



**PRACTICE MANAGEMENT REVIEW
SELF-ASSESSMENT QUESTIONNAIRE**

Name: _____

Law Society Number: _____

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INSTRUCTIONS

1. Please do your best to complete this form fully. Although the process of completing this form can be time consuming, it is a useful self-assessment exercise.
2. Please feel free to add additional pages of explanation. Your discussions with the reviewer will be more efficient and useful to you if the reviewer is well informed in advance about your practice.
3. This questionnaire is the starting point for your practice management review. You are not required to complete it before you meet with the reviewer but doing so will save you a **considerable** amount of time because otherwise the reviewer will ask you every question in this questionnaire as part of the review.
4. Please respond to all of the questions from your personal perspective. It is acknowledged that you may be required to follow firm-wide practice management systems for which you have no direct responsibility.
5. If you don't know the answer to a question that concerns firm-wide information or processes, please obtain the information and indicate who provided that information. Please note that you are expected to have a basic knowledge of all firm processes and procedures and you should ensure that all answers provided are correct and complete.

If concerns relating to firm processes or procedures are identified during the review that are beyond the scope of your responsibility at the firm, then the Executive Director of the Law Society may bring these matters to the attention of the firm's management for their consideration and action.

6. This is a generic questionnaire used for many different practice arrangements so some of it may not apply to your practice. For any question that does not apply to your practice, please indicate "not applicable" or "n/a", and the reason why you feel the question does not apply.
7. In this questionnaire, the term "Law Society" means the Law Society of Newfoundland and Labrador.

If you have any questions, please contact the reviewer that has been assigned to complete your review.

PART A: YOUR LAW PRACTICE

A1. How do you practice? (check all that apply)

- sole practitioner
- sole practitioner with one or more employees that are lawyers
- sole practitioner sharing office space or premises with one or more other lawyers
- partner in a partnership
- shareholder in a professional corporation
- employee or associate

A2. Do you practice with other lawyers?

- yes no

If YES, provide the following information for each lawyer you regularly work with: (attach additional page if needed)

Name of Lawyer:

- associate in same firm lawyer sharing office space/premises partner
- shareholder sole practitioner/owner

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A3. What is the name of the legal entity (sole proprietorship, LLP, professional corporation, partnership) that provides and bills the services provided by your firm?

A4. Do you have one or more formal or informal mentors?

- yes – name of mentor(s): _____
- no

A5. What are the main areas in which you personally practice? (base the percentage of practice on the number of files you handled in the past year) (attach additional page if needed)

- Area of practice: _____ Percentage of Practice: _____ %
- Area of practice: _____ Percentage of Practice: _____ %
- Area of practice: _____ Percentage of Practice: _____ %
- Area of practice: _____ Percentage of Practice: _____ %

A6. On how many currently open and active files are you the lawyer with primary responsibility?

_____ (approximately)

A7. How many files did you work on in the last year?

_____ (approximately)

A8. What is the source of your clients?

- Regular Client Base: _____ %
- Referrals: _____ %
- Walk-ins: _____ %
- Website: _____ %
- Internet Advertising: _____ %
- Other Advertising: _____ %
- Other: _____ %

A9. Provide particulars of any referral source, client or group of related clients who in the last year were, or in the current year are forecast to be, responsible for 20% or more of firm revenue:

A10. How many staff assist you in your personal practice?

Full-time: _____ Part-time: _____

A11. Are there arrangements in place to cover vacations and other expected and unexpected absences for you and key staff?

yes no n/a because _____

A12. Does the firm have a written contingency plan to ensure continuation of client service if the office is destroyed or is otherwise inaccessible?

yes no n/a because _____

A13. Do you have a plan in place for coverage of your practice if you are unexpectedly absent?

yes no n/a because _____

A14. Are emergency documents (insurance policies, powers of attorney, blank cheques, software licences, emergency contact information, etc.) kept offsite in a secure location?

yes no n/a because _____

A15. Does the firm take steps (all risk insurance, etc.) to offset losses that could result from fire, theft or other causes?

yes no n/a because _____

A16. If you are a sole practitioner, have you made an enduring power of attorney or given other written authority to cover absences to another lawyer with respect to

(a) your trust account?

yes no n/a because _____

(b) your general account?

yes no n/a because _____

(c) the operation of your practice?

yes no n/a because _____

A17. Are there any space sharing or association arrangements with either another lawyer who is not a member of your firm or anyone who is not a lawyer?

yes no

If YES:

(a) Are the arrangements in writing? yes no

(b) List the parties and briefly describe the arrangements:

A18. Are there any arrangements with paralegals, lawyers, law clerks, consultants, translators, co-op students, title searchers or others who are not part of your firm?

yes no

If YES:

(a) Are the arrangements in writing? yes no

(b) List the parties and briefly describe the arrangements:

A19. If you are a partner in a general partnership or a shareholder in a professional law corporation, do you have a written partnership or shareholders' agreement?

yes no

If YES:

(a) Is the agreement reviewed regularly?

yes no

(b) Check all of the topics listed below that are addressed in the agreement:

- firm name
- capital contribution
- allocation of profits and losses
- rights and obligations of each party
- decision-making process
- daily management of the firm
- effect of a party's departure (voluntary, forced, death), divorce or separation
- dissolution
- arbitration clause
- life insurance between parties
- disability insurance
- general office insurance
- business interruption insurance
- excess professional liability insurance

A20. Does your firm pay referral fees?

yes no

A21. Does your firm receive referral fees?

yes no

A22. Does your firm, or any related entity, provide any services other than legal services or giving legal advice to clients?

yes no

If YES, provide particulars of those services:

A23. Do you perform agency work for other lawyers?

yes no

A24. Does your firm have written procedures or policies on practice management?

yes no

If YES:

(a) Which topics are covered in the written procedures and policies? (check all that apply)

- walk-ins and cold calls
- greeting clients on the phone and in person
- identifying clients
- verification of client identity
- handling incoming documents (mail, email, etc.)
- storing incoming documents (mail, email, etc.)
- protecting original and special documents
- docketing time
- working hours
- work schedule
- distribution of work
- holidays
- overtime
- confidentiality
- conflicts of interest
- tracking limitation periods and other key dates
- using technology

- safeguarding client information
- computer and email security
- periodic review of files
- opening files
- closing files
- destroying files
- privacy and PIPEDA
- workplace harassment and discrimination
- contingency planning or business continuity

(b) Are the written procedures or policies reviewed with each person who joins the firm?

- yes no n/a because _____

A25. Does your outgoing correspondence include the firm name, address, telephone number, fax number and email address?

- yes no n/a because _____

A26. Do your outgoing emails include a disclaimer?

- always regularly occasionally rarely never
- n/a because _____

A27. Is the office set up so there are private areas for confidential discussions?

- yes no n/a because _____

A28. Is the firm in general as well as your personal office set up so that third parties do not have access to client information and files?

- yes no n/a because _____

A29. Is the firm's office easy to find by means of a sign or otherwise?

- yes no n/a because _____

A30. Do you regularly verify if your support staff properly understand their functions?

yes no n/a because _____

A31. Do you regularly review and supervise the work of others (lawyers, staff, paralegals, etc.) on files for which you are the responsible lawyer?

yes no n/a because _____

A32. Do you follow up to ensure that work you assigned to others was completed on time?

yes no n/a because _____

A33. Does your firm employ articling students?

yes no

If YES:

(a) Does the work of the articling students include the following topics?

(i) consultation and research yes no

(ii) drafting documents yes no

(iii) negotiation and mediation yes no

(iv) representation yes no

(v) professional practice and ethics yes no

(b) Do articling students have a workstation or personal office that ensures confidentiality is maintained?

yes no

(c) Are you responsible for supervising articling students?

regularly occasionally rarely never

PART B: CLIENT SERVICE AND COMMUNICATION

B1. Do you make and file a detailed note of all calls and consultations that do not lead to a retainer?

always regularly occasionally rarely never

n/a because _____

B2. Do you check for conflicts before a call or consultation where you expect to get confidential information?

- always regularly occasionally rarely never
 n/a because _____

B3. Do you check for conflicts before receiving confidential information from a potential client?

- always regularly occasionally rarely never
 n/a because _____

B4. At the conclusion of an initial call or consultation where you received confidential information and no instructions are received to proceed, do you provide a non-engagement letter which includes notice of any applicable limitation periods?

- always regularly occasionally rarely never
 n/a because _____

B5. After a call with a prospective client, do you have an initial face-to-face meeting with the client in order to formally accept the matter?

- always regularly occasionally rarely never
 n/a because _____

B6. Does the firm maintain a website?

- yes no

If YES:

(a) What is the URL of the website?

(b) Does the website include a Terms of Use policy? yes no

If YES:

(i) Does the Terms of Use policy include a Disclaimer of Liability? yes no

(ii) Are the users of the website made aware of the following potential risks associated with using the website?

Lack of confidentiality yes no

Lack of lawyer-client relationship yes no

B7. Do you have a blog or similar forum (whether in electronic or print format) where you discuss legal issues?

yes no

If YES, provide particulars of the blog or forum:

B8. Do you satisfy yourself as to a new client's identity immediately on accepting a new matter?

always regularly occasionally rarely never

n/a because _____

B9. Do you satisfy yourself as to the purpose and objective of each retainer and make a note in the file?

always regularly occasionally rarely never

n/a because _____

B10. Before agreeing to take on a new matter, do you satisfy yourself that you are either competent to handle the issues involved or can become competent without causing the client undue cost, delay or burden?

always regularly occasionally rarely never

n/a because _____

B11. Do you satisfy yourself that the client is a good fit for you and your practice before agreeing to take on the matter?

always regularly occasionally rarely never

n/a because _____

B12. Do you ask questions to determine if the client has capacity to give instructions?

always regularly occasionally rarely never

n/a because _____

B13. Do you ask questions to satisfy yourself that the client is not being forced or pressured by another person when giving instructions?

always regularly occasionally rarely never

n/a because _____

B14. Do you avoid using “legalese” or technical language when talking to and writing to your clients?

always regularly occasionally rarely never

n/a because _____

B15. Before agreeing to take on a new matter, do you discuss your fees and billing practices with the client?

always regularly occasionally rarely never

n/a because _____

B16. Do you decline cases outside your areas of practice and expertise?

always regularly occasionally rarely never

n/a because _____

B17. Do you get a written retainer agreement or otherwise confirm the terms of the engagement in writing when a client retains the firm?

always regularly occasionally rarely never

n/a because _____

B18. Does your written retainer agreement or confirmation of engagement letter include the scope and terms of your representation?

always regularly occasionally rarely never

n/a because _____

B19. Other than a Legal Aid certificate, do you get a retainer agreement or other written confirmation of the retainer from clients funded by Legal Aid?

always regularly occasionally rarely never

n/a because _____

B20. Does your firm accept contingency fee retainers?

- yes no

B21. Which of the following topics are regularly covered in a written retainer or confirmation of engagement letter? (select all that apply)

- nature and scope of the matter
- obligations to be fulfilled by the client
- timetable or expected course of the representation
- method and frequency of communication
- monetary retainers
- fees and billing
- details regarding any division of fee arrangements and the client's consent to those arrangements
- manner in which you and the client may terminate the retainer
- consequences of terminating the engagement
- use of agents or duty counsel for routine appearances
- lawyer-client privilege
- client's assumption of the risks associated with the use of e-mail and texting
- consent to use cloud-based computing services and products (if applicable)

B22. Are monetary retainers obtained from clients?

- always regularly occasionally rarely never

n/a because _____

If REGULARLY, OCCASIONALLY, RARELY or NEVER, why are monetary retainers not obtained?

If ALWAYS, REGULARLY, OCCASIONALLY or RARELY, is the amount of the retainer sufficient to cover estimated disbursements?

- always regularly occasionally rarely never
 n/a because _____

B23. Before accepting a new matter, do you ensure that it will not place you or the firm in a position of conflict of interest?

- always regularly occasionally rarely never
 n/a because _____

B24. Describe the process the firm uses to check for possible conflicts of interest before accepting a new matter:

B25. Describe your role in the process used by your firm, and any additional measures you may use, to check for possible conflicts of interest before accepting a new matter:

B26. Do you check for conflicts on an ongoing basis during the course of a matter (e.g. when new information is received, new facts learned or a new individual or entity enters the matter)?

- always regularly occasionally rarely never
 n/a because _____

B27. Do files contain confirmation that a conflicts check has been completed?

- always regularly occasionally rarely never
 n/a because _____

B28. Do you update the conflict system when new information is received, new facts learned or a new individual or entity enters the matter?

always regularly occasionally rarely never
 n/a because _____

B29. If a client attends with another person, do you clarify whether or not that person believes that you are also acting for him or her?

always regularly occasionally rarely never
 n/a because _____

B30. When dealing with unrepresented persons on behalf of a client, do you ensure that it is clear that you are not representing them and that you have discharged your obligations under Rule 7.2-9 of the Code of Professional Conduct?

always regularly occasionally rarely never
 n/a because _____

B31. If you accept a matter where you will be acting for more than one client, do you obtain consent as defined in section 1.1-1 of the Code of Professional Conduct before you commence work on the matter in order to comply with sections 3.4-5 to 3.4-7 of the Code of Professional Conduct?

always regularly occasionally rarely never
 n/a because _____

B32. Do you act for the vendor and purchaser in the same transaction?

always regularly occasionally rarely never
 n/a because _____

B33. Except where the lender is a lending client (as defined in section 3.4-13 of the Code of Professional Conduct), do you act for the lender and borrower in the same transaction?

always regularly occasionally rarely never
 n/a because _____

B34. If you have acted for a lender and borrower in the same transaction, provide particulars:

B35. Do you act for a lender or borrower in respect of private, non-institutional mortgages?

- always regularly occasionally rarely never
 n/a because _____

B36. If you have acted for a lender or borrower in respect of private, non-institutional mortgages, provide particulars:

B37. Do you receive any fees from a title insurer when your client purchases a title insurance policy?

- always regularly occasionally rarely never
 n/a because _____

If ALWAYS, REGULARLY, OCCASIONALLY or RARELY, provide particulars:

B38. Do you act for both parties in the preparation of domestic contracts or separation agreements?

- always regularly occasionally rarely never
 n/a because _____

B39. Do you accept mortgages or other collateral to secure fees?

- always regularly occasionally rarely never

n/a because _____

B40. Do you ever borrow from clients (excluding financial institutions)?

always regularly occasionally rarely never

n/a because _____

B41. Do you send clients elsewhere to obtain Independent Legal Advice or Independent Legal Representation when necessary?

yes no n/a because _____

B42. Do you ever provide legal services to an organization of which you are an officer, director or majority shareholder?

yes no n/a because _____

If YES, provide particulars:

B43. Do you issue formal legal opinions in writing to your clients in these circumstances?

(a) only when requested

yes no n/a because _____

(b) in every case

yes no n/a because _____

(c) when the matter is complex

always regularly occasionally rarely never

n/a because _____

(d) when the client's position is precarious

always regularly occasionally rarely never

n/a because _____

(e) when an unexpected development occurs

always regularly occasionally rarely never
 n/a because _____

(f) when the client's expectations are unrealistic

always regularly occasionally rarely never
 n/a because _____

B44. Do you send your clients copies of pleadings and important correspondence?

always regularly occasionally rarely never
 n/a because _____

B45. Do you communicate to your clients all offers of settlement in litigation or, for criminal matters, offers of resolution?

always regularly occasionally rarely never
 n/a because _____

B46. Do you provide the client with a written explanation of the terms and implications of offers?

always regularly occasionally rarely never
 n/a because _____

B47. Do you obtain written instructions from your client on whether to accept or reject an offer?

always regularly occasionally rarely never
 n/a because _____

B48. Do you have the client sign the minutes of settlement or settlement agreement?

always regularly occasionally rarely never
 n/a because _____

B49. Do you regularly update clients on the status of their file even if there are few, if any, developments?

always regularly occasionally rarely never
 n/a because _____

B50. When status updates are provided to the client, how are they made?

- verbally in writing either verbally or in writing both verbally and in writing
 n/a because _____

B51. Are verbal updates recorded in writing in the client file?

- always regularly occasionally rarely never
 n/a because _____

B52. How many calls and emails do you and your staff receive over the course of a day from clients looking for an update on their file?

_____ calls and emails

B53. Do you keep your clients informed about new legislation or case law that may materially affect the course their matters?

- always regularly occasionally rarely never
 n/a because _____

B54. Do you record and confirm major decisions in writing?

- always regularly occasionally rarely never
 n/a because _____

B55. Do you document occasions when your client refuses to follow your advice?

- always regularly occasionally rarely never
 n/a because _____

B56. Are changes to clients' instructions confirmed in writing?

- always regularly occasionally rarely never
 n/a because _____

B57. Are your clients' phone calls returned promptly?

- always regularly occasionally rarely never

n/a because _____

B58. Do you avoid answering phone calls when you are meeting with a client?

always regularly occasionally rarely never

n/a because _____

B59. Do you send a reporting or closing letter to the client at the conclusion of each matter?

always regularly occasionally rarely never

n/a because _____

B60. Do you check on the client's satisfaction with your professional services?

always regularly occasionally rarely never

n/a because _____

B61. Do you or does the firm have a policy for dealing with client complaints?

yes no n/a because _____

B62. When a matter involves a client deadline, do you advise the client in writing that the client is responsible for ensuring that the deadline is not missed?

always regularly occasionally rarely never

n/a because _____

B63. When a matter involves the renewal or registration of a document within the client's control, do you advise the client in writing that the client is responsible for the renewal or registration?

always regularly occasionally rarely never

n/a because _____

B64. Do you read correspondence and documents before signing and presenting or sending them to the client?

always regularly occasionally rarely never

n/a because _____

B65. Do your files evidence that you have confirmed with clients that they have reviewed draft documents in detail before they are signed?

always regularly occasionally rarely never

n/a because _____

B66. Do you discuss with clients the risk of interception and unauthorized disclosure of information if they intend to communicate by electronic means?

always regularly occasionally rarely never

n/a because _____

B67. Do you advise clients about lawyer-client privilege and privacy issues with respect to sharing information with others?

always regularly occasionally rarely never

n/a because _____

PART C: FILE MANAGEMENT

C1. Where the client has retained you for more than one matter, is a separate file opened for each matter?

always regularly occasionally rarely never

n/a because _____

C2. Do you use a file opening checklist or intake form to set up your physical and electronic files?

always regularly occasionally rarely never

n/a because _____

C3. When you open a file, do you obtain the information required under the client identification requirements under Part XVI of the Rules of the Law Society?

always regularly occasionally rarely never

n/a because _____

C4. Where a matter may involve receiving, paying or transferring funds which are not exempt under the client identification requirements under Part XVI of the Rules of the Law Society, do you obtain verification of identity from the client (and make photocopies for the file)?

- always regularly occasionally rarely never
 n/a because _____

C5. Are key dates noted in individual client files?

- always regularly occasionally rarely never
 n/a because _____

If ALWAYS, REGULARLY, OCCASIONALLY or RARELY, describe the process:

C6. For your physical file, do you use a new folder for each new matter?

- always regularly occasionally rarely never
 n/a because _____

C7. In addition to a physical file, do you maintain an electronic file?

- always regularly occasionally rarely never
 n/a because _____

If ALWAYS, REGULARLY, OCCASIONALLY or RARELY, describe which parts of your files are maintained only in an electronic format:

C8. Do you organize your physical and electronic client files by placing contents into appropriately named sub-files?

- always regularly occasionally rarely never

n/a because _____

C9. Does your firm maintain a central filing system?

yes no n/a because _____

C10. Does your firm maintain a file checkout system for physical files?

yes no n/a because _____

C11. Do you have a system for organizing and tracking files?

yes no n/a because _____

If YES, describe the system:

C12. Do you save sent and received emails to the client file or client email folder?

always regularly occasionally rarely never

n/a because _____

C13. Do you have a system for reviewing, organizing and following up on email and phone messages?

yes no n/a because _____

C14. Do you scan and save into the electronic file a copy of important documents?

always regularly occasionally rarely never

n/a because _____

C15. Do you remit a copy of original or other important documents to your client (or scan a copy into your electronic file) to ensure that secondary proof may be made if the document is lost?

always regularly occasionally rarely never

n/a because _____

C16. Are documents and materials in your physical files organized chronologically?

- always regularly occasionally rarely never
 n/a because _____

C17. Are documents and materials in your physical files properly secured?

- always regularly occasionally rarely never
 n/a because _____

C18. Do you document in the client file all material telephone calls with the client as well as third parties involved in the matter?

- always regularly occasionally rarely never
 n/a because _____

C19. Do you document in the client file all appearances and meetings with the client as well as third parties involved in the matter?

- always regularly occasionally rarely never
 n/a because _____

C20. Do you use checklists as part of managing the progress of files?

- always regularly occasionally rarely never
 n/a because _____

C21. Does your practice include the preparation of wills, advance health care directives or enduring powers of attorney?

- yes no

If YES:

(a) Do you use a detailed questionnaire to determine the client's intentions and the particulars of all assets, liabilities, beneficiaries and trustees?

- always regularly occasionally rarely never
 n/a because _____

(b) Do you maintain a numerical and alphabetical list of wills, advance health care directives and enduring powers of attorney?

always regularly occasionally rarely never

n/a because _____

(c) Does your firm retain original wills, advance health care directives or enduring powers of attorney?

always regularly occasionally rarely never

n/a because _____

If ALWAYS, REGULARLY, OCCASIONALLY or RARELY,

(i) Do you keep the original documents in a locked and fire proof cabinet?

always regularly occasionally rarely never

n/a because _____

(ii) Do you have a policy governing the release of original documents?

yes no n/a because _____

C22. Do you keep a list of your open files?

yes no n/a because _____

C23. Do you keep a list of your closed files?

yes no n/a because _____

C24. Is there a separate numerical index of all files opened and closed?

yes no n/a because _____

C25. Are open and closed files cross-indexed for easy retrieval?

yes no n/a because _____

C26. Do you have an alphabetical index of clients?

yes no n/a because _____

C27. Are the addresses and telephone numbers of clients noted in a client database, matter database or in some other form?

yes no n/a because _____

C28. Does your firm have a systematic process for closing, securely storing and destroying files?

yes no n/a because _____

If YES:

(a) Does the file closing process include returning client materials including those produced in court?

yes no n/a because _____

(b) Does the file closing process include a final review to confirm that there are not any matters that have been overlooked?

yes no n/a because _____

C29. Does your firm have a process for the transfer of file materials to other lawyers, clients or authorized third parties?

yes no n/a because _____

C30. Are inactive and closed files removed from the open filing system?

always regularly occasionally rarely never

n/a because _____

C31. Are your active files kept apart from closed files?

yes no n/a because _____

C32. Describe where your active files are kept:

C33. Describe where your closed files are kept:

C34. Do you use a personal tickler or reminder system to track key dates such as limitations, deadlines to avoid administrative dismissal of civil actions, court appearances, filing due dates, closing dates, undertakings, advance reminders, etc.?

yes no n/a because _____

If YES, indicate who else has access to the tickler or reminder system:

C35. Does the firm have a centralized tickler or reminder system in addition to your personal system?

yes no n/a because _____

If YES:

(a) Is there a set procedure for how limitations, deadlines, etc. are entered into the system?

yes no n/a because _____

(b) Describe the procedure and who is responsible for entering the limitations, deadlines, etc. into the system:

(c) Is there a mechanism to show that the tickler or reminder has been addressed?

yes no n/a because _____

(d) Is everyone in the firm trained to use the firm's centralized tickler/reminder system?

yes no n/a because _____

C36. Do you use an appropriate bring-forward system to follow up on undertakings, avoid limitation issues, ensure a response is sent or received and avoid unnecessary delays in the progress of client matters?

yes no n/a because _____

C37. Do you regularly review the status of, and update, client files?

yes no n/a because _____

C38. Do you review your files periodically to ensure that no active files are missing and that no files have escaped your updating process?

yes no n/a because _____

C39. Do you have filing backlogs?

always regularly occasionally rarely never

n/a because _____

If ALWAYS or REGULARLY, how many weeks behind is your filing at the moment?

_____ weeks

C40. Are your files secure from fire and theft?

yes no n/a because _____

PART D: FINANCIAL MANAGEMENT

D1. Do you have a fixed hourly rate?

yes no n/a because _____

If YES, what is your rate? _____

D2. Does your firm have a fee schedule setting out the hourly rates, block fees and disbursements?

yes no n/a because _____

If YES, attach a copy of the fee schedule.

D3. Do you accept clients funded by Legal Aid?

yes no n/a because _____

If YES, what percentage of your files are clients funded by Legal Aid? _____ %

D4. Other than unpaid time on Legal Aid files, do you do pro bono work?

yes no n/a because _____

D5. Do you keep a record of billable time?

yes no n/a because _____

If YES:

(a) Is a record of billable time noted in the client's file?

always regularly occasionally rarely never

n/a because _____

(b) Is your billable time recorded on separate time sheets?

always regularly occasionally rarely never

n/a because _____

(c) Is your billable time immediately entered into the firm's accounting system?

always regularly occasionally rarely never

n/a because _____

(d) If your billable time is not always entered immediately into the firm's accounting system, how many weeks behind are your entries?

_____ weeks

D6. Do you keep time docketed on contingency fee files?

always regularly occasionally rarely never

n/a because _____

D7. Are files billed on an interim basis?

always regularly occasionally rarely never

n/a because _____

D8. Do you require a monetary retainer for your files?

always regularly occasionally rarely never
 n/a because _____

D9. When you do require a monetary retainer, is it replenished after interim accounts are issued?

always regularly occasionally rarely never
 n/a because _____

D10. Do you or does the firm have a system to keep track of overdue payments on accounts?

yes no n/a because _____

D11. Do invoices provide detailed information on what services were provided and disbursements were incurred?

always regularly occasionally rarely never
 n/a because _____

D12. Is interest charged on past due accounts?

always regularly occasionally rarely never
 n/a because _____

If ALWAYS, REGULARLY, OCCASIONALLY or RARELY, are the terms with respect to interest clearly indicated in the retainer agreement and statement of account?

always regularly occasionally rarely never
 n/a because _____

D13. Are invoices adjusted up or down to take into account the results obtained?

always regularly occasionally rarely never
 n/a because _____

D14. Are final invoices delivered to clients shortly after the end of the retainer?

always regularly occasionally rarely never
 n/a because _____

D15. Is an invoice delivered to the client after services have been rendered and before the transfer of fees from the trust account?

always regularly occasionally rarely never

n/a because _____

D16. In the course of the last 3 years, have any of your fee bills been assessed by a taxing officer?

yes no n/a because _____

If YES, provide particulars:

D17. Are monetary retainers deposited in the firm's trust account no later than the first banking day following receipt?

always regularly occasionally rarely never

n/a because _____

D18. Is a general receipts and disbursements journal maintained?

yes no n/a because _____

D19. Is an accounting system used for monies and property received in trust?

yes no n/a because _____

If YES:

(a) Does the accounting system include client trust ledgers?

yes no n/a because _____

(b) Does the accounting system include a trust receipts journal?

yes no n/a because _____

(c) Does the accounting system include a trust disbursements journal?

yes no n/a because _____

(d) Does the accounting system include particulars of the purpose for which money is received or disbursed?

yes no n/a because _____

(e) Does the accounting system include a monthly trust comparison and reconciliation?

yes no n/a because _____

D20. Does the firm complete a monthly trust reconciliation and comparison within 30 days of the effective date of the comparison as required by rule 5.02(2)(a)?

always regularly occasionally rarely never

n/a because _____

If ALWAYS, REGULARLY, OCCASIONALLY or RARELY:

(a) Are the monthly trust reconciliations and comparisons reviewed by the lawyer responsible for completing the Annual Trust Account Report required by rule 5.06(3)?

yes no n/a because _____

If NO, provide the name and title of the person responsible for reviewing the monthly trust reconciliations and comparisons:

Name: _____ Title: _____

(b) Does the person who reviews the monthly trust reconciliation and comparison compare the firm's aggregate trust ledger balances to a formal account statement provided to the firm by its financial institution?

yes no n/a because _____

D21. Does any person who is not a member of the Law Society have on-line access to one or more of the firm's trust accounts?

yes no n/a because _____

If YES, provide the names of the persons with access, their relationship to the firm and particulars of the access granted:

D22. Does any person who is not a member of the Law Society have authority to transfer any funds from one or more of the firm's trust accounts?

yes no n/a because _____

If YES, provide the names of the persons with the authority to transfer funds, their relationship to the firm and particulars of the authority granted:

D23. Is the trust accounting system computerized?

yes no n/a because _____

If YES:

(a) Is a printed copy of the trust accounting maintained?

yes no n/a because _____

(b) Is a backup copy of the trust accounting maintained?

yes no n/a because _____

D24. Are original bank statements maintained?

yes no n/a because _____

D25. Are originals of cancelled cheques (or photocopies if cheques are not returned by the bank) maintained?

yes no n/a because _____

D26. Are detailed duplicate deposit slips maintained?

yes no n/a because _____

D27. Who is authorized to sign trust cheques on behalf of your firm? (attach additional page if needed)

Name: _____ Title: _____

Name: _____ Title: _____

Name: _____ Title: _____

Name: _____ Title: _____

D28. Is a valuable property record maintained that identifies all non-monetary property held in trust?

yes no n/a because _____

D29. Is the firm's bookkeeping entered and posted so it is current at all times?

yes no n/a because _____

If NO, how many weeks behind is it? _____ weeks

D30. Does the firm regularly review the trust list for client trust ledger account balances which have had no activity for some time (e.g. 12 months or longer) to ensure that appropriate action is taken on the file (e.g. returning funds to clients if the matter is closed, registration of outstanding mortgage discharges)?

always regularly occasionally rarely never

n/a because _____

D31. When the firm receives cash, is a receipt issued in accordance with rule 15.03(2) and signed by both the payor and a member of your firm, and does the firm retain a copy of the receipt?

always regularly occasionally rarely never

n/a because _____

D32. Is there an expected number of hours that you, or any lawyer you employ, must bill clients during the year?

yes no n/a because _____

If YES, how many hours? _____ hours

IF YOU ARE AN ASSOCIATE OR EMPLOYEE, SKIP TO PART E – TECHNOLOGY.

D33. Does the firm have a business plan?

yes no n/a because _____

D34. Is there an annual budget for the firm?

yes no n/a because _____

D35. Are income and expense statements prepared?

yes no n/a because _____

D36. Do you review the fee structure regularly?

yes no n/a because _____

D37. Do you review the details of your present Lawyers' Insurance Programme coverage on an annual basis to assure yourself that your coverage (mandatory minimum and any excess coverage obtained) is appropriate and adequate having regard to the current circumstances of your practice?

yes no n/a because _____

PART E: TECHNOLOGY

E1. Does your firm use software that is specific to the practice of law?

yes no n/a because _____

If YES, list the names of the software:

E2. Are all computers in your firm networked on a common server?

yes no n/a because _____

E3. Is there a backup system for your computerized information?

yes no n/a because _____

If YES:

(a) Describe the system:

(b) Is the backup for this information kept outside the office?

yes no n/a because _____

E4. How often do you backup your data?

(a) onsite backup

daily weekly monthly other: _____

(b) offsite backup

daily weekly monthly other: _____

(c) cloud backup

daily weekly monthly other: _____

E5. Does the firm use measures to protect external devices and hardware from theft and loss and to protect the integrity of stored information and documents (e.g. passwords, virus protection, encryption)?

yes no n/a because _____

E6. Are mobile devices (laptop, mobile phone, etc.) password protected?

yes no n/a because _____

E7. Do mobile devices automatically log off?

yes no n/a because _____

E8. Do you take steps to ensure confidentiality of email and smartphone communications with clients (e.g. encryption)?

yes no n/a because _____

E9. Can you check voicemail and email messages when you are away from the office?

yes no n/a because _____

E10. Can your assistant or a member of your staff pick up your voicemail and email messages when you are away from the office?

yes no n/a because _____

E11. Can your assistant or a member of your staff access your calendar when you are away from the office?

yes no n/a because _____

E12. Can your staff reach you when you are away from the office?

yes no n/a because _____

E13. Can your staff leave you a message when you are away from the office?

yes no n/a because _____

E14. If your practice includes the probate and administration of estates, does your firm use the e-filing system to file documents with the Court?

yes no n/a because _____

If YES:

(a) Do you submit the originals of the documents to the Court after e-filing them?

always regularly occasionally rarely never

n/a because _____

(b) Have you shared your username and password with any other person?

yes no n/a because _____

(c) Provide the name and title of everyone in the firm with access to the e-filing system:
(attach additional page if needed)

Name: _____ Title: _____

Name: _____ Title: _____

Name: _____ Title: _____

Name: _____ Title: _____

E15. If your practice includes real estate transactions, does your firm use the electronic filing system to file documents with the Registry of Deeds?

yes no n/a because _____

If YES:

(a) Are you the authorized administrator for the firm?

yes no n/a because _____

(b) Do you have your own account to use the electronic filing system?

yes – licensed user yes – authorized user no

(c) Have you shared your username and password with any other person?

yes no n/a because _____

(d) Provide the name and title of everyone in the firm with either a licensed user or authorized user account: (attach additional page if needed)

Name: _____ Title: _____

Name: _____ Title: _____

Name: _____ Title: _____

Name: _____ Title: _____

PART F: PROFESSIONAL MANAGEMENT

F1. During the last calendar year, did you complete the number of hours of continuing legal education activities required under rule 6.20?

yes no n/a because _____

F2. Do you keep records to demonstrate compliance with the requirements for continuing legal education activities in accordance with rule 6.20(6)?

yes no n/a because _____

F3. Are you a member of any law or bar associations?

yes no

If YES, list the names of the associations:

F4. Have you recently reviewed the Code of Professional Conduct?

yes no

F5. Have you recently reviewed the Rules of the Law Society?

yes no

F6. Are you aware that there are free practice resources and continuing legal education programs available on the Law Society's website?

yes no

F7. Do you discuss with colleagues new legislation and case law developments that affect your practice?

always regularly occasionally rarely never

n/a because _____

F8. Are you aware that in order to maintain coverage, you must give notice to the Lawyers' Insurance Programme as soon as practicable after learning of a situation that may give rise to a claim?

yes no

F9. Are you aware that you will not be covered by professional liability insurance if you admit liability to a client for an error or omission without the consent of the insurer?

yes no

F10. Are you aware that your undertakings are enforceable even though they lack the consideration necessary to establish a binding contract?

yes no

PART G: TIME MANAGEMENT

G1. How much time do you set aside for firm and office management (e.g. day-to-day running of the firm, attending to administration or business aspects of the office, accounting and filing requirements)?

_____ hours per week

G2. Do you maintain a "To Do" list?

yes no n/a because _____

G3. Do you maintain a current active file list that shows the status of each file?

yes no n/a because _____

G4. Do you use time docketing to record and report on non-billable time (e.g. continuing legal education activities, business development, administrative tasks, non-billable time on client files so that effective billing rates can be determined on flat fee work)?

always regularly occasionally rarely never
 n/a because _____

G5. Does the firm have established targets and measurements to assess productivity and efficient use of human resources?

yes no n/a because _____

PART H: PERSONAL MANAGEMENT

H1. In general, do you enjoy the practice of law?

always regularly occasionally rarely never

H2. What areas of your practice do you enjoy the most?

H3. What areas of your practice do you enjoy the least?

H4. Are you satisfied with the growth and progress of your practice?

yes no

H5. How many hours do you spend each week in the office, or otherwise, attending to work-related matters?

_____ hours per week

H6. Do you have a network of colleagues with whom to discuss practice issues?

yes no

H7. Do you take vacation?

regularly occasionally rarely never

How much? _____ week(s)

How often? _____

Month and year of last vacation: _____

H8. Do you have concerns about areas of your practice or maintaining work/life balance?

yes no

If YES, describe your concerns:

H9. Describe how you manage the stress associated with your practice:

H10. Are you aware of the Professionals' Assistance Program (<https://lsnl.ca/lawyers-students/wellness-program/>) available to lawyers and the services it provides?

yes no

PART I: EMAIL COMMUNICATION

I agree to receive all correspondence, reports and other material relating to my participation in the Practice Management Review Program from the Law Society by email.

Email address: _____

PART J: CERTIFICATION

To the best of my knowledge and belief, the information given in this Self-Assessment Questionnaire and in any attached documents is correct and complete.

I agree I do not agree

Print Name: _____ Date: _____

Signature: _____ Law Society Number: _____