**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** |
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| 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:

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| --- | --- |
| **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.**