

INDEPENDENT PRACTICE – LOSS PREVENTION TIPS

Ask for, and make sure you receive receipt of correspondence

When sending correspondence to others, especially foreign agents, ask them to confirm receipt of that correspondence. If you don't receive confirmation within a reasonable time, follow up to ensure the correspondence was received.

Review delegated work

To run an efficient and profitable IP practice you probably delegate appropriate work to a clerk. Remember that as the lawyer you are ultimately responsible for the work of a clerk, so take care to review delegated work, especially if there is something unusual involved with the matter.

Check and double-check dates

Date related errors are one of the most common causes of claims in IP law. Encourage lawyers and staff to double-check that correct dates are entered on all documents and diary systems.

Carefully document instructions, advice and steps taken

Taking detailed notes and documenting client conversations can minimize misunderstandings and help give clients reasonable expectations, which in turn can help avoid fee disputes.

Don't leave things to the last minute

Get in the habit of making payments and completing filings well before actual deadlines. In the event there is an unexpected problem, the extra time will allow you to take corrective action before the deadline has passed. Document your advice to clients about the need for timely instructions.

Don't give advice on foreign law

Remember that the insurance policy provides protection for claims that are the result of your "professional services" for others involving the practice of the law of Canada, its provinces and territories. What will or will not be covered can be very fact-specific, but you should expect you are not covered for work involving non-Canadian law. If your

client requires assistance from a foreign agent consider having your clients retain foreign agents directly. Being the conduit for communications with foreign agents increases your exposure to a claim.

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