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 <u>urgent</u> 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:

_____

_____

_____

_____

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. Corporate
- 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

Chronology of Events

(Note: this can be in point form and
please refer the index number of the documents)

(Please attach another sheet if required)

In your opinion, liability is: Unlikely ◯ Possible ◯ Probable ◯ Definite ◯

Explain:

Key Document Index

(Please provide copies of documents– Do Not send Originals at this time)

#	Document Description	Date	# pages
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			

#	Document Description	Date	# pages
18			
19			
20			
21			
22			
23			
24			
25			
26			
27			
28			
29			
30			
31			
32			
33			
34			
35			

#	Document Description	Date	# pages
36			
37			
38			
39			
40			
41			
42			
43			
44			
45			
46			
47			
48			
49			
50			
51			
52			
53			

#	Document Description	Date	# pages
54			
55			
56			
57			
58			
59			
60			
61			
62			
63			
64			
65			
66			
67			
68			
69			
70			
71			

#	Document Description	Date	# pages
72			
73			
74			
75			
76			
77			
78			
79			
80			
81			
82			
83			
84			
85			
86			
87			
88			
89			

#	Document Description	Date	# pages
90			
91			
92			
93			
94			
95			
96			
97			
98			
99			
100			
101			
102			
103			
104			
105			
106			
107			

#	Document Description	Date	# pages
108			
109			
110			
111			
112			
113			
114			
115			
116			
117			
118			
119			
120			
121			
122			
123			
124			
125			

(Please attach additional sheets as required)