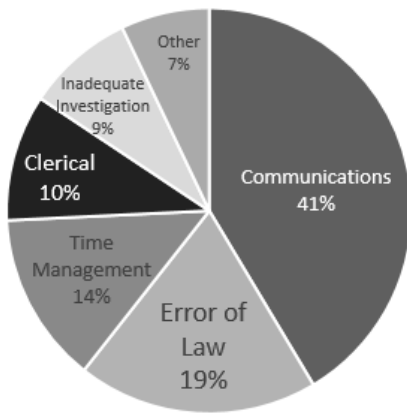


### Quick stats

Average **26 claims** per year since 2015  
 Average annual cost **\$413,000** since 2015  
 Average 1 year before claim reported  
 Longest claim reporting time: 15 years

### Common errors



The number of malpractice claims flowing from immigration matters has been trending up in recent years (doubling since 2008).

In matters involving immigration and refugee law, the stakes are extremely high for clients. Many pin their hopes on the efforts of lawyers who often have little control over the results of administrative decisions. In these circumstances, careful management of client expectations and regular communication about the status of a client's matter are essential to prevent misunderstandings that can bloom into claims. Take care to provide good client services that are within your control, such as competent, complete, and accurate client documentation, and meeting deadlines.

Immigration matters often require documentation and information from the client to be submitted in applications. Make sure there is no confusion over who is responsible for taking certain steps. As an example, advise your client in writing of the client deadline which should be in advance of the application deadline thereby building in time for you to meet your deadlines.

See the reverse page for more steps you can take to reduce your exposure to a malpractice claim.

### Speakers and resource materials

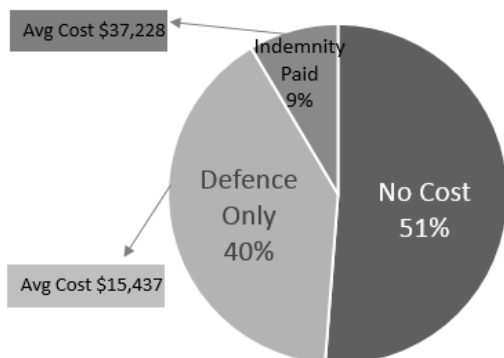
We can provide knowledgeable speakers who can address claims prevention topics. Email [practicepro@lawpro.ca](mailto:practicepro@lawpro.ca)

Visit [practicepro.ca](http://practicepro.ca) for resources including LAWPRO Magazine articles, checklists, precedents, practice aids and more.

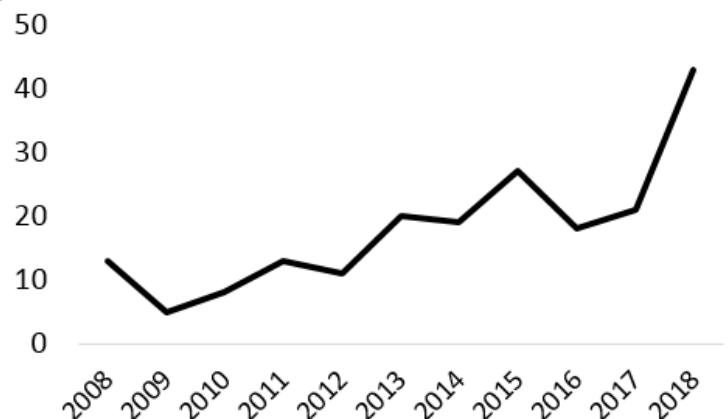
### Hot topics in immigration claims

- Allegations of ineffective assistance of counsel. Report to LAWPRO whether or not the protocol has been invoked.
- Missed deadlines. Report all missed deadlines to LAWPRO regardless of whether you believe the DOJ or other government entity will provide an extension.
- Lack of documentation. It is critical that instructions and requests for documentation needed from the client is in writing to the client. Letter should detail previous requests, deadlines and impact of missed deadlines.

### Resolution of claims



### Count of immigration claims



### Risk management tips

#### **Don't overpromise, and keep your client informed**

Claims against immigration lawyers are often prompted by a client's disappointment about the outcome of a residency application or refugee claim. Manage client expectations by fully explaining admissibility criteria, requirements and the need to have documents provided in a timely manner to comply with deadlines. Keep clients up-to-date on the status of their applications. An unhappy client who feels neglected or ignored will likely take steps to challenge your representation. Keep good notes on communications with clients which can later go into a reporting letter or follow up letter.

#### **Know the changes in the law and program criteria**

Over the past five years the *Immigration and Refugee Act* has been amended several times. Ensure you refrain from an "assembly line" approach to processing applications. Citizenship, refugee, residency, work permits etc. all have time sensitive deadlines and the programs and criteria change frequently.

#### **Discuss potential consequences of criminal matters**

We frequently see claims involving a failure by the lawyer to communicate the potential ramifications of guilty pleas and custodial sentences on immigration status. A non-Canadian sentenced to six months or more may lose the right to apply for permanent residency. When meeting with a new immigration client, be sure to ask about criminal convictions and charges. If a client is facing a criminal charge, advise him or her to retain competent criminal counsel.

#### **Make sure client aware of deadline and documentation requirements**

Make sure the client is made aware (in writing) of all deadlines for submitting documents to you and knows the consequences of the delay or failure to provide documents. Give the client a response date that allows for follow up (i.e. outside the response date imposed by the government entity).

#### **Promptly notify LAWPRO of potential claims**

Early reporting of client complaints, missed deadlines etc. offers the best opportunity for claims repair. Allegations of ineffective assistance of counsel should be reported immediately. Early reporting allows LAWPRO counsel to investigate, ensure the protocol is met and that there is no admission of negligence.

### Most common malpractice errors

#### **Lawyer/client communication errors (41%)**

- Making promises to a client (for example, about likelihood of being granted residency under a particular program) that the lawyer cannot fulfill
- Failing to explain which tasks are the lawyer's responsibility and which are the client's, such that tasks are not completed and opportunities are lost
- Not keeping clients informed about the status of their matters/applications, which can lead them to make poor decisions in reliance on particular expectations

#### **Errors of law (19%)**


- Not understanding the consequences of guilty pleas and convictions for clients, or giving inaccurate advice with respect to criminal matters
- Failing to fully research and understand the range of options, programs and administrative procedures available to a client, or the deadlines for taking important steps
- Having an inaccurate or out-of-date understanding of the criteria associated with programs or rules

#### **Time management (14%)**

- Delays in completing applications such that intervening criteria changes lead to lost opportunities
- Failure to update client details (for example, employment or marital status) promptly on active applications

#### **Clerical errors (10%)**

- Submission of forms or applications that are incomplete, such that they are not considered
- Inaccuracies in documentation due to errors or confusion related to translation of information
- Failure to have clients review documents for submission



# Practice Management and Professionalism: Tips from The Pros

Katie James, Claims Counsel, LAWPRO

Charity Anastasio, Practice Management Advisor, AILA PPC

# Presenters



AMERICAN  
IMMIGRATION  
LAWYERS  
ASSOCIATION

**Charity Anastasio**

[canastasio@aila.org](mailto:canastasio@aila.org)

**202-507-7624**



**LAWPRO<sup>®</sup>**  
Lawyers' Professional Indemnity Company



**Katie James**

[katie.james@lawpro.ca](mailto:katie.james@lawpro.ca)

**416-598-7622**



# We will cover

- What common claims come up in immigration practice and how to avoid them
- Managing your practice for maximum efficiency and reducing errors
- Technology and staffing tips that can streamline and improve everything
- How to do the best for your clients and yourself
- Resources available to you in Canada and the US

---

# Common Immigration Claims

# Overview of Immigration Claims

---

What common claims come  
up in immigration practice  
and how to avoid them



# The reality...

---

4 out of 5 lawyers will have at least one claim during their career.

---

Claims reported an average of one year after the immigration service is provided.

---

Claims are also reported while the lawyer is still acting for the client (missed deadline, application refused)

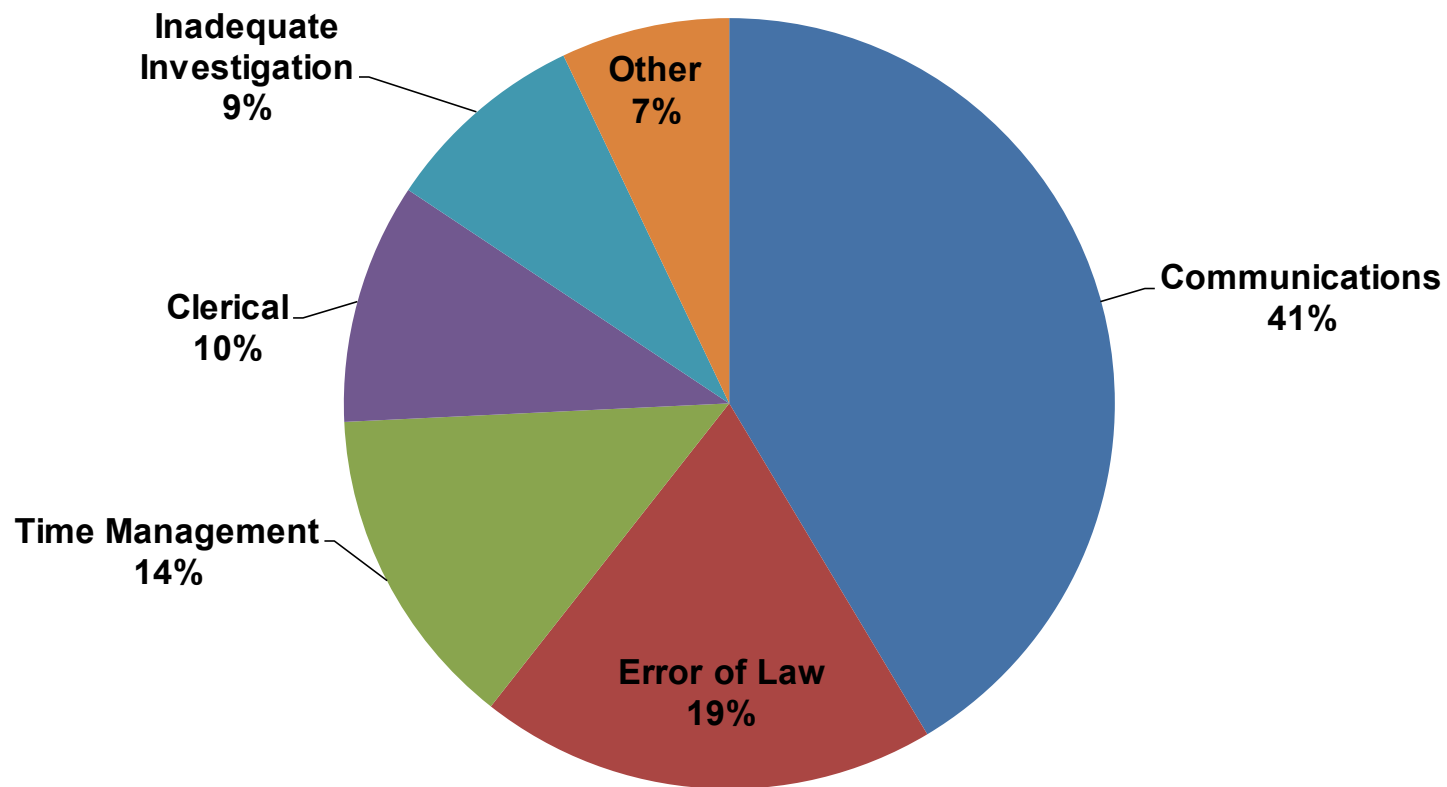
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Most claims activity takes place while the lawyer is 6-25 years in practice.

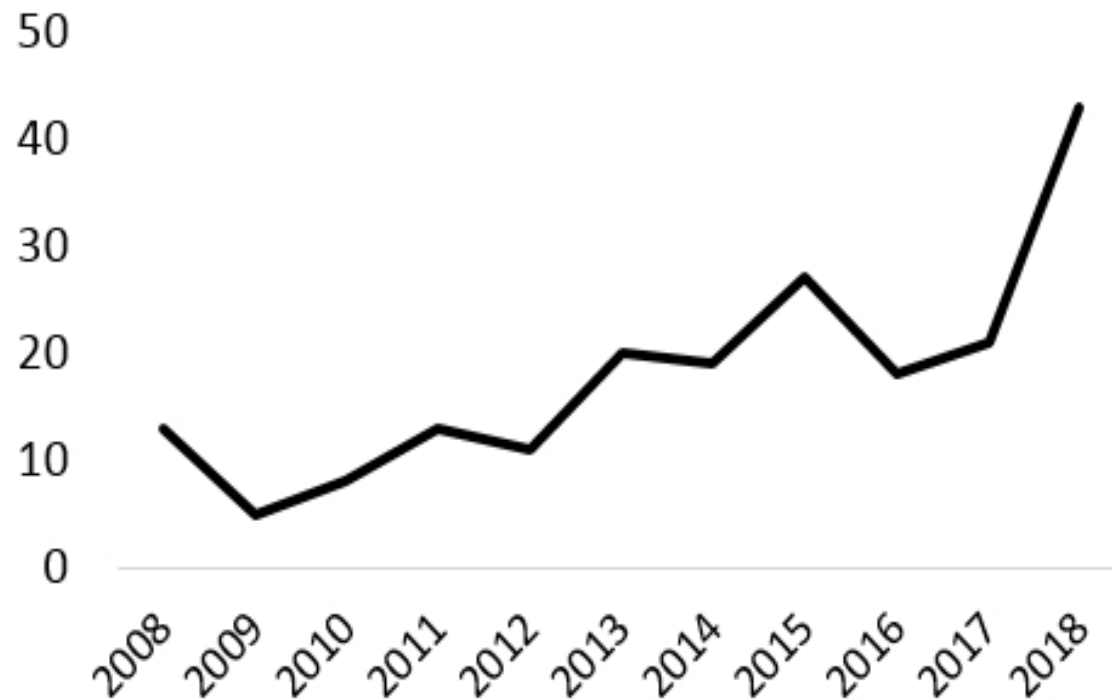
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There is no claims sensitivity for any geographical region.

## Immigration law claims (2008 to 2018)



# Growth of LAWPRO immigration malpractice claims



# Ineffective Assistance of Counsel



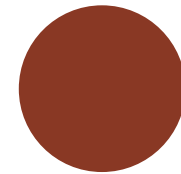
- In recent years LAWPRO has seen a steady increase with reports received from the immigration and criminal bar
- Claimants/clients who are considering allegations of incompetent representation often also file a complaint to the Law Society of Ontario. This can be a precursor to the client alleging ineffective assistance of counsel. In addition the client may commence a fee assessment.



- Making promises to a client that the lawyer cannot fulfill
    - (e.g., about likelihood of being granted residency under a particular program)
  - Not ensuring the scope of the retainer is clear
  - Not keeping clients informed about the status of their matters/applications
    - can lead them to make poor decisions in reliance on particular expectations
- 

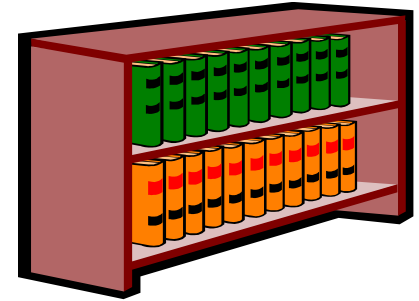


## Communications Errors



# Failure to Know or Apply the Law

- Not understanding the consequences of guilty pleas and convictions for clients
  - best to send the client to a criminal lawyer
- Failing to fully research and understand the range of options, programs and administrative procedures available to a client
- Having an inaccurate or out-of-date understanding of the criteria associated with programs or rules –legislation changes occur regularly



# Time and calendar errors

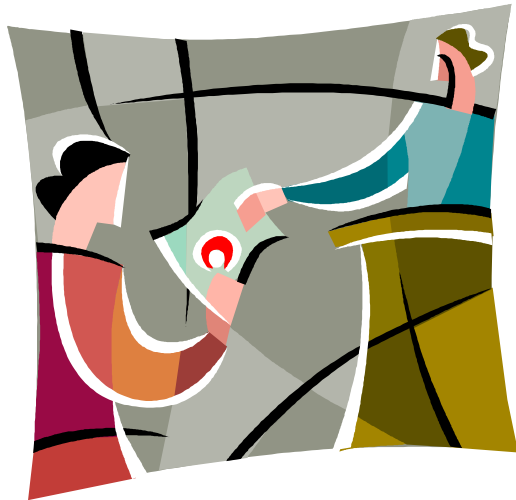
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- Delays in completing applications such that intervening criteria changes lead to lost opportunities
- Failure to update client details (for example, employment or marital status) promptly on active applications
- Make sure there is no confusion over who is responsible for taking certain steps: i.e. put it in writing and provide a deadline for the client to provide the lawyer with required documents for an application. Make sure the client is aware of all deadlines for submitting documents to you and the client knows the consequences of the delay or failure to provide the documents.

# Clerical Errors

---



- Submission of forms or applications that are incomplete, such that they are not considered
- Inaccuracies in documentation due to errors or confusion related to translation of information
- Failure to have clients review documents for submission-consider having client acknowledge they read it and approve of the documents

---

# Tech and Staffing

# Solve for your pain points

---

P R O D U C T I V I T Y

3 1 1 2 1 3 1 1 4 1 4

G Suite



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# Maximize What You Have

---



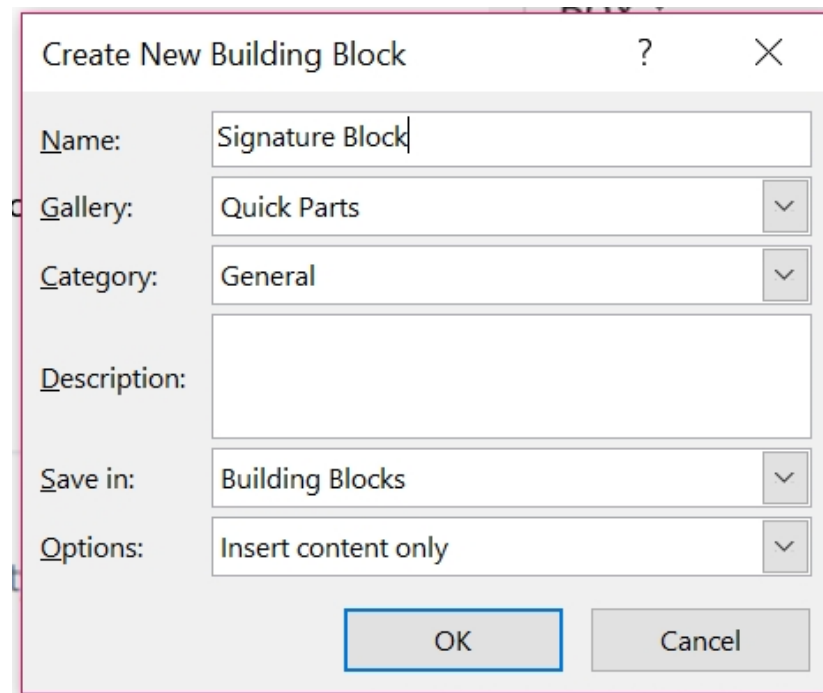
# Hotkeys – Ctrl+K

## Insert Hyperlink

Link to:	Text to display:	link into
 Existing File or Web Page	Look in:	 Tips
 Place in This Document	Current Folder	 10_hiring_mistakes_Anastasio.docx  device tracker software tip Anastasio.doc.docx  emergency_tip_2018.docx
 E-mail Address	Browsed Pages	 faster_briefing_fastcase_Anastasio.docx  Hotkeys.docx  KPI1.docx  quick_steps_tip.docx
	Recent Files	 Stop Sliming Your Neighbor.docx  time_to_raise_fees_Anastasio.docx
	Address:	

# Quick Parts

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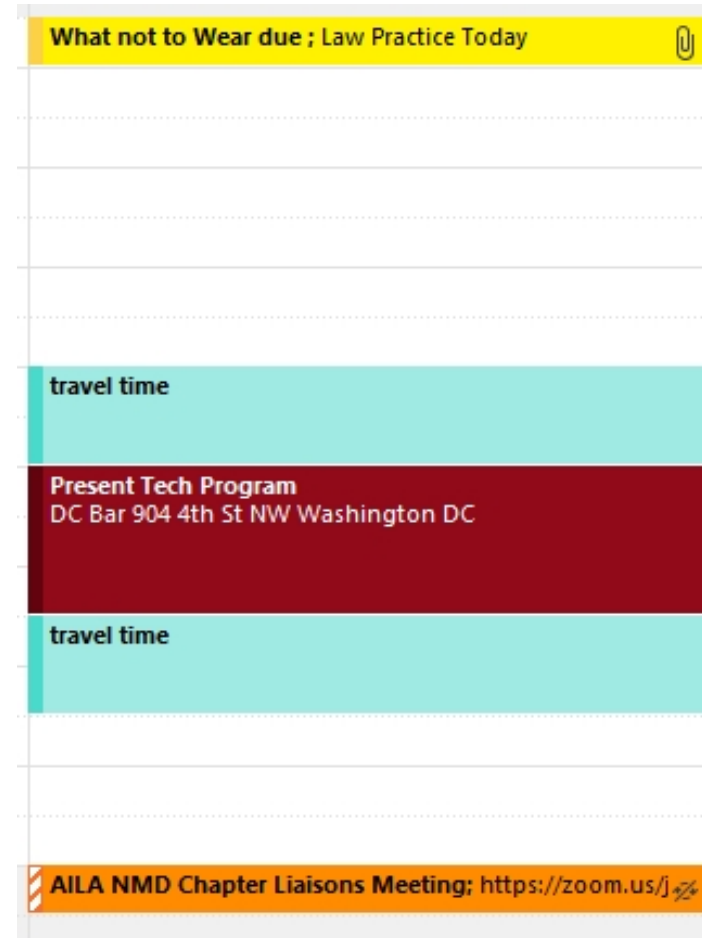
The image shows a screenshot of the 'Create New Building Block' dialog box in Microsoft Word. The dialog box has a title bar with the text 'Create New Building Block', a question mark icon, and a close button (X). The main area contains several fields and dropdown menus:

- Name:** A text box containing 'Signature Block'.
- Gallery:** A dropdown menu with 'Quick Parts' selected.
- Category:** A dropdown menu with 'General' selected.
- Description:** An empty text box.
- Save in:** A dropdown menu with 'Building Blocks' selected.
- Options:** A dropdown menu with 'Insert content only' selected.

At the bottom of the dialog box, there are two buttons: 'OK' and 'Cancel'. The 'OK' button is highlighted with a blue border.

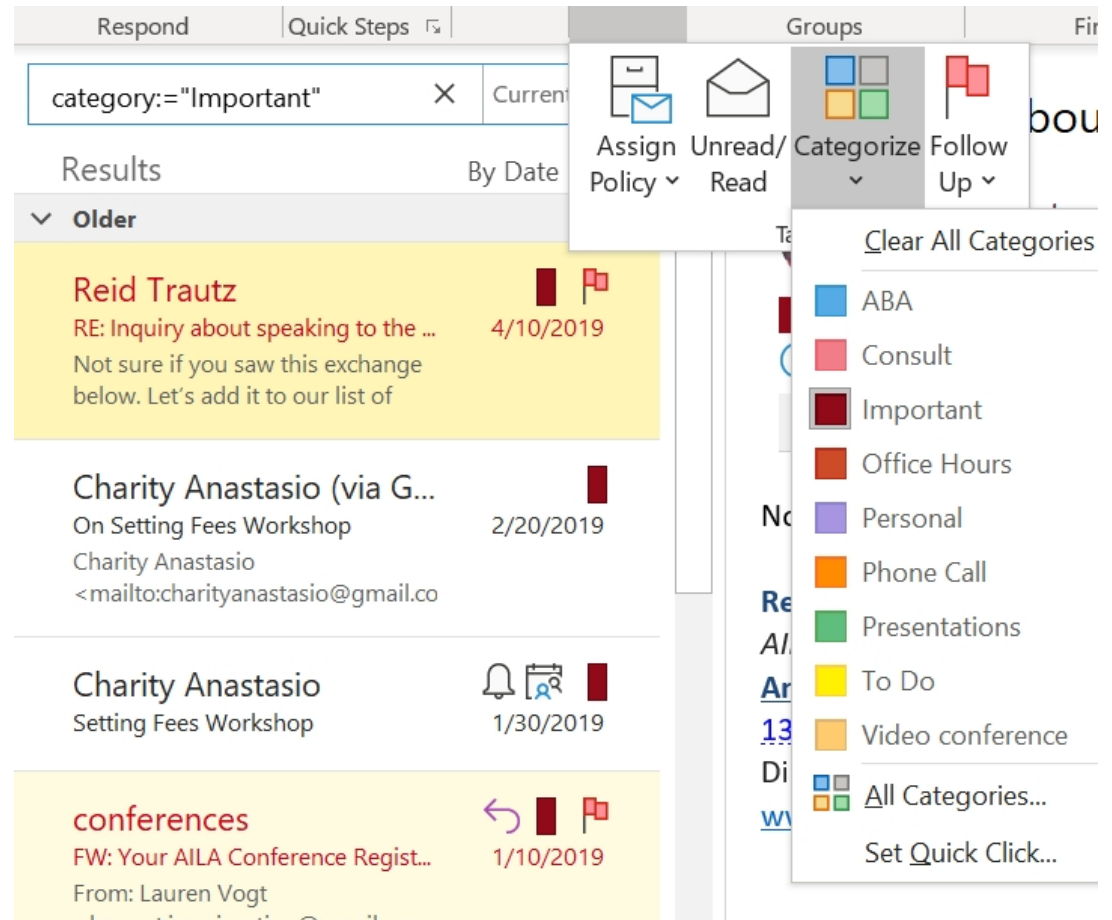
## Improved Calendaring

- Color code
- Travel time
- Full address
- Tentative and busy
- Due dates
- Attachments
- Sync all on phone



# Email Management

- Categorizing
- Searching
- Save to file
- Delete related
- Delay on outbox
- Rules for special senders



8:00 AM			
8:30 AM			
9:00 AM			
9:30 AM			
10:00 AM			
10:30 AM			



## today's appt

Duration 2 hours  
 Location Online Meeting  
 Attendees 3 (3 required)  
 You are Organizer

Show (UTC-05:00) Eastern Standard Time

### Vote on your preferred times, Charity

APRIL 12 THURSDAY

11:30 AM busy		
Prefer	Yes	No
12:00 PM busy		
Prefer	Yes	No

#### How others voted

garya...	Lisa
garya...	Lisa

# FindTime App

# Automate Appointment Setting

## American Immigration Lawyers Association

Choose Appointment

Your Info

Confirmation

Do you have ethics or practice management questions? As an AILA member, a valuable member benefit is a free consult with a member of our Practice and Professionalism team. Sign up for a consult today!

### PPC Ethics and Practice Management Consults

With...

Charity Anastasio, AILA Practice and Professionalism Center



Reid Trautz, AILA Practice and Professionalism Center



# Zapier - Automate Anything

**zapier** we're hiring!

[EXPLORE](#)


[APP DIRECTORY](#)


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






















[LOG IN](#)

[SIGN UP](#)

## Pick Apps to Explore Workflow Ideas

 Search for any app name ...

Sort By: Popular 

 Gmail	 Google Calendar	 Trello	 Slack	 MailChimp	 Typeform	 Twitter	 Facebook Pages
 Google Drive	 Facebook Lead Ads	 Evernote	 Google Sheets	 Dropbox	 Webhooks by Zapier	 Salesforce	 Pipedrive
							



Accept  
Credit Cards



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Video  
Conferencing

**GoToMeeting**

**zoom**

**skype™**



# Professional Texting



## Texting for Legal

Compliance

Improve client communication by integrating texting for business into new or existing workflows using your existing phone number. Confirm client consultations, eliminate hours of phone calls and voicemails and create long-lasting client relationships with our easy-to-use desktop, web and mobile apps.



# Ground rules will set expectations

- Have policies for missed appointments without reasonable excuse, non-payment of retainer and treatment of staff. A breach of these policies can be cause for terminating the relationship.
- Establish phone and email expectations. Limit after-hours correspondence to mitigate the expectation that you are at the client's disposal.
- Be Firm: this can be painful/awkward, but it must be done to protect yourself, gain your client's respect and create a harmonious office.



## Are we good?

- Stay in Touch/Keep the Client Informed: a client who feels neglected or ignored will result in an unhappy and disappointed client who will likely then take steps to challenge your representation.
- It is always advisable to provide timely information and responses to clients.
- Keep good file notes and memos to file on all communications with clients which then can later go into a reporting letter or follow up letter.

## It Starts At the Top



Firms as a whole have to work together to prevent claims



Risk management starts at the top-senior lawyers need to set standards and have policies in place including mentoring



Clusters: delegation to junior/staff who becomes overwhelmed with pending deadlines –too afraid to speak up




# Investing in employees

- Regular meetings and check ins
- Encourage critical thinking and employee input
- Autonomy balanced with supervision
- Regular evaluations
- Provide actionable feedback
- Foster loyalty and responsibility
- Reward greatness
- Clarify culture
- Invest in necessary training
- Meet as team, approach as team
- Hire slowly, fire quickly



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## Firing Quickly

---

- Have inventory of what employee has
- Have a plan and script on day of
- Inform and have them leave quickly
- Get back firm property day of
- Follow up w/benefits and money by mail
- Outsourced HR firm?



Stop  
multitasking



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## Weekly meetings

- What did you get done yesterday?
- What are you working on today?
- Any obstacles?

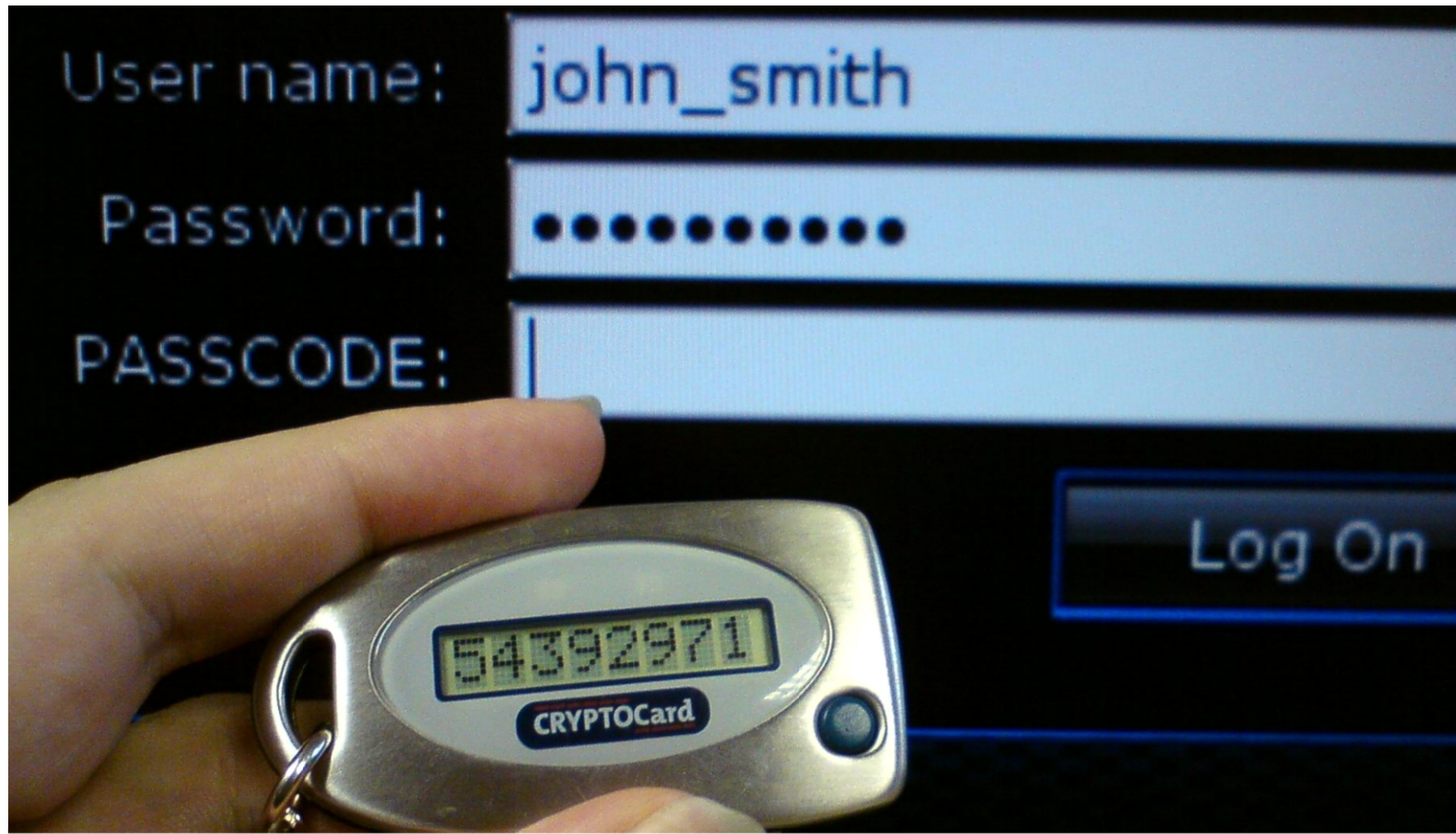
# Train Staff on Cybersecurity

- Ransomware
- Phishing
- Social engineering
- New scams



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Adopt 2-Factor Authentication

# Technology Policy and Procedure

## Technology Policy Template<sup>1</sup>

Last revision date: \_\_/\_\_/2018

Owner/Responsible Technical Partner: \_\_\_\_\_

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<sup>1</sup> This Non-Sample Computer Security Policy was originally sourced from 2000 template <https://www.pcmag.com/secure/privacy-policy> as modified by Thomas D. Sherr, Esq., Area 2 Director, LLC, and was formerly by Sherr, Associates, LLP, American Arbitration Company Association. The template was later modified to provide "100% FREE" without warning of any costs associated or hidden. The representation is made that said of such policy will comply with any particular state, local, federal or other. Please consult with a qualified security professional if you have a legal data security policy obligation.

**Download  
Sample Technology Policy  
Template for Your Firm**

---

Do Your Best



A photograph of two women. The woman on the left has voluminous curly hair and is wearing a light blue button-down shirt over a dark top. She is looking down at the other woman. The woman on the right has dark hair pulled back and is wearing a dark top. She has her eyes closed and her hand is covering her face, appearing to be crying or distressed. The woman on the left has her hand on the shoulder of the woman on the right, offering comfort. The background is a blurred outdoor setting with a building.

## Managing client expectations

- Client decides course
- Lawyer advises on chances, rights, strategy
- Tell it like it is



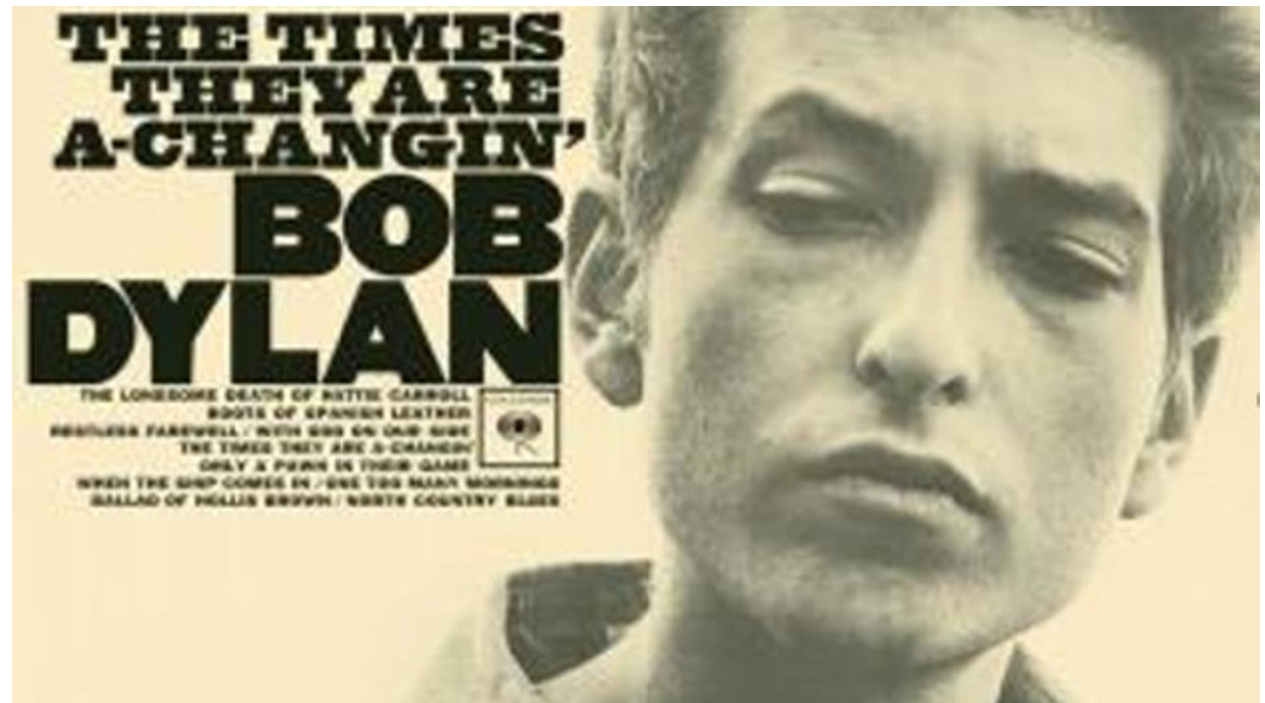
## Strategy and Counsel

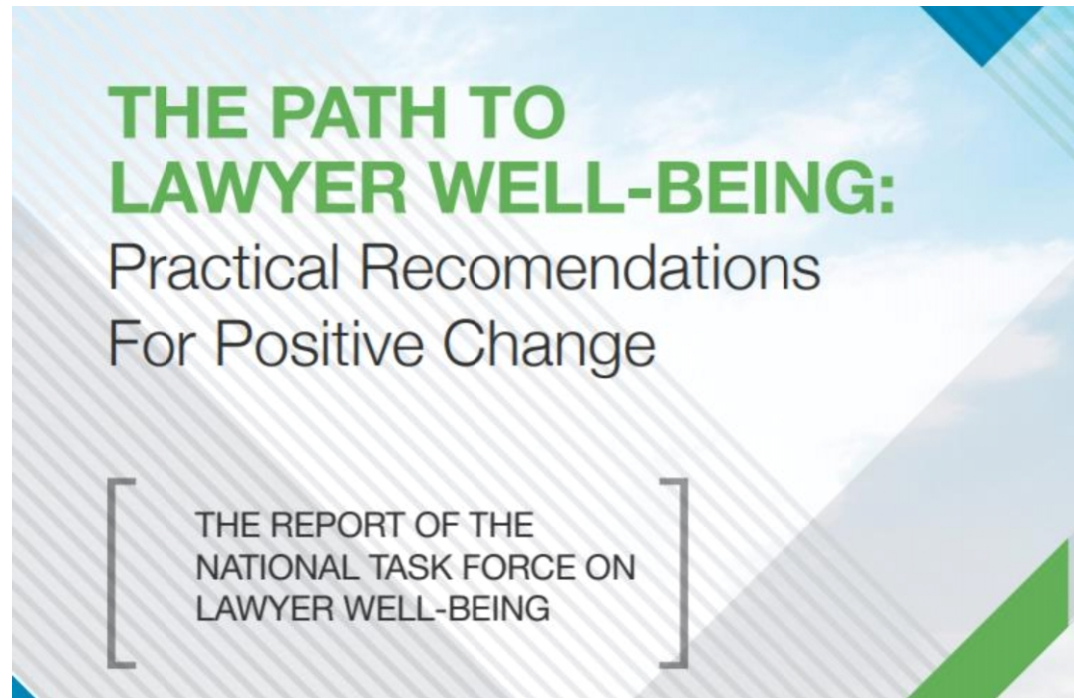
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- Head off RFEs with precise work
- Assess if case has legs
- Counsel clients on chances, possible outcomes



## Competency In Change





# The Wellness + Ethics Nexus

---

# Health issues



Substance Abuse



Chronic Stress



Emotional Health



Mental Health/Philosophy of Practice



Physical Health

## Reasons to Improve Attorney Well-Being

- ✓ Good for business
- ✓ Good for clients
- ✓ The right thing to do

## How to do the best for your clients and yourself

- If you don't take care of yourself, you won't be able to take manage your practice or clients
- Severe generational case of sitting disease and reliance on technology----- easier ~~=~~ better
- Having a tough day?----gear down, be active-go for a walk to get perspective, step away, have social connection, isolation is insidious
- PAUSE- SELF CARE- TAKE A BREAK



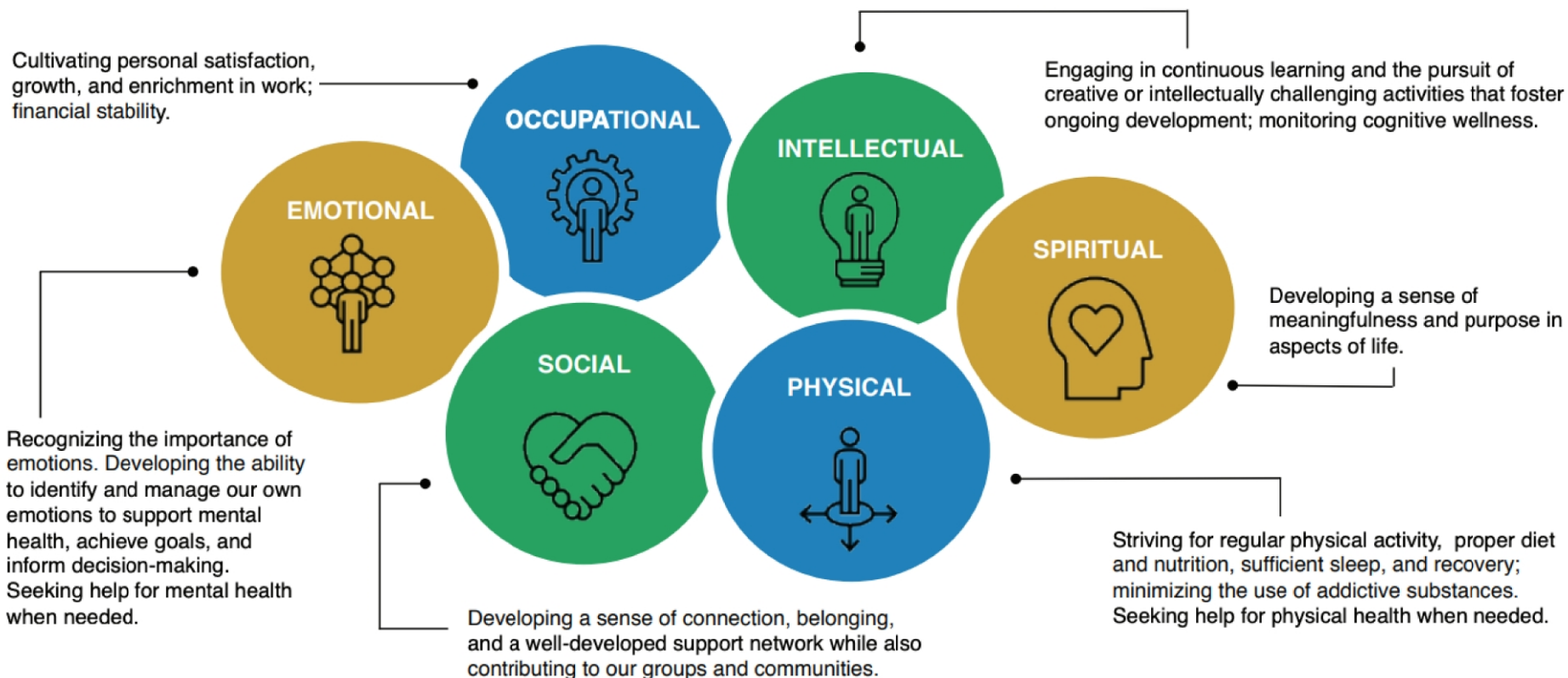
## Maybe It Is Not Working

- For sole practitioners and small firms, difficult clients can be overwhelming. Unlike at larger firms, you may not be able to easily transfer the file to another lawyer.
- Advise the client in writing that there is a break-down in the relationship and make sure to educate the client to any pending dates.
- Notify opposing parties, government agencies you no longer represent the client and advise the entity to contact the client directly.



## Defining Lawyer Well-Being

A continuous process in which lawyers strive for thriving in each dimension of their lives:





---

# Resources



AMERICAN  
IMMIGRATION  
LAWYERS  
ASSOCIATION

AGORA Shop, Register, Learn. Cart (0) Welcome My AILA

Member Law Student / Paralegal

ABOUT	MEMBERSHIP	ADVOCACY AND MEDIA	CONFERENCES AND CLE	PUBLICATIONS AND VIDEOS	LAW PRACTICE
	<ul style="list-style-type: none"><li>› PRACTICE MANAGEMENT<ul style="list-style-type: none"><li>Practice Success Tips</li><li>The Future of Immigration Law Practice</li><li>Marketplace Study</li></ul></li><li>› LEGAL ETHICS<ul style="list-style-type: none"><li>Ethics Resources by State</li><li>AILA Ethics Compendium</li></ul></li><li>› MENTOR DIRECTORY</li><li>› CONSUMER PROTECTION</li></ul>	<ul style="list-style-type: none"><li>› SELF-CARE CENTER</li><li>› CAREER CENTER</li><li>› IMMIGRATION LAWYER REFERRAL SERVICE</li><li>› PRO BONO<ul style="list-style-type: none"><li>AILA MAP Program</li><li>Citizenship Day</li></ul></li><li>› AILA MALPRACTICE INSURANCE</li><li>› VIEW ALL</li></ul>	<h3>Help Eligible LPRs Apply for Naturalization</h3> <p>AILA is proud to announce that this year's Citizenship Day will take place on Saturday, September 14, 2019.</p> <a href="#">LEARN MORE</a>		

# AILA Practice & Professionalism Center

### Practice Success Tips



Short, practical, and proven tips to improve your practice and professional life >

### Risk Management



Tips for mitigating risk and responding to crises >

### Firm Management



Resources to manage successfully >

### Marketing



Strategies to build your client base >

### Technology



Tools to boost productivity >

### Finance/Fees



Keys for a profitable practice >

## Have Questions About Your Practice?



**SIGN UP FOR A PHONE  
CONSULT TODAY!**

## AILA – Practice Management

<https://www.aila.org/practice/management>

Have Ethics-Related  
Questions?



SIGN UP FOR A PHONE  
CONSULT TODAY!

#### AILA Ethics Compendium



Specialized publication to understand and navigate  
ethical complexities in immigration law

#### Ethics Reference Guide by State



Complete listing of each state's Rules of Professional  
Conduct and selected ethics opinions

#### Multi-Jurisdictional Practice of Law



Resources and guidance on practicing immigration  
law across state borders and overseas

#### Ethics Resources



Guidance on many of the most difficult dilemmas  
facing immigration practitioners

AILA – Ethics <https://www.aila.org/practice/ethics>

## AILA Lawyers Malpractice Insurance Program



AILA LAWYERS  
MALPRACTICE  
INSURANCE  
PROGRAM

Exclusively for AILA Members

 Leavitt Group

 The  
**Hanover**  
Insurance Group®

# THE 2016 AILA MARKETPLACE STUDY

A National Reference on the Economics  
of Immigration Law Practice

**New This Year!**

---

# AILA SELF-CARE CENTER

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## Self-Care Center



Are you experiencing more stress than usual? We have created this page as resource dedicated to helping you through the tough times. Remember that stress is a part of life but the way you manage it is key. It is much easier said than done but the secret to tackling stress is finding your own formula for managing it in advance. Dynamic materials will be added on a rolling basis, so continue to check the Self-Care Center for more resources. We want you to be in the best mental and emotional space to ensure that you continue thriving personally and professionally!

---

### [Overcoming Procrastination: How to Get Things Done Despite Yourself](#)


2/27/2019

In this article by Margaret Spencer Dixon, founder of Spencer Consulting, we'll discover 31 ways lawyers can attack procrastination and change their mindsets around starting and completing challenging tasks. Resolve to trade in procrastination for productivity and watch your well-being improve.

AILA Doc. No. 19022731

### [Overcoming Secondary Trauma in Immigration Practice](#)

10/16/2018

Insulating yourself from a client's stress is essential to providing excellent service and avoiding burnout. Learn tools to help you cope with compassion fatigue and secondary trauma from Niki Irish, senior counselor with the D.C. Bar Lawyer Assistance Program. 

AILA Doc. No. 18101533

---





Lawyers' Professional Indemnity Company

Resources





## Member Assistance Program

- Provided by Homewood Human Solutions
- For Ontario lawyers, paralegals, law students and judges, as well as their family members
- Confidential service funded by LSO and LAWPRO
- Access to counselling, coaching, online resources and peer volunteers
- Professional help with issues related to addictions, mental or physical health, work-life balance, career, family and more

# Electronic communications

## LawPRO Alert

July 14, 2010 [Send this to a friend](#)

### Frauds involving stolen identity of lawyer Jack S. Lambert

It has come to LAWPRO's attention that Ontario lawyer Jack Stephen Lambert has had his identity stolen and someone purporting to be him is handling real estate deals under his name. We are issuing this communication at the request of the real Jack Stephen Lambert and with his permission.

The fraudsters are using letterhead naming Jack S. Lambert but that otherwise contains a false address, phone and fax numbers. The false contact information is:

2 County Court Blvd Suite 160,  
Brampton, ON L6W 4V1  
Tel: 905-581-1734  
Fax: 905-581-1735

The correct contact information for the real Jack Stephen Lambert is:

#1907 - 100 Upper Madison Ave,  
North York, ON M2N 6M4  
Tel: 416-222-8509  
Fax: 416-222-8501  
Email: jack@lamlaw@gmail.com

If you have handled or are handling a real estate transaction or other matter with a lawyer named Jack Stephen Lambert who is using anything but the correct contact information, please contact LAWPRO Customer Service immediately at 416-598-5899 or 1-800-410-1013.

[Subscribe](#) | [Unsubscribe](#) | [Contact Us](#)

About LAWPRO Alert:

LAWPRO Alert is distributed to LAWPRO insureds and other contacts (on request) to keep them up to date on the LAWPRO insurance program, risk management information and other news.

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3101 - 250 Yonge Street, Toronto, ON M5B 2L7, Canada  
416-598-5899 or 1-800-410-1013  
www.lawpro.ca

**ATTENTION**

### Key Dates

- **July 31:** Transaction levies due
- **Sept. 15:** CLE premium credit filing deadline
- **Oct. 31:** Transaction levies due
- **Nov. 8:** 2011 renewal application filing deadline

### Quick Links

- [File online](#)
- [Address changes](#)
- [Report a claim](#)
- [Order materials](#)

### Hot Topics

- ["Avoid A Claim" Blog](#)
- [Follow LAWPRO on Twitter](#)
- [Fraud prevention](#)

## LawPRO Insurance News

October 4, 2010 [Send this to a friend](#)

### Renew your professional liability insurance for 2011 starting October 1

#### E-file your 2011 insurance application by November 1 to save \$25

You can now e-file your 2011 LAWPRO insurance application. E-file by **November 1, 2010**, and you'll save \$25 on the 2011 insurance premium. It takes only minutes to review your pre-populated electronic application. To access the online filing section of our website, all you need is your Law Society number and your confidential password. Applications filed after November 1 ARE NOT eligible for the \$25 per lawyer e-file discount.

**All applications must be filed by the final deadline of November 8, 2010.** Applications filed after this date will be subject to a surcharge equal to 30 per cent of the base premium.

You can e-file by following these simple steps:

1. Go to [www.lawpro.ca](http://www.lawpro.ca) and select My LAWPRO at the top right corner of the Home page OR [click here](#)
2. On the sign-in page, enter your Law Society number and your e-filing password. (If you cannot remember that password or need to set up a new one, follow the online instructions or contact LAWPRO Customer Service for assistance at 416-598-5899 or 1-800-410-1013.)
3. Select **Renew My Professional Liability Insurance for 2011** from the list of options.
4. Complete the filing using the online instructions. The online application will be pre-populated with your specific information from our database.
5. Successful e-filing will result in an online confirmation number that begins with the letter "P."

For information on the 2011 insurance program, go to the [Program Guide](#).

After your application filing has been processed, you'll receive electronic notification of how to access and download your policy and invoice documentation. At any time, you can also review your specific insurance account in the Account Summary section of MY LAWPRO, as well as file any outstanding transaction levy filings online.

#### 2011 insurance program: Quick summary

- The base premium will increase from \$2,950 to \$3,350.
- No special \$450 levy to cover HST impact on past claims
- [One restriction removed from exemption \(in memorandum\) issue of](#)

### Key Dates

- **Oct. 31:** Transaction levies due
- **Nov. 1:** 2011 renewal application e-filing deadline
- **Nov. 8:** 2011 renewal application filing deadline
- **Jan. 31:** Transaction levies due
- **Feb. 8:** Early payment discount date

### Quick Links

- [File online](#)
- [Address changes](#)
- [Report a claim](#)
- [Order materials](#)

### Hot Topics

- [Avoid A Claim Blog](#)
- [Follow us on Twitter](#)
- [Fraud prevention](#)

## LawPRO Webzine

September 9, 2010 [Send this to a friend](#)

### Save \$100: File CLE Credit declaration by Sept. 15

September 15, 2010, is the deadline for filing your declaration to receive a credit of up to \$100 on your 2011 premium invoice. [more](#)

### Collaborative family law agreement scams ongoing

Further to our August 25 fraud warning and update, lawyers are continuing to receive letters delivered by Canada Post that include very real looking counterfeit cheques. If you receive one of these letters please advise us. [more](#)

### Our story: 15 years of making a difference

In this special publication to mark LAWPRO's 15th anniversary, we look at the many ways in which LAWPRO - and its TitlePLUS and practicePRO programs - have made and continue to make a difference for the legal profession, as seen through the prism of our newly-minted vision, mission and values statements. [more](#)

### LAWPRO Magazine: Risky business

- Malpractice hazards by practice area
- Law firm risk management: a systematic approach
- Dangerous Activities generally outside coverage
- Why profit is not always a bad word
- Protecting client data
- Franchise claims on the rise
- Limitations Act: a catch-all statute

Download the [entire magazine](#).

### Practice pitfalls

LAWPRO's claims team shares insights into malpractice hazards in the different practice areas. [more](#)

### A systematic approach to law firm risk management

A structured approach can help a firm to mitigate risk stemming from its two principal assets - clients and its own lawyers. [more](#)

### Danger signs

Five activities generally not covered by your LAWPRO policy. [more](#)

### Insurance Biz 101

Why profit is not always a bad word. [more](#)

### Key Dates

- **Sept. 15:** CLE premium credit filing deadline
- **Oct. 31:** Transaction levies due
- **Nov. 1:** 2011 renewal application e-filing deadline
- **Nov. 8:** 2011 renewal application filing deadline

### Quick Links

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www.practicepro.ca



*Risk management, claims prevention and law practice management resources*

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#### Areas of Interest



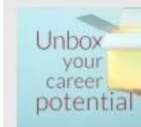
#### Fraud Prevention

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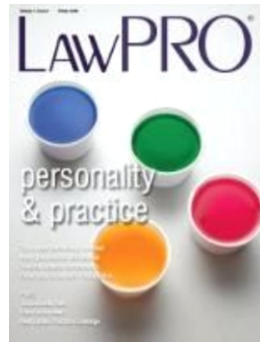
#### Most popular articles and resources in 2018

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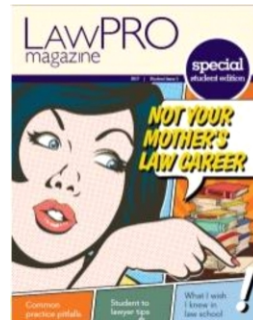
#### New Lawyer Resources

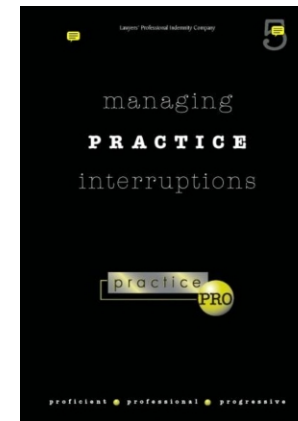
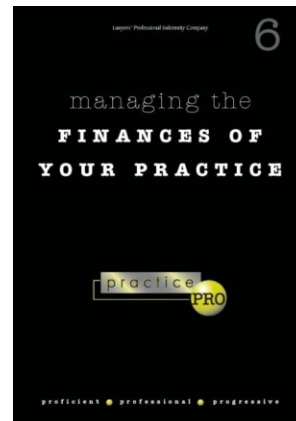
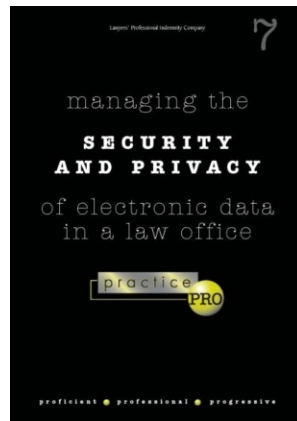
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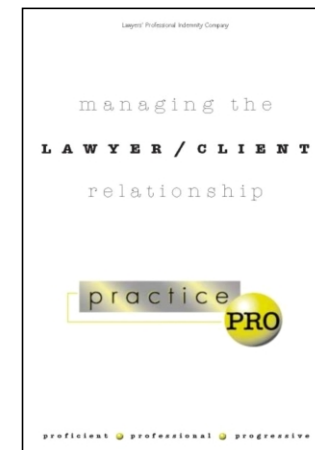
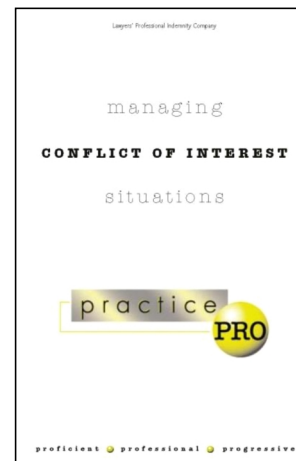
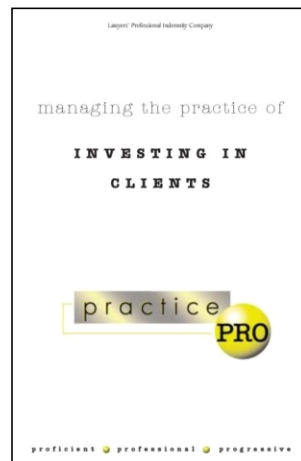
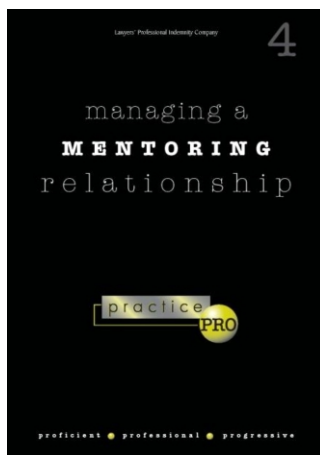
[www.practicepro.ca/topiclisting](http://www.practicepro.ca/topiclisting)





## practicePRO Managing Booklets

[www.practicepro.ca/managingbooklets](http://www.practicepro.ca/managingbooklets)





# Fraud Fact Sheets



Cybercrime and bad cheque scams are some of the most common, significant and costly problems for lawyers and LawPRO®. Fraudsters are successfully duping lawyers, paralegals and law clerks.



## Don't be complacent and think you will never be fooled

These frauds are very sophisticated. The matters will look legitimate, the fraudsters will be very convincing and the client ID and other documents you get will look real. Fake cheques are printed on real cheque stock. Phishing emails will appear to come from your bank and other legitimate companies. Fraudsters will email you posing as colleagues and clients, and corporate records may be altered. Two or more people can collaborate on both sides of a transaction to make the scenario more convincing. Some may come to your office in person, or follow up with you over the phone.

If you aren't completely sure a matter is legitimate, terminate the retainer. Don't be sucked in by your emotions or a strong desire to help. Don't let the lure of a generous fee cause you to ignore your concerns as to the legitimacy of a matter. If you've been asked to do something that seems irregular, ask questions. If it looks too easy or sounds too good to be true, it probably is.

## What to do if you have a suspicious matter?

Proceed with caution if you have even the slightest suspicion that the matter you are handling isn't legitimate.

1. Look for the red flags of a fraud. See the lists on the following pages.
2. Ask questions and dig deeper, especially if the facts don't add up or are inconsistent. See the next page for a list of things you can do.



Visit the [AvoidAClaim.com](http://AvoidAClaim.com) blog to search names and email addresses from the frauds reported to LAWPRO. Click on "All Fraud Warnings" to see a full listing of names of confirmed fraudster clients. If you still aren't sure the matter is legitimate, call LAWPRO at 1-800-410-1013. Our experience with multiple frauds can help determine if you are being duped. If the matter turns out to be a fraud and there is a potential claim, we will work with you to prevent the fraud, if possible, and to minimize potential claims costs.

### Report obvious frauds to LAWPRO

Help us help other lawyers by sending obviously fraudulent messages, scans of identification and other documents provided to you to [fraudinfo@lawpro.ca](mailto:fraudinfo@lawpro.ca).

### Get fraud warnings & updates from AvoidAClaim.com blog

Wondering if you've been duped or your potential client is a fraudster? For regular updates on fraud and claims prevention, subscribe to the email updates from LAWPRO's AvoidAClaim.com blog.



Do you practice in real estate? See the Real Estate Fraud Fact Sheet at [practicepro.ca](http://practicepro.ca) for common types of real estate fraud, red flags, and tips on how to protect your law firm and you.



## Avoid being duped



Fraudsters are successfully duping lawyers and law clerks using ID impersonations, property flips, value fraud, phishing scams, and more. Real estate frauds can be simple scenarios or sophisticated ones. The matters look legitimate and the fraudsters are convincing. There may even be two or more people collaborating on both sides of a transaction to make the scenario more credible.

Ultimately, if you aren't completely sure a matter is legitimate, terminate the retainer. Don't be sucked in by your emotions or a strong desire to help. Don't let the lure of a generous fee cause you to ignore your concerns as to the authenticity of a matter. If it looks too easy or sounds too good to be true, it probably is.

## What to do if you have a suspicious matter?

Proceed with caution if you have even the slightest suspicion that the matter you are handling isn't legitimate.

1. Look for the red flags of fraud, many of which are described on the following pages.
2. Ask questions and dig deeper, especially if the facts don't add up or are inconsistent. See the next page for a list of things you can do.



Visit the [AvoidAClaim.com](http://AvoidAClaim.com) blog to search names and email addresses from the frauds reported to LAWPRO. Click on "All Fraud Warnings" to see a full listing of names of confirmed fraudsters. If you still aren't sure the matter is legitimate, call LAWPRO at 1-800-410-1013. Our experience with multiple frauds can help determine if you are being duped. If the matter turns out to be a fraud and there is a potential claim, we will work with you to prevent the fraud, if possible, and to minimize potential claims costs.

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Concerned about other types of fraud scams? See the Cybercrime and Bad Cheque Scams Fraud Fact Sheet at [practicepro.ca/fraud](http://practicepro.ca/fraud) for common bad cheques or phishing scenarios and tips on how to protect yourself, your law firm, and your clients.



## LAWPRO's best claims prevention tools and resources

Nobody wants to deal with a malpractice claim – but 4 out of 5 Ontario lawyers will have at least one claim made against them in their careers. When a claim occurs, it is nice for the lawyer and client to have the LAWPRO insurance program in place, especially when claims arise out of honest mistakes or for reasons beyond the lawyer's control. However, the majority of claims are preventable.

LAWPRO sees the same errors time and time again. Lawyer/client communications problems are the most common cause of claims for law firms of every size and in almost every area of practice. Missed deadlines and procrastination are the second largest cause of claims. Inadequate investigation or discovery of fact is the third largest cause of claims.

Over the last 19 years, the practicePRO program has produced a large collection of tools and resources aimed at helping lawyers avoid claims. This brochure has LAWPRO's best claims prevention content. We strongly encourage all Ontario lawyers to review and use these tools and resources in their practices.

For an electronic version of this brochure with links to these resources, visit [practicepro.ca/topresources](http://practicepro.ca/topresources)



### The top 15 things you can do to avoid a malpractice claim

Many claims are preventable, often with very little effort. The following is a list of the top 15 proactive steps you can take to avoid a malpractice claim:

**1 Start out on the right foot with a formal file opening procedure and a written retainer:** With every new client you should go through a standard file opening procedure that includes client/matter screening and a conflicts check. If you are going to act you should prepare a retainer letter or agreement that sets the key terms of engagement for the matter. It should clearly identify who the client is and what you are retained to do, and in particular, any limitations on the scope of the retainer. Consider including a provision that describes your firm's policy on disbursing money from your trust account, in order to protect yourself against counterfeit cheque fraud. Put the client on notice that you reserve the right to hold funds for a specific time period or until you are sure they have "cleared."

**2 Don't dabble or handle a matter you are uncomfortable with:** If you are unsure or hesitant about handling the matter for any reason, get appropriate help or refer it to another lawyer. Send the matter away if you are unfamiliar with the area of law, a real or potential conflict exists, the matter is for a relative or friend and you are not able to be objective, or the client is very demanding and difficult.

**3 Get the money up front at every stage of a matter:** At the time you are retained, get a retainer that is sufficient to cover all work that needs to be done on the initial stage of the matter. Replenish retainer funds before they are exhausted and on the start of each stage of a matter or file. Configure your accounting system to remind you when the amount in trust is getting low relative to the

WIP on the file or when the accounts have not been paid within 30 days. Stop work if the retainer is not replenished or accounts are not paid on a timely basis. Working on credit with a growing A/R greatly increases the likelihood you will not get paid and the potential for a malpractice claim (see #13). This is especially important for plaintiff litigation, where you could find yourself in the middle of a malpractice claim due to an administrative dismissal of the action. If the retainer is not replenished, get off the record in a timely fashion.

**4 Control client expectations with good communications at all times:** Clearly and accurately communicate to your clients the available courses of action and possible outcomes, all the implications of any decisions or actions, how long things will take, and the expected fees and disbursements.

LAWPRO's practicePRO initiative provides risk management, claims prevention and law practice management information for Ontario lawyers.





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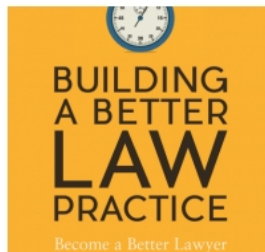
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## Latest Blog Posts

### New in practicePRO Library: Building a Better Law Practice



Posted August 30, 2019 by [LAWPRO](#)

Small steps can lead to big changes. For lawyers who want to improve their career, Building a Better Law Practice: Become a Better Lawyer in Five Minutes a Day is full of these small steps. A few minutes a day with this easy-to-read guide will help put you on the right path to growing your...

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Categories: [Law Practice Management](#)

published by



[LAWPRO's practicePRO](#) initiative provides risk management, claims prevention and law practice management information to Ontario lawyers. Our [resources, precedents and checklists](#) will help you take proactive steps to avoid a legal malpractice claim.

Search [AvoidAClaim.com](#)

enter search term(s)

SEARCH »

### Sale by non-resident seller pitfalls – New practicePRO flowchart and resources

LAWPRO is pleased to bring LAWPRO's new library that the seller and buyer lawyers who have issued or received the clearance certificate and the buyer who is a non-resident seller a property without obtaining a clearance certificate as part of the closing process. LAWPRO is pleased to bring LAWPRO's new library that the seller and buyer lawyers who have issued or received the clearance certificate and the buyer who is a non-resident seller a property without obtaining a clearance certificate as part of the closing process.



Posted August 13, 2019 by [Raymond G. Leclair](#)

LAWPRO is seeing claims against purchasers' lawyers pertaining to transactions where the seller was a non-resident and there was no s.116 clearance certificate provided on closing. It appears that the Canada Revenue Agency is being more diligent in enforcing the collection of

## Latest Fraud Warnings

### Divorce settlement fraud using the name Hanae Kenshi

Posted August 6, 2019

Categories: [Divorce Settlement Fraud](#)

### Debt collection fraud using the name Shin Okura

Posted June 14, 2019

Categories:



# *Thank you!*

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## Contact

[www.linkedin.com/in/charityanastasio](http://www.linkedin.com/in/charityanastasio) (LinkedIn)  
[www.wsba.org](http://www.wsba.org) (Company)

## Top Skills

Legal Research  
Public Speaking  
Practice Management

## Publications

Heartbleed and Passwords: What Lawyers Need to Know  
Lawyers Need Two Factor Authentication  
10 Website Fixes (that take less than 30 minutes)  
Client Portals Explained  
Defy Phishing Scams

# Charity Anastasio

Practice Management Advisor at American Immigration Lawyers Association  
Washington D.C. Metro Area

## Experience

American Immigration Lawyers Association  
Associate Practice Management Advisor  
February 2018 - Present  
1331 G St NW #300, Washington DC

Maryland State Bar Association  
Director, Law Office Management Assistance  
September 2016 - February 2018 (1 year 6 months)  
Baltimore, Maryland Area

Washington State Bar Association  
Practice Management Advisor  
October 2013 - July 2016 (2 years 10 months)  
1325 Fourth Ave., Ste. 600 Seattle, WA 98101-2539

Part of the Law Office Management Assistance Program's team, assisting Washington State Bar Association members with starting a practice, closing a practice, and everything in between. Focusing currently on the WSBA's Practice Transition Opportunities component. In person expert consultations, technology training sessions, and continuing legal education classes are available, as well as phone and email consultations on myriad of topics from work-life balance to eliminating inefficiencies and accounting procedures.

Charity Anastasio, Attorney at Law, PLLC  
Lawyer, Owner  
November 2008 - October 2013 (5 years)  
Kirkland, WA

Practice areas of Estate Planning, Probate, Elder Law, and Family Law.  
Handle both high asset estate preservation and low asset family issues.  
Outstanding rapport building and client interaction skills.  
Market firm through creating materials and giving informational presentations.  
Proficiency in Word, PowerPoint, Outlook, and some Excel.  
Adhere to Rules of Professional Conduct and the highest ethical standards.

## Education

Seattle University School of Law

Juris Doctorate, Law · (2004 - 2007)

University of Washington

Bachelor's degree, English Language and Literature, General

Katie James is a Claims Counsel at LawPRO in the Primary Professional Liability Department working within LawPRO's New Claims Unit. Katie has also worked in the Specialty Claims Department at LawPRO. In addition to her management of a professional negligence claims portfolio Katie enjoys speaking on topics of interest to the profession on risk prevention. Prior to joining LawPRO, Katie was both a criminal and civil litigator.