**Loss Prevention Self-Assessment Checklist**

The following chart asks a series of questions related to your day-to-day practice which will assist you in assessing how you and your firm rate in the area of loss prevention and becoming more mindful of areas you might improve on.

|  |  | **YES** | **NO** |
| --- | --- | --- | --- |
|  | **SYSTEMS/PROCEDURES/ADMINISTRATION** |  |  |
|  | **File Management** |  |  |
| 1. | Do you follow a standard procedure for opening files? |  |  |
| 2. | Do you use a file opening checklist? |  |  |
| 3. | Do you use a new file folder for each new client/case? |  |  |
| 4. | Do you always complete a conflicts check for all clients and others connected with the matter? |  |  |
| 5. | Every time you open a file, do you adhere to the Client Identification and Verification Requirements? (Rule XVI) |  |  |
| 6. | Do you take notes of each meeting and retain them in client files? |  |  |
| 7. | Do you have procedures or policies for handling and storing incoming documents, whether they arrive the traditional way or electronically? |  |  |
| 8. | Do you have a procedure for protecting original or other special documents? |  |  |
| 9. | Does your firm maintain a central filing system? |  |  |
| 10. | Does your firm maintain a file checkout system? |  |  |
| 11. | Can you always find a file when you need it? |  |  |
| 12. | Are all your files well organized and easy to understand? |  |  |
| 13. | Do you have a computerized system for organizing and tracking files? |  |  |
| 14. | Are electronic files secure? |  |  |
| 15. | Do you back up all computer files? |  |  |
| 16. | Do you have a policy on email filing? |  |  |
| 17. | Do you take steps to ensure confidentiality of email or smartphone communications with clients? |  |  |
| 18. | Do you have a procedure to highlight limitation date reminders in each file? |  |  |
| 19. | Do you have a system which alerts you to files which have been inactive for a specific period? |  |  |
| 20. | Are open files kept separate from closed files? |  |  |
| 21. | Do you avoid filing backlogs? |  |  |
| 22. | Are your files secure from fire or theft? |  |  |
| 23. | Do you have a file closing procedure, ex. sending written notice to clients, remitting a final bill, and closing out the trust account? |  |  |
| 25. | Do you have a staff person responsible for file control? |  |  |
| 24. | Do you explain to each new employee and new associate the office’s policies and procedures on file management? |  |  |
| 25. | Are you familiar with the Law Society’s Practice Advisory concerning File Closure, Retention and Destruction? |  |  |
|  | **Calendaring and Limitations Dates** |  |  |
| 26. | Do you have a system for recording limitation period deadlines? |  |  |
| 27. | Does your system include features such as a computerized calendar system, manual system, and lawyer calendar with a matching assistant’s calendar? |  |  |
| 28. | Is everyone in the office trained to use the office calendaring system? |  |  |
| 29. | Do you record the limitation periods in more than one area? |  |  |
| 30. | Do you have a tickler/bring forward system? |  |  |
| 31. | Is your limitation/bring forward system reviewed each morning? |  |  |
| 32. | Does someone on your staff always have access to your calendar, especially if you are out of the office? |  |  |
| 33. | Do you follow up to see that work you assigned was actually completed on time? |  |  |
| 34. | Does your firm have a general reminder system for limitation periods and deadlines, either manually or electronically? |  |  |
| 35. | Does your firm’s reminder system includes a follow-up procedure to ensure that the responsible lawyer responds to a reminder notice within time? |  |  |
| 36. | Does your firm’s reminder system designate an alternative lawyer to respond to a reminder notice if the responsible lawyer fails to respond? |  |  |
| 37. | Do you have a procedure to calendar warnings before ultimate deadlines? |  |  |
| 38. | Does your reminder system provide enough lead time to complete the activity prior to the deadlines? |  |  |
| 39. | Do you add new dates to your reminder system as new limitations arise? |  |  |
| 40. | Does everyone in your office always use the reminder system? |  |  |
| 41. | Do you periodically conduct a hands-on review of all files to check accuracy and ensure that each file is up to date? |  |  |
| 42. | Do you have a plan in place for coverage of your practice when you unexpectedly absent? |  |  |
|  | **COMMUNICATION** |  |  |
| 43. | Do you check for any potential conflicts prior to receiving confidential information from a potential client? |  |  |
| 44. | Are your conflict procedures expressed in writing so that all staff are aware? |  |  |
| 45. | Do you circulate information on the identity of new and prospective clients throughout the firm? |  |  |
| 46. | If a potential conflict is found, do you either decline to take the case of notify the client of the potential conflict in writing? |  |  |
| 47. | If a conflict arises during the course of the file, do you promptly inform your clients of the situation and take the appropriate steps? |  |  |
| 48. | If you are asked to represent clients jointly, do you ask them to sign a consent letter for joint retainers? |  |  |
| 49. | Do you decline cases outside your areas of practice or expertise? |  |  |
| 50. | Do you use a “non-engagement letter” when a client consults you but you do not take the case? |  |  |
| 51. | Do you make sure the client is a good fit for you and your practice before agreeing to accept the case? |  |  |
| 52. | Do you ensure your client has adequate language comprehension skills (written and oral) in order to communicate effectively? |  |  |
| 53. | Do you send new clients a letter of engagement? |  |  |
| 54. | Do your letter of engagement include the scope and terms of your representation? |  |  |
| 55. | Do you address your client’s expectations at the beginning of the case? |  |  |
| 56. | Do you ensure there is no imminent danger of limitations before accepting the case? |  |  |
| 57. | Do you discuss if you sense the client’s expectations are unrealistic or for some other reason cannot be met? |  |  |
| 58. | Do you update your clients regularly on the status and progress of their cases, even if there are few, if any, developments? |  |  |
| 59. | Do you record and confirm all major decisions-both your client’s and your own-in writing? |  |  |
| 60. | Do you return clients’ phone calls promptly or instruct your secretary to return calls if you are unable? |  |  |
| 61. | Do you teach and practice telephone etiquette? |  |  |
| 62. | Do you avoid answering other phone calls when you have a client in your office? |  |  |
| 63. | Do you keep notes of all significant phone calls and conversations, including the date, time and the names of all parties involved in the conversation? |  |  |
| 64. | Do you continually re-evaluate your cases, reviewing their strengths and weaknesses? |  |  |
| 65. | Do you ensure your client has reviewed a draft of the document before signing it? |  |  |
| 66. | Do you document occasions when your client refuses to follow your advice? |  |  |
| 67. | Do you document all settlements offered and rejected and have them signed by the client? |  |  |
| 68. | Do you take time with staff to explain why things must be done a certain way as opposed to issuing “Do this, do that” orders? |  |  |
|  | **LAW** |  |  |
| 69. | Do you regularly read new case law relating to your area of practice? |  |  |
| 70. | Are you up-to-date on new legislation? |  |  |
| 71. | Do you attend continuing legal education seminars? |  |  |
| 72. | Do you attend CBA section meetings relating to your area of practice? |  |  |
| 73. | Does your firm hold information meetings on new developments in the law? |  |  |