

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?		

		YES	NO
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 include 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?		

		YES	NO
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 are 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 or 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.	Does your letter of engagement include the scope and terms of your representation?		

		YES	NO
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 assistant 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?		