance of ending well. The lawyer's self-focused approach aggravated members of the old firm. Soon the lawyer was facing law society complaints made by the former firm and former clients, arising out of the lawyer's own conduct in leaving.

While perhaps an extreme example, this story underscores the importance of making every effort to maintain relationships when leaving a job situation. In a time when lateral transfers of lawyers are increasingly common, this advice is particularly important.

Whenever I am asked to advise young lawyers on managing their careers, one of the points I always make is that to the greatest extent possible, they ought to try to avoid burning bridges on leaving any firm. The legal community in many centres is a relatively small one and most lawyers have long memories. Poor choices made at the end of a lawyer's employment with

any given firm may well continue to haunt that lawyer throughout their entire career.

What does this mean in practical terms? It means remaining loyal to your current firm and clients until the very end of your employment or retainer relationship, putting their interests first until you've actually moved on to the new position.

It means demonstrating a professional and respectful attitude toward those you are leaving behind. It means assuming that you will cross paths again and may need to interact with them in the future, whether socially or professionally.

It means that even if you're leaving under less than optimal circumstances, you figure out a way to say something positive about those left behind. Or, if you can't say anything nice, you don't say anything at all.

Ending well is on my mind because this is my last issue as editor of the Loss Prevention Bulletin. Fortunately, I have nothing but good things to say about those I'm leaving behind at CLIA. In the past ten (plus) years, I've been lucky to work with excellent people from across Canada who faithfully have provided ideas, feedback and support to me in developing these Bulletins.

In that time, I have written or edited more than 70 articles on risk management and loss prevention and along the way I have learned much about practising law safely and effectively. Looking back, I can see that there has been repetition of certain key strategies to reduce risk in law practice, for example, emphasizing:

- Clear communications with clients
- Documenting instructions in writing
- Developing technological competence
- Maintaining a balanced life
- Effectively managing one's time and practice
- Avoiding fraud

The fact that legal malpractice claims continue to arise in every jurisdiction sometimes has caused me to question whether the advice I've provided has been at all effective. It is challenging to evaluate or measure the effectiveness of risk management efforts as losses prevented or averted are rarely noted except, perhaps by the individual lawyer expressing a sigh of relief as the moment of awareness passes. And I'd venture even fewer misses are ever reported to insurers.

As I close this door, I leave hopeful that these loss prevention bulletins have been useful and that at least some have found value in the words written, tips provided and advice given. Thank you for reading and for the thoughtful feedback provided along the way.