**The Law Society of Prince Edward Island**

**Member of Canadian Lawyers Insurance Association (CLIA)**

**CONFIDENTIAL**  LSPEI File: \_\_\_\_\_\_\_\_\_\_\_\_\_\_

**New Claim Report**

***This form is prepared in anticipation of litigation and is to be provided to counsel for an opinion on litigation.***

**To: Director of Insurance and to: Office of the Claims Manager**

**The Law Society of Prince Edward Island Law Society of Prince Edward Island**

**P.O. Box 128 c/o**

**Charlottetown, P.E.I. 250 The Esplanade, Suite 302**

**C1A 7K2 Toronto, Ontario M5A 1J2**

**FAX: (902) 368-7557 FAX: 1-855-529-9462**

**email: TimClarke@axxima.ca**

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| **LAWYER INFORMATION** | | |
| Lawyer: | Roll No.: | Called to Bar: |
| Telephone: | Fax/E-Mail: | File No.: |
| Address: | | |
| What firm were you with at the time the alleged error occurred? | | |

| **CLAIMANT INFORMATION** | |
| --- | --- |
| Name of Claimant:  Address:  Telephone: | Claimant's Lawyer:  Firm:  Telephone: |
| Name of Client, if different from Claimant: | |
| Length of time you have acted for the Client: | |
| Is/was there a solicitor/client relationship between you/the firm and the claimant? Yes  No   If "No", explain: | |
| Is claimant aware of the potential problem? Yes  No  | |
| Are you continuing to represent the claimant? Yes  No  | |
| Have your fees been paid? Yes No  | |

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| **CLAIM INFORMATION** |
| When did the alleged error occur? |
| How and when were you made aware of the potential problem? |
| When were you first put on notice (written and/or oral) of a claim? *If you received written notice or statement of claim, please attach a copy.* |
| Aside from a solicitor-client relationship, do you have an ownership, financial, or business interest in the client or claimant?  Yes  No   If yes, please elaborate |
| Does this claim arise out of the claimant/client doing business with an entity in which you have an ownership, financial or business interest? Yes  No   If yes, please elaborate |
| **Is there any proceeding (such as a foreclosure, repossession, application or defence) requiring urgent attention?**  **Yes  No If "Yes", by when?** |
| Estimate the amount of the claim that may be presented against you: $ |
| In your opinion, the likelihood of liability is: Unlikely  Possible Probable  Definite  |
| Please identify other parties who may be involved in the dispute, e.g. real estate agent, bank, appraisers, tortfeasors, insurers: |
| 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): |
| Please circle the Area of Law, Error or Omission and Cause below:   |  |  | | --- | --- | | **AREA OF LAW** | **ERROR OR OMISSION** | |  |  | | 1. Real Estate - General | 1. Missed Limitation - Deadline | | 2. Real Estate - Planning Act/By Laws | 2. Defective Search | | 3. Real Estate - Mortgages | 3. Defective Documentation | | 4. Real Estate - Liens & Easements | 4. Failure To Take Necessary Steps | | 4a. Real Estate - Commercial | 5. Failed To Follow Client’s Instructions/Dispute Over Client’s Instructions | | 5. Civil Litigation - Automobile | 6. Failed To Advise Client Properly/Ignorance Of Law | | 6. Civil Litigation - Construction Liens | 7. Failed To Protect Client’s Interest | | 7. Civil Litigation - General | 8. Failed To Protect Third Parties’ Interest | | 8. Wills, Estates, Trusts | 9. Negligent Breach Of Trust Or Undertaking | | 9. Patents, Trademarks, Copyright | 10. Other \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | | 10. Corporate Law |  | | 11. Commercial - Purchase/Sale of Business | **SECONDARY CAUSE** | | 12. Commercial - Loans/Debentures |  | | 13. Commercial - Landlord/Tenant | 1. Absence Or Failure To Follow Up | | 14. Commercial - Oil & Gas | 2. Work Delegated To Employee Not Checked | | 15. Commercial - Foreclosure | 3. Work Delegated To Outsider Not Checked | | 16. Commercial - General | 4. Overwork - Inadequate Administration | | 17. Criminal Law | 5. Poor Communication With Clients | | 18. Matrimonial & Family Law | 6. Poor Communication With Staff Or Partner | | 19. Tax Law | 7. Inadequate Office Systems | | 20. Bankruptcy Law | 8. Conflict - Working With Two Or More Parties | | 21. Labour Law/Administrative Law | 9. Unrepresented Party | | 22. Other \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | 10. Innocent Partner Exposure | |  | 11. Other \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | |

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| **OTHER** |
| What percentage of your practice was devoted to this area of law at that time? % |
| How long had you been practising in this area of law at the time? years |
| Does your Firm carry Excess of the $1,000,000 Mandatory Coverage: Yes \_ No \_  Insurer Policy # |

**BRIEF PRECIS OF CLAIM**

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| Please relate all relevant facts pertaining to this claim in chronological order. (Attach a separate sheet if necessary.) |
| How could this claim/potential claim have been prevented? |

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| **DOCUMENTS/SIGNATURE** |
| The following documents are enclosed:  Correspondence Statement of Claim  Other   THIS REPORT IS MADE IN CONTEMPLATION OF LITIGATION. |
| Signature of Lawyer: Date:  Name of Managing Partner (where applicable): |

**NOTE: Be sure to keep a complete copy of your entire file.**