

LIABILITY CLAIM REPORTING FORM

LAWYER INFORMATION

Lawyer: _____ Firm: _____

E-mail: _____

Firm when alleged error occurred: _____

Does your Firm carry Excess of \$1,000,000 Mandatory Coverage? Yes No

Insurer _____ Policy No. _____

CLAIMANT INFORMATION

Name of Claimant: _____

Address: _____

Claimant Lawyer: _____

Name of Client, if different from Claimant: _____

Was there a solicitor/client relationship with the claimant? Yes No

If so, how long have you and the firm acted for the claimant? _____

Do you continue to represent the claimant? Yes No

Is claimant aware of the potential problem? Yes No

CLAIM

When did the alleged error occur? _____

How and when were you made aware of the potential problem or claim? _____

I would estimate damages at: \$ _____ but, damages could *potentially* be: \$ _____

Does this matter require urgent attention? Yes No By when? _____

Explain:

Is there any chance of “repairing” this matter? Yes No

Have any attempts been made to repair? Yes No

Explain:

Are there other parties that might also be liable? Yes No

Explain:

Are there any important witnesses? Yes No

Have any signed statements been obtained?

Explain:

List all staff members directly involved in the matter out of which the alleged error arose, indicating position (partner, associate, articling student, legal assistant, secretary):

THIS REPORT IS MADE IN CONTEMPLATION OF LITIGATION

Signature of Lawyer: _____ **Date:** _____

Name of Managing Partner (where applicable): _____

Area of Law

Please indicate the area of law from the list below: ____

- 1. Real Estate Conveyancing**
 - 1.1 Unspecified
 - 1.2 Residential
 - 1.3 Condominium
 - 1.4 Commercial
 - 1.5 Farm
 - 1.6 Other
- 2. Civil Litigation**
 - 2.1 Unspecified
 - 2.2 Personal Injury, Automobile
 - 2.3 Personal Injury, Other
 - 2.4 Medical Malpractice
 - 2.5 Wrongful Dismissal
 - 2.6 Liens
 - 2.7 Creditor Remedies
 - 2.8 Insurance Contract
 - 2.9 Commercial
- 3. Commercial**
 - 3.1 Unspecified
 - 3.2 Incorporation
 - 3.3 Amalgamations/Reorganizations
 - 3.4 Corporate Governance
 - 3.5 Securities Transactions
- 4. Matrimonial and Family**
 - 4.1 Unspecified
 - 4.2 Divorce
 - 4.3 Separation
 - 4.4 Adoption
 - 4.5 Other
- 5. Estate Planning and Administration**
 - 5.1 Unspecified
 - 5.2 Wills
 - 5.3 Estate Planning
 - 5.4 Estate Administration
 - 5.5 Trusts
 - 5.6 Power of Attorney
 - 5.7 Committeeships
 - 5.5 Other
- 6. Aboriginal**
- 7. Administrative/Boards/Tribunals**
- 8. Admiralty**
- 9. Arbitration**
- 10. Bankruptcy/Insolvency/Receivership**
- 11. Criminal**
- 12. Employment/Labour**
- 13. Entertainment**
- 14. Environmental**
- 15. Immigration**
- 16. Intellectual Property**
- 17. Mediation**
- 18. Tax**
 - 18.1 Unspecified
 - 18.2 Corporate
 - 18.3 Personal/Family
 - 18.4 Estate/Trust
 - 18.5 Other
- 19. Other**
- 20. Commercial**
 - 20.1 Unspecified
 - 20.2 Contacts/Leases
 - 20.3 Financing
 - 20.4 PPSA - Personal Property/Equipment
 - 20.5 Purchase/Sale of Business
 - 20.6 Shareholder Agreements
 - 20.7 Natural Resources
 - 20.8 Other

Error or Omission

Please indicate the error(s) from the list below: _____

1. Limitation/Deadlines

- 1.1 Statutory
- 1.2 Contractual
- 1.3 Procedural
- 1.4 Other

2. Procedural

- 2.1 Defective Documentation
- 2.2 Search
- 2.3 Failure to Advance Litigation
- 2.4 Failure to Proceed Expeditiously
- 2.5 Failure to Appear on Behalf of Client
- 2.6 Registering/Filing
- 2.7 Inadequate Investigation
- 2.8 Error in Choice of Procedures
- 2.9 Survey/Real Property Report/Other Professional Certificate/Opinion
- 2.10 ISC Search
- 2.11 Searches other than ISC
- 2.12 Failure to Subsearch
- 2.13 Lack of Independent Verification, Reliance Other

3. Advice & Protection

- 3.1 Conduct of Trial
- 3.2 Prior Encumbrances/Charges
- 3.3 Outstanding Interests
- 3.4 Deficient Security
- 3.5 Advice Incorrect
- 3.6 Advice Inadequate
- 3.7 Fail to Protect Client's Interest
- 3.8 Fail to Protect Non-Client's Interest
- 3.9 Fail to Refer for Independent Advice
- 3.10 Title Problems/Dispute
- 3.11 Inadequate Independent Advice

4. Trust Conditions/Undertaking

- 4.1 Non-Compliance by Insured
- 4.2 Non-Compliance by Other Lawyer
- 4.3 In Dispute
- 4.4 Unclear/Inappropriate Trust Conditions
- 4.5 Fail to Impose Trust Conditions

5. Malicious Prosecution

6. Defamation

7. Other

Cause

Please indicate the cause(s) from the list below: _____

1. Systems/Procedures/Administrative

- 1.1 Fail to Follow Up
- 1.2 Diary System Error
- 1.3 Inadequate Office Systems
- 1.4 Fail to Memo File
- 1.5 Procrastination
- 1.6 Clerical/Mathematical Error
- 1.7 Overwork
- 1.8 Inadequate Review/Preparation

2. Communication

- 2.1 Fail to Follow Client's Instructions
- 2.2 Disputed Instructions
- 2.3 Disputed Retainer
- 2.4 Perceived Limited Retainer
- 2.5 Poor Communication with Clients
- 2.6 Poor Communication with Others
- 2.7 Fail to Confirm Instructions/Advice
- 2.8 Failure to Obtain Client's Consent
- 2.9 Unable to Contact Client

3. Delegation/Supervision

- 3.1 Delegated to Lawyer/Student
- 3.2 Delegated to Non-Lawyer Employee
- 3.3 Delegated to Outsider
- 3.4 Delegation - Poor Communication/Poor Supervision

4. Law

- 4.1 Fail to Know the Law
- 4.2 Fail to Know the Limitation/Deadline
- 4.3 Fail to Properly Apply the Law
- 4.4 Fail to Address Tax Implications

5. Conflict

- 5.1 Representing Two or More Parties
- 5.2 Unrepresented Party
- 5.3 Personal/Financial Interest in Transaction

6. Fee Dispute

7. Fraud by Client/Other Party

8. Other

Key Document Index

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(Please attach additional sheets as required)