

6. RECORDS RETENTION

The Society's Law Office Management Standards Committee and Legal Services Support team, under the direction of Council, are working to develop a toolkit and educational resources to help lawyers and firms plan effectively for practice succession and to retain client files appropriately while minimizing the cost and burden of file retention.

The information we learn from the answers in this section and the following section on Succession Planning will be used to develop resources to help you.

Does your firm have a written client file retention and destruction policy?

| | | |
|------------------------------|-----------------------------|------------------------------|
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A |
|------------------------------|-----------------------------|------------------------------|

If yes, do your firm follow your policy consistently and destroy files when their retention period is complete?

| | | |
|------------------------------|-----------------------------|---------------------------------|
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Unsure |
|------------------------------|-----------------------------|---------------------------------|

Does your firm keep original wills?

| | | |
|------------------------------|-----------------------------|---------------------------------|
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Unsure |
|------------------------------|-----------------------------|---------------------------------|

If your firm practices real estate, do you keep old paper-based property files created before the *Land Registration Act*?

| | | |
|------------------------------|-----------------------------|---------------------------------|
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Unsure |
|------------------------------|-----------------------------|---------------------------------|

If your firm practices real estate, approximately the following percentage of the firm's *Land Registration* foundation documents (ie, AFR Bundles) are stored electronically: _____%

Could your firm benefit from the following resources being developed by the Society?

- Targeted paper reduction guide
- File retention / destruction policy template and Guidelines

7. SUCCESSION PLANNING

| | | | |
|--|------------------------------|-----------------------------|---------------------------------|
| Does your firm (including sole practices) maintain a current succession plan for the practice including all lawyers in the firm? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Unsure |
| Is your plan documented and does someone know how to find it? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Unsure |
| Does your plan address the unique arrangements that will be necessary in the event of the cessation of the lawyer's / firm's practice for any reason, including temporary and long term disability, and death? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Unsure |

ANNUAL FIRM REPORT 2019

| | | | |
|---|------------------------------|-----------------------------|---------------------------------|
| Have you created documents (e.g. partnership clauses, will, power of attorney, written authorizations) to allow your succession plan to be implemented when necessary? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Unsure |
| Does your firm ensure that passwords, keys, and documents to implement your succession plan can be accessed by someone, confidentially and securely, when necessary? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Unsure |
| <i>If you answered 'No' or 'Unsure' to any of the questions above, please explain the barriers to you doing so? Note that we are working to address existing barriers and this information will help us in our efforts.</i> | | | |

FOR SOLE PRACTITIONERS:

| | | | | |
|---|------------------------------|-----------------------------|---------------------------------|------------------------------|
| If you are a sole practitioner, has a practising lawyer agreed to distribute or supervise the distribution of your open files if succession is suddenly required? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Unsure | <input type="checkbox"/> N/A |
| If Yes, please provide the name of the practising lawyer who has agreed to this: | | | | |
| If you are a sole practitioner, have you set up your trust account(s) so that your practice successor can take control in a timely way and confirmed that arrangement with your successor and financial institution(s)? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Unsure | <input type="checkbox"/> N/A |
| <i>If you answered 'No' or 'Unsure' to any of the questions above, please explain the barriers to you doing so? Note that we are working to address existing barriers and this information will help us in our efforts.</i> | | | | |

Could your firm benefit from the following resources being developed by the Society?

- Guide to Succession Planning (and checklist)
- Succession Plan template

8. CYBER SECURITY/INSURANCE

The CLIA coverage for lawyers in the province includes cyber insurance coverage. Please note that, in addition to standard risk management practices, the cyber insurance coverage provided by CLIA excludes coverage for any claim that arises out of, is based upon or is attributable to the failure of any insured to (i) install, activate and maintain internet firewalls or endpoint protection or (ii) maintain weekly data backups or client data.

Please confirm if you (firm or sole practitioner) have taken the steps required by the cyber insurance group program.

| | | | |
|--|------------------------------|-----------------------------|------------------------------|
| Conducts weekly data backups of all firm and client data. | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A |
| Has installed, activated and maintains up-to-date internet firewalls | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A |
| Has installed, activated and maintains up-to-date anti-virus and malware endpoint protection | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A |

(Note: Other terms and conditions of the insurance policy may apply to exclude coverage for a particular claim. We are only asking these three questions because in our opinion, prudence dictates that all lawyers and law firms take these steps, at a minimum, to protect their data.)

Additional question about data backups:

| | | | |
|---|------------------------------|-----------------------------|------------------------------|
| Do you store your backup data off-site? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A |
|---|------------------------------|-----------------------------|------------------------------|

9. CLIENT IDENTIFICATION

The firm’s lawyers and staff who assist in legal services delivery know of and have complied with the firm’s obligations regarding client identification, under regulation 4.13.

| | | |
|--|-----------------------------|------------------------------------|
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Uncertain |
| If “No” or “Uncertain” please explain: | | |
| | | |

10. CONTINUING PROFESSIONAL DEVELOPMENT

Each practising lawyer in the firm has prepared and is implementing a continuing professional development plan for the current CPD reporting period, pursuant to subregulation 8.3.8.

| | | |
|--|-----------------------------|------------------------------------|
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Uncertain |
| If “No” or “Uncertain” please explain: | | |
| | | |

11. TRUST ACCOUNT REPORT (Reg 4.11.2)

Please select one of the two options below. If your firm operates a trust account(s), you must complete the Trust Account Report section.

I confirm that our firm operates a trust account(s) and must complete the Trust Account Report.

| | |
|------------------------------|-----------------------------|
| <input type="checkbox"/> Yes | <input type="checkbox"/> No |
|------------------------------|-----------------------------|

12. CERTIFICATION

I confirm that I have made reasonable efforts to ensure that the information in this report is accurate and complete.

Signature of Designated Lawyer (Reg 4.7.3)

Date