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A A R E B C

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All Loss Prevention Bulletins are on-line.

Go to www.clia.ca, and click on Documents to find a past issue.

■ Bulletin # 163

The World at Your Fingertips

You probably are familiar with CanLII, the Canadian Legal Information Institute (on the web at www.canlii.org). For many, CanLII is a favourite research tool, easily accessible from any computer with a web connection. But did you know that there is a world-wide network of Legal Information Institute (LII) websites that can give you access to decisions and legislation from countries throughout Africa, Asia, Europe and the Pacific? If you need access to the law of a jurisdiction outside of Canada, whether case law or statutes, do yourself a favour and check first on WorldLII at: www.worldlii.org. You'll be amazed at what you can find there.

■ Bulletin # 164

No Thanks

Ask any lawyer "How are you doing?" and invariably the response includes a comment to the effect of "I'm too busy."

Being overly busy seems to be a kind of occupational hazard for lawyers. Many of us possess a "can do" kind of attitude that leads us to agree to take on tasks whenever we're asked to do so. While this makes lawyers desirable as volunteers for many non-profit organizations, it also results in many lawyers feeling overburdened and sometimes, overwhelmed by all that they need to accomplish.

One obvious solution to this problem is to develop and implement a rigorous personal time management program. Many excellent resources are available on this subject (see for example, *Getting Things Done* by David Allen or *Time Mastery: 60 Ways to Maximize Your Productivity and Satisfaction* by Frank Sanitate.) But time is a finite resource and even the most careful management of it cannot ultimately create more time.

An underused but effective technique to manage an overlong To Do list is one that my toddler has completely mastered – say "No" (or even better,

"No, thank-you.") While not all requests can be met with a negative response, it is nonetheless an option to consider the next time someone asks you to review a document or sit on a committee or attend another function.

Take a moment to peruse your To Do list and consider which items could have been eliminated by a simple "no thanks." Take another moment and think about the matters in which you may have been procrastinating a little, or the "dog files" in your cabinet that you're hesitant even to open. What if you had said "no thanks" to those clients when they first sought to retain you? Would you now have more time available to devote to more profitable and satisfying tasks?

A related technique is to develop and maintain a "Don't Do" list. This is a list of items that you want to prevent yourself from doing (i.e. things you should say "no" to). Don't Do list items should include tasks you have delegated or should be delegating (e.g. opening the mail), tasks and functions that serve as distractions from your priorities (e.g. reading email as soon as it arrives, rather than periodically through the day) and other tasks that you have determined are not productive or that perhaps don't fit your skill set or expertise (e.g. giving tax advice if you're a criminal defence lawyer.)

You might even consider adding some standard items of loss prevention advice to your Don't Do list. For example:

- Don't act for relatives.
- Don't take on clients who have already changed lawyers several times.
- Don't go into business with your clients.

Being over-busy isn't a necessary part of being a lawyer. It is the result of choices you make in the course of each and every day. While you may not immediately be able to see the results, applying these strategies will help you to find your way through the busyness to a place where you feel more in control over your schedule and your obligations.

■ **Bulletin # 165**

Helping Lawyers at Risk

Lawyers are as vulnerable as any other professionals to the stresses and strains of daily practice: working long hours, balancing obligations at work and home, meeting billing targets, coping with crisis in our clients' lives as well as our own, all the while trying to keep on top of our professional responsibilities.

Stress, addictions and your personal health and well-being all impact your ability to practice effectively and competently. For this reason, CLIA supports the work of the Legal Professional Assistance Conference (LPAC) of the Canadian Bar Association. LPAC provides support to provincial lawyers' assistance programs throughout the country.

LPAC's website contains a number of useful tools, links and resources for lawyers who are themselves at risk and also for their colleagues. LawCare, the lawyers' assistance plan in the United Kingdom, also has available a number of free downloads on their website, including pamphlets on dealing with gambling addictions, the grieving process, and helping stressed out staff members.

Be sure to take a look at the resources available to you before you need them. Add the websites below to your Favourites folder so that if and when you or a colleague needs to access these resources, you'll be able to locate them quickly and easily:

LPAC:

www.lpac.ca/English/Main/default.aspx

United Kingdom:

www.lawcare.org.uk/freedownloads.htm

For information on the provincial lawyers assistance programs:

• **Alberta:**

www.albertalawyersassist.ca/default.htm

• **British Columbia:**

www.lapbc.com/

• **Manitoba:**

www.lawsociety.mb.ca/lawyers_at_risk.htm

• **New Brunswick:**

www.cba.org/nb/LAP/default.aspx

• **Newfoundland:**

www.lpac.ca/English/Main/laps_nf.aspx

• **Northwest Territories:**

www.lpac.ca/English/Main/laps_nt.aspx

• **Nova Scotia:**

www.nslap.ca

• **Nunavut:**

www.lpac.ca/English/Main/laps_nv.aspx

• **Ontario:**

www.olap.ca/

• **Prince Edward Island:**

www.nslap.ca

• **Quebec Avocats:**

www.barreau.qc.ca/fr/organismes/pamba.html

• **Quebec Notaires:**

www.lpac.ca/English/Main/laps_qn.aspx

• **Saskatchewan:**

www.lawyersconcernedforlawyers.ca/

• **Yukon:**

www.lapbc.com/

■ **Bulletin # 166**

1st Rule of Loss Prevention: Document!

In a recent decision from the Manitoba Court of Queen's Bench on the validity of a will with an unusual residual clause, the court makes the comment that "Beyond question, it would have been better if the lawyer had retained a copy of [the testatrix's] notes and retained any further notes, if made. If he did not, it would have been wise to record the unusual event and how he responded to it." (*Garwood v. Garwood*, 2006 MBQB 261 (CanLII))

Although the lack of notes did not ultimately impact the court's ability to make a finding, it is not difficult to imagine a case where it would have. It is vitally important to ensure that your file contains documented evidence that you have followed your client's instructions appropriately and competently. Minimize the risks of a successful claim against you by making it your habit to properly and thoroughly document the work you do on behalf of your clients.