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Assurance  
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## Best Wishes for 2020

*The holiday season is a good time to take a well-deserved break and recharge our batteries. It's the time to reconnect with family and friends. To maximize this precious time, we should turn off our computers and smartphones and take this unique opportunity to enjoy the company of those dear to us.*

*All of us at the Professional Liability Insurance Fund wish our insureds and partners all the very best. May 2020 bring happiness, prosperity, health and professional satisfaction and may vigilance always be on our minds!*

## THE WEBSITE OF THE INSURANCE FUND IS GETTING A FACELIFT

The website of the Insurance Fund is being revamped and the new site will soon be online. Its design and appearance have been enhanced to make it more user-friendly and its content has been updated. New prevention resources will also be available, including the adventures of Marika and video capsules on the topic of risk management.

Stay tuned, it won't be long! ☂

## IT'S ALMOST CHRISTMAS TIME, BUT IT'S ALWAYS PREVENTION TIME

Christmas is fast approaching, with just a few days left before it's here... Many of us will be taking a well-deserved break. Some will take the opportunity to spend a few days in the country or practice their favorite winter sport. There's no reason not to take this time off, we tell ourselves, because it's the holiday period and it's normal for the office to be closed!

However, we must take measures during this period so that our clients do not suffer harm as a result.

Section 6 of the *Règlement sur la comptabilité et les normes d'exercice professionnel des avocats*, CQLR, c. B-1, r. 5, imposes the following obligations:

*"6. L'avocat qui s'absente de son domicile professionnel pendant les heures normales d'affaires doit, selon la durée de cette absence, prendre des dispositions pour que toute procédure puisse lui être signifiée et prévoir un mécanisme pour traiter ses appels, ses messages, son courrier, ses courriers électroniques et les urgences."*

This section requires lawyers to keep their fax machines ready to receive messages during normal office hours, since proceedings may be served on them or

notified to them through this means of communication. Moreover, emergencies, correspondence, phone calls and e-mails must be handled without delay.

Each year, errors are committed during the holiday period. Let's take the necessary measures to ensure that we and our clients have a happy new year.

**An ounce of prevention during the holiday season is well worth a pound of cure!** ☂

## OUR TRAINING ACTIVITIES – THE TOUR CONTINUES!

The Insurance Fund is continuing its tour of training activities. These training activities are an excellent way to complete three (3) hours of compulsory professional development in ethics and professional conduct or business conduct. Here is our 2020 winter-spring calendar:

Date	Location	Time	Recognized duration
<b>COMMUNICATIONS ENTRE L'AVOCAT ET SON CLIENT : Y A-T-IL QUELQU'UN QUI ÉCOUTE?</b>			
January 24, 2020	Montreal (Holiday Inn Montreal Centreville Downtown)	9 a.m. – 11 a.m.	2 hours
March 20, 2020	Sherbrooke (location to be determined)	9 a.m. – 11 a.m.	2 hours
March 26, 2020	Trois-Rivières (location to be determined)	9 a.m. – 11 a.m.	2 hours
April 17, 2020 (pm)	Saint-Jérôme (location to be determined)	1:30 p.m. – 3:30 p.m.	2 hours
April 23, 2020	Laval (location to be determined)	9 a.m. – 11 a.m.	2 hours
April 30, 2020	Longueuil (location to be determined)	9 a.m. – 11 a.m.	2 hours
<b>LE DÉFI DE L'AVOCAT FACE AUX PERSONNALITÉS DIFFICILES</b>			
February 6, 2020	Gatineau (Sheraton Four Points)	9 a.m. – 12 p.m.	3 hours
February 20, 2020	Bromont (location to be determined)	9 a.m. – 12 p.m.	3 hours
March 20, 2020	Valleyfield (location to be determined)	9 a.m. – 12 p.m.	3 hours
March 26, 2020	Québec City (Château Laurier Hotel)	9 a.m. – 12 p.m.	3 hours
<b>NON-RESPECT DES DÉLAIS : SURVIE PRATIQUE POUR LIMITER LES RISQUES!</b>			
April 17, 2020 (am)	Saint-Jérôme (location to be determined)	9 a.m. – 12 p.m.	3 hours
May 14, 2020	Valleyfield (location to be determined)	9 a.m. – 12 p.m.	3 hours

To register for an in-class training activity, go to the website of the Barreau du Québec at [www.barreau.qc.ca](http://www.barreau.qc.ca) under Formation continue / Les formations du Barreau / Accédez au catalogue complet / and choose the activity, location and date you want.

Want to take part in our training activities from the comfort of your office or home? No problem! Three training activities offered by the Insurance Fund are now available on-line on Web-Pro. Go to <https://webpro.barreau.qc.ca/formations-farpbq.html>.

If you have any questions, please do not hesitate to contact Me Guylaine LeBrun or Me Judith Guérin at 514-954-3452.

**Save some time in your agenda and come take advantage of these training activities in order to fulfil your continuing education requirements!** ☂

## CYBERCRIME: IT'S EVERYONE'S BUSINESS!

Recently, the media exposed cases of companies that fell victim to cybercrime, thereby highlighting possible gaps in the protection of personal information. These cases also teach us that cybercrime is not just a matter of hackers with no connection to the "victim" company, but that on the contrary, the threat can sometimes come from within.

Lawyers are not immune! They remain prime targets for cybercriminals for the following reasons:

- They possess very valuable confidential information;
- They have a trust account where large amounts of money are deposited;

■ Their security systems may have weaknesses that can be exploited.

In Canada, cybercrime is estimated to cause economic losses of more than \$3 billion, and the threat of cybercrime continues to grow. Computers, the Internet, e-mails and smartphones are part of the day-to-day work tools of any lawyer. In such circumstances, how can you reduce the risk of becoming a victim of cybercrime? Here are a few suggestions:

- ✓ Evaluate the level of cyber threat to which you are exposed;
- ✓ Establish a budget to invest in cyber-security;
- ✓ Develop a response plan for cyber-security incidents and appoint someone responsible for implementing this plan. You should keep a paper copy of this plan in the event access to the digital version becomes impossible;
- ✓ Update the programs installed on your computer. Please note that Windows and Apple have a notification system for updates that can then easily be downloaded. However, support for Windows 7 will end on January 14, 2020, making this software more vulnerable to hacking or malware;
- ✓ Enable or install anti-virus or anti-malware software on your computers;
- ✓ Install firewall software (that monitors the flow of traffic) to protect your internal network from intrusions;
- ✓ Change the default configurations on your computer, including security settings. Add all relevant security features;

- ✓ Back up your data to an external server and encrypt confidential and more sensitive information;
- ✓ Set up a strong authentication system. In this regard, it may be desirable to have an office policy on password length, the use of a password manager and how to store passwords;
- ✓ Raise awareness and provide training to employees, including the effective use of passwords, the detection of malicious e-mails, the proper use of the Internet and social media, and the use of secure and approved software;
- ✓ Be careful with cell phone use and implement a policy to that effect, including regarding downloaded applications and personal e-mail addresses that may be the targets of viruses or cybercrime. That being said, at the very least, cell phones should have a password in order to be unlocked;
- ✓ Use a connection to private networks rather than public Wi-Fi networks (library, internet café, airport, hotel, etc.) for both computers and cell phones. When it is not possible to use a private network, the use of Bluetooth or other near-field communication protocols should be limited;
- ✓ In the case of teleworking, make sure that access to the network is secure. This can be done with a VPN (virtual private network) key;
- ✓ When using cloud services through an external provider, make sure it can protect the data and its confidentiality and check where the data is stored. Any confidential information stored outside the office should be encrypted;
- ✓ Implement access controls and permissions. This means giving access only to the features that employees need to perform their tasks. Thus, shared accounts should be limited. The same is true of administrator accounts, which should be restricted. Individual accounts of employees who are no longer employed by the firm must be cancelled;
- ✓ Have secure removable media (USB keys);
- ✓ Protect your mobile devices and do not leave them unattended (such as in a car);
- ✓ Purchase an insurance policy covering cyber risks;

Although it is impossible to predict in advance if you will be a victim of cybercrime, the foregoing suggestions should at least limit the chances of being the next victim! Moreover, it goes without saying that these suggestions must be adapted to your practice. Would you like to know more about the cybersecurity controls your firm could implement? Here are some suggestions of relevant documentation on which this article is based:

■ **Know Your Law:** This is a guide prepared by the *Fondation du Barreau* on the management of technology-based documents.  
[https://www.fondationdubarreau.qc.ca/wp-content/uploads/2016/10/Guidetech\\_allege\\_EN.pdf](https://www.fondationdubarreau.qc.ca/wp-content/uploads/2016/10/Guidetech_allege_EN.pdf)

■ **Guide des TI:** This is a document prepared by the *Barreau du Québec* to help you evaluate your use of information technology.

<http://guideti.barreau.qc.ca/>

■ **Baseline Cyber Security Controls for Small and Medium Organizations VI.1:** The Canadian Centre for Cyber Security has prepared a guide for small and medium organizations that want to improve their resiliency via cyber security investments.

<https://cyber.gc.ca/en/guidance/baseline-cyber-security-controls-small-and-medium-organizations>

■ **Protecting yourself from cybercrime dangers: The steps you need to take:** *Lawpro* published this article to help lawyers limit the risk of becoming a victim of cybercrime.

<https://www.practicepro.ca/2013/12/protecting-yourself-from-cybercrime-dangers-the-steps-you-need-to-take/>

In closing, the government recently launched CyberSecure Canada, a cybersecurity certification program. This program is administered by Innovation, Science and Economic Development Canada and specifically targets small and medium-sized businesses, although any organization can apply for certification. The program is currently in its pilot phase, but you may want to get this certification or suggest it to a client to create a distinctive image for your firm or for the client's company and differentiate it from competitors. You can find all the relevant information here: <https://www.ic.gc.ca/eic/site/137.nsf/eng/home>. ☂



## Service de prévention

### NOTICE

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Une version française est aussi disponible sur demande. / A French version is available upon request.

All published Praeventio bulletins are available at the following address: [www.farpbq.ca/en/bulletin.html](http://www.farpbq.ca/en/bulletin.html)

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Assurance  
responsabilité  
professionnelle

**Barreau**



## BECAUSE SOMETIMES WE NEED HELP!

The *Programme d'aide aux membres du Barreau du Québec* (PAMBA) is an assistance and consulting service offered to every member of the Barreau du Québec who suffers from stress, burn-out, mental health problems, alcoholism or drug addiction.

A professional liability lawsuit can cause you to question yourself and can have repercussions both in your professional and personal life. Consequently, when an insured calls on the services of PAMBA following an insured claim, in addition to the interview hours whose costs are assumed by PAMBA, the Professional Liability Insurance Fund of the Barreau du Québec offers **three (3) additional hours of consultation** with a health professional.

If you want to take advantage of these additional hours, simply ask the PAMBA manager to contact the Insurance Fund directly to request an authorization to extend the existing consultation parameters.

To do so, please contact:

**PAMBA** [aide@pamba.info](mailto:aide@pamba.info)

Montreal: 514-286-0831

Toll free: 1-800-747-2622

We also invite you to check the Barreau's website at the following address:

<https://www.barreau.qc.ca/fr/ressources-avocats/services-avocats-outils-pratique/pamba/> ☂

This publication is an information tool which has been compiled for the purpose of minimizing the risks of legal claims for professional fault. Its content shall not be considered to be an exhaustive study of the topics covered, legal advice, nor as suggesting minimum standards of professional conduct. Where the context permits, the masculine gender includes women as well as men.

This Loss Prevention Bulletin is published by the Professional Liability Insurance Fund of the Barreau du Québec.