

Alberta Lawyers Insurance Association

Alberta Lawyers Insurance Exchange

2014 ANNUAL REPORT



ALBERTA LAWYERS
INSURANCE EXCHANGE



ALBERTA LAWYERS
INSURANCE ASSOCIATION

ALBERTA LAWYERS INSURANCE ASSOCIATION CORPORATE BACKGROUND

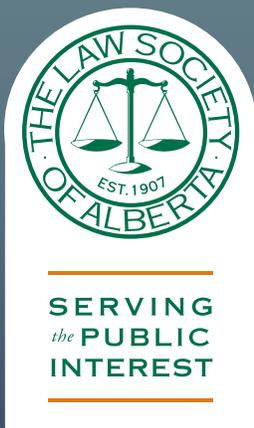
The Alberta Lawyers Insurance Association (ALIA) manages the insurance program for Alberta lawyers. Similar to malpractice insurance, the program provides professional liability insurance to Alberta lawyers.

Professional liability insurance ensures that clients receive the compensation they are entitled to and lawyers are protected if they are liable for negligence.

Established in 1988, ALIA is a wholly owned subsidiary corporation of the Law Society of Alberta. The *Legal Profession Act*, Section 99(1), requires the Law Society of Alberta to establish and maintain an insurance program for lawyers.

In order to provide a more cost effective and sensible solution for insurance, the Alberta Lawyers Insurance Exchange (ALIEX) was formed in July 2014. ALIEX is an insurance reciprocal run by ALIA for Alberta lawyers, funding and providing insurance to members. Trust Safety insurance is now offered as part of the insurance package, transitioning from the Law Society's Assurance Fund as of July 2014. Voluntary Excess Insurance is still available through the Canadian Lawyers Insurance Association.

Every Alberta lawyer in private practice must purchase the mandatory insurance coverage. Excess coverage is voluntary.



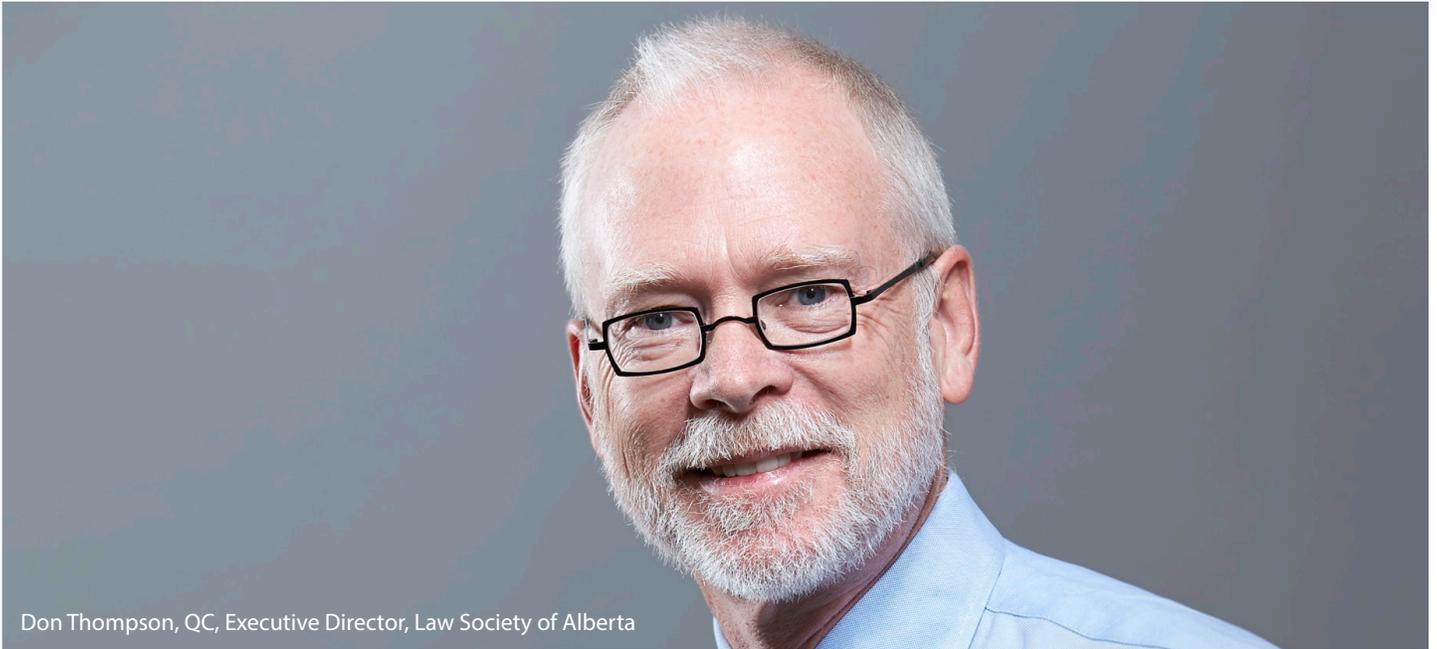
LAW SOCIETY OF ALBERTA

Vision

The Law Society of Alberta will be recognized as a model for protecting the public interest and preserving the fundamental principles of justice through a self-regulated, independent and trusted legal profession.

Mission

To serve the public interest by promoting a high standard of legal services and professional conduct through the governance and regulation of an independent legal profession.



Don Thompson, QC, Executive Director, Law Society of Alberta

In last year's message, I wrote about a big change on the horizon for the Alberta Lawyers Insurance Association (ALIA). On July 1, 2014, that change became a reality through the launch of a fresh new approach to professional liability insurance in Alberta. The Alberta Lawyers Insurance Exchange (ALIEX) now serves as our very own insurance program. It grew out of an increased need to provide lawyers with a program that is more responsive to their needs, provides flexibility in managing risk and is efficient and cost effective.

After careful consideration, the decision was made to leave our long-standing relationship with the Canadian Lawyers Insurance Association (CLIA) and create a home-grown solution in the form of an insurance reciprocal. Although CLIA still provides Excess Claims Coverage, ALIEX redefined the way lawyers are offered Errors and Omissions coverage and now, Trust Safety insurance. We've streamlined the way claimants navigate through the claims process and have created a model that's user-friendly for all.

A key component of ALIEX revolved around the restructuring of the existing Assurance Fund (previously administered by the Law Society of Alberta) into an insurance model. The Assurance Fund was in place to compensate victims of trust theft and was built around an adjudication model which was inflexible, time consuming and confusing for claimants. By bringing the Assurance Fund - now known as 'Part B' or 'Trust

Safety Insurance' - under the ALIEX umbrella, we've made it adaptable, responsive to claimants and certain. This change meant some internal budgetary shifting and will require us to build up a surplus in Part B. Your 2015/2016 levy will help make this happen by continuing to fund the indemnity program.

Some other changes to note include the re-introduction of a \$5,000 deductible, which was also implemented on July 1. We asked lawyers if there was a sensible way everyone could share the risk, and over 73% of respondents were in favour of re-implementing it. This translates to an average savings of \$1 million in annual claims costs and practically allocates risk.

In the past eight months since ALIEX has been in business, we've seen positive changes and will continue to challenge ourselves to find better ways of doing things - all with the focus of reducing levies. We hope to investigate alternative funding sources and for the first time will issue the 2015/2016 annual levy online through our newly launched Lawyer Portal. We look forward to working collaboratively with Alberta lawyers to effectively manage risk in the profession, and provide an insurance solution that works for them and the clients they serve.

Don Thompson, QC

A handwritten signature in black ink, appearing to read 'D Thompson'.

ALBERTA LAWYERS INSURANCE ASSOCIATION

GOAL

To operate a model insurance program that furthers the Law Society of Alberta's mission and vision of being recognized as a model regulator by managing claims in a fair, reasonable and timely manner so that claimants who have suffered a loss due to the negligence of a lawyer are fairly compensated.

BUSINESS OBJECTIVES

1. Ensure programs are managed in an effective, efficient and financially accountable manner
2. Assist in the development and delivery of loss prevention strategies
3. Enhance the quality of the claims review program

SERVICE OBJECTIVES

To embrace our core values as we strive for excellence.

Service: provide superior service by responding to claims in a fair, effective and timely manner

Knowledge: ensure all ALIA employees are informed and knowledgeable

Respect: promote a culture of mutual respect and open communication between ALIA and insured lawyers

MANAGEMENT TEAM

Lisa Sabo, Director

Paula Haney, Operations Manager

Brian Snyder, Claims Supervisor



THE ALBERTA PACIFIC GRAIN CO LTD

MESSAGE FROM THE ALIEX ADVISORY BOARD



By Steve Raby, QC, Chair, Alberta Lawyers Insurance Association Advisory Board

On July 1, 2014, the Alberta Lawyers Insurance Exchange (ALIEX) began operations as a new insurance reciprocal pursuant to the *Alberta Insurance Act* to better meet the needs of Alberta lawyers and the public we serve.

The creation of ALIEX was a significant and historic move. The new Lawyers Professional Liability and Trust Safety Group Policy issued by ALIEX to active and insured members of the Law Society of Alberta replaces a policy that, for the past 25 years, was issued by the Canadian Lawyers Insurance Association (CLIA) on behalf of lawyers across eight Canadian provinces.

The past decade has seen the size of Alberta's insurance program and the number of insured lawyers grow exponentially. Due to this rapid increase, the size of our program compared to other jurisdictions belonging to CLIA, as well as the related risk, became disproportionate. Additionally, this made pooling risk and sharing expenses an increasing challenge for all involved. Simply put, Alberta became too big to remain a part of CLIA as it was structured.

We elected to establish our own reciprocal, much as the Law Society of Upper Canada and the Law Society of British Columbia have created their own insurance vehicles in the past. It is exciting and somewhat daunting to know that we now control our own destiny in dealing with all aspects of our insurance program including claims, re-insurance, and deductibles, etc. However, we believe this is a better course of action than remaining with CLIA or relying on the private market for the coverage we require. Recent experiences in England and Europe have exposed the potential adverse consequences of relying on the private market.

The operation of a reciprocal insurer is strictly monitored by Alberta's Superintendent of Insurance. We are obliged to comply with all of the regulations and policies of the Act, which include preparing and filing separate financial statements (seen on page 16 of this report) and establishing a number of policies and procedures. We have just recently filed the financial statements for ALIEX with the Superintendent for the year ended December 31, 2014 (only a six month period since operations commenced on July 1, 2014). The ALIEX Advisory Board is continuing to work towards the adoption of all necessary policies and procedures.

With all these changes taking place, it is important to note it will be a number of years before we begin dealing strictly with new claims received after July 1, 2014. As the ALIEX policy is on a claims made basis, it will take some time to work through all pre-July 1, 2014 claims dealt with under the old model.

There are several factors that impact the number of claims we receive, such as the economic downturn of 2008-2010 which we are still feeling, both in the number of claims received and the resulting increased insurance levy paid by active insured Alberta lawyers. However, it is significant to note that the current number of claims received is amongst the lowest we have seen over the last 25 years. We believe this reduction is attributable to our fraud awareness initiatives, and the cooperation and diligence of Alberta lawyers. We look forward to continuing to see the number of claims decrease in the foreseeable future.

Steve Raby, QC

A handwritten signature in black ink, appearing to read 'Steve Raby', with a stylized flourish extending from the end.

ALIEX ADVISORY BOARD



Steve Raby, QC



Larry Ohlhauser, MD



Dale Spackman, QC



Don Thompson, QC



Anne Kirker, QC



Carsten Jensen, QC



Nancy Dilts, QC



Kathleen Waters



Doug McKenzie

OFFICERS OF THE EXCHANGE

Steve Raby, QC, Chair

Larry Ohlhauser, MD, Vice-Chair

Dale Spackman, QC, Corporate Secretary

PRINCIPAL ATTORNEY

Lisa Sabo

PROFESSIONAL ADVISORS

Peter T. Kelly, Insurance Industry Consultant

Dale Spackman, QC, Legal

Andre Normandin, Actuary

EXECUTIVE AND FINANCE COMMITTEE

Steve Raby, QC, Chair

Larry Ohlhauser, MD

Don Thompson, QC, Chief Executive Officer

Drew Thomson, FCMA, Chief Financial Officer

Nancy Dilts, QC

AUDIT COMMITTEE

Doug McKenzie, CA, Chair

Dale Spackman, QC

Carsten Jensen, QC

CLAIMS COMMITTEE

Anne Kirker, QC, Chair

Kathleen Waters

AUDITORS OF THE EXCHANGE

PricewaterhouseCoopers, Auditor

INVESTMENT MANAGER

Mawer

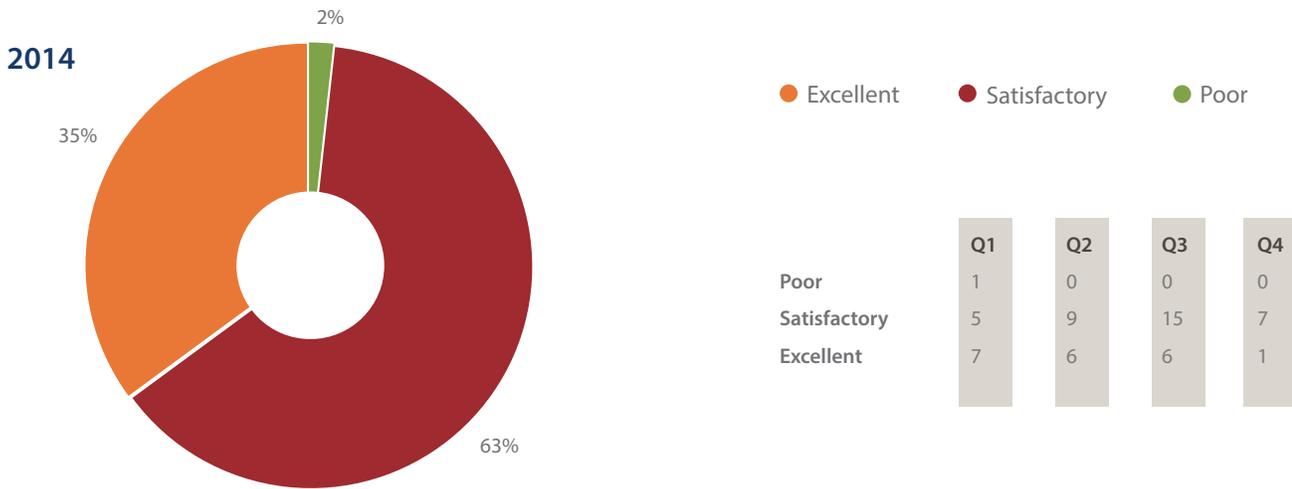


ALBERTA LAWYERS
INSURANCE EXCHANGE

SNAPSHOTS OF ALIA'S PERFORMANCE

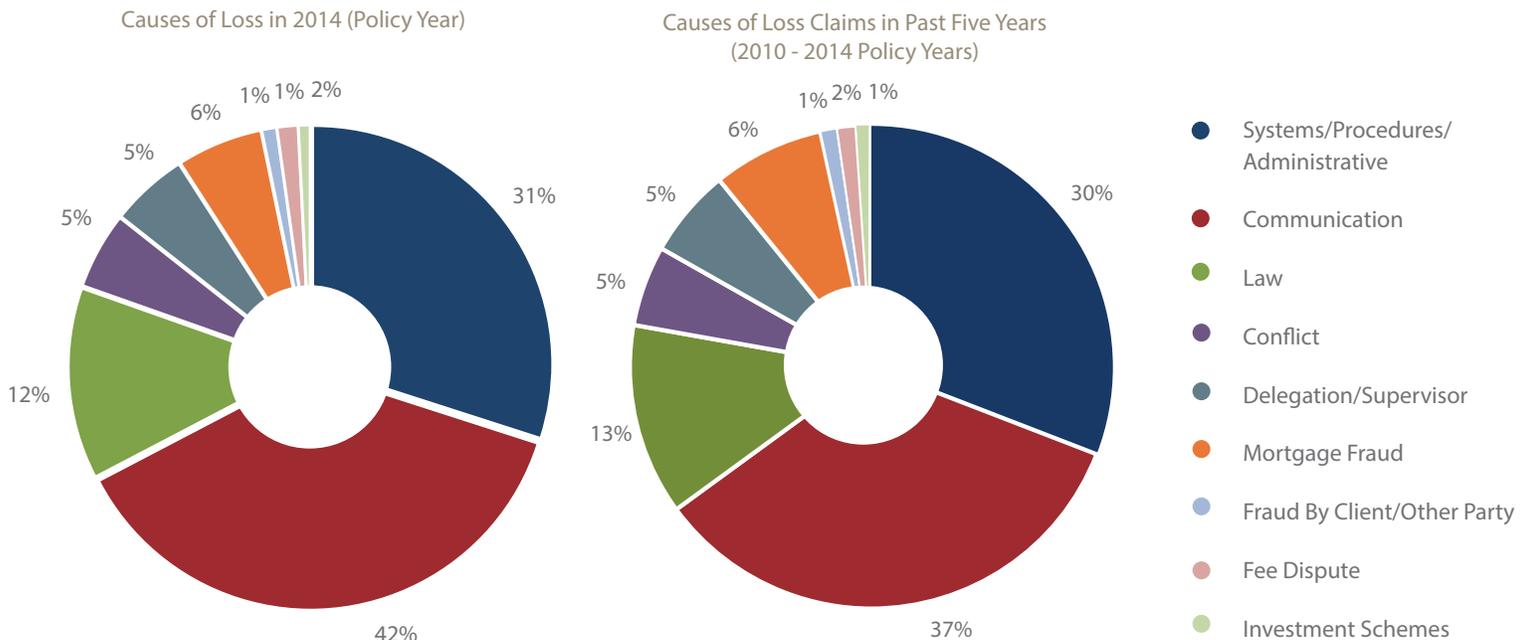
Claim Surveys Show High Satisfaction

ALIA added a scoring component to its evaluation survey distributed to its primary customer (the insured lawyer) following the close of their claim. Overall, 94% of these Alberta lawyers indicated they were either satisfied or received excellent service.



Miscommunication is Leading Cause of Loss

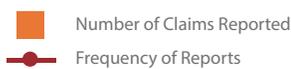
42% of claims in the 2014 policy year originated out of miscommunication. Clear discussion between lawyers and their clients is key to avoiding a potential claim.



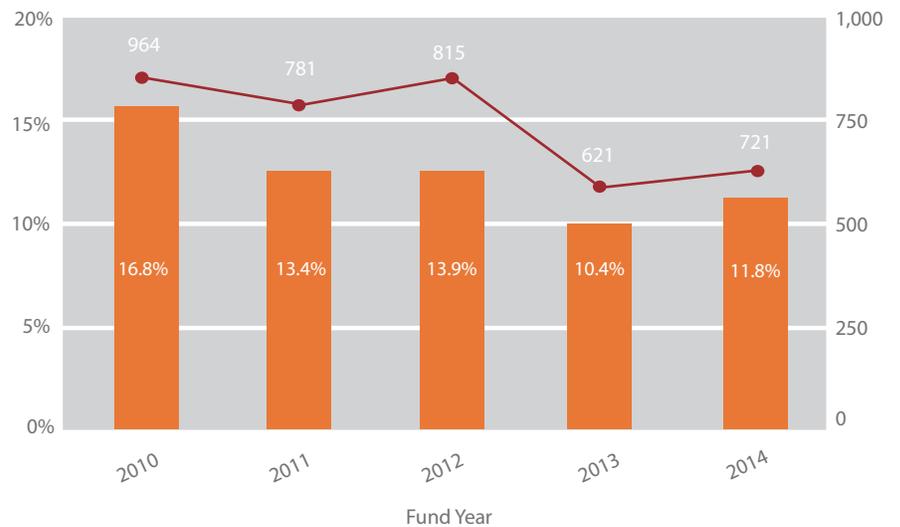
Number and Frequency of Claims Remain Consistent

This graph shows the number and frequency of claims reports over the past five years. The percentage shown in the bars represents insured lawyers that report claims.

Numbers are consistent with the expectation of increased claims activity following a recession. The data shows an increase in claims for 2010 as a result of the recession; however in consequent years, the numbers are beginning to normalize.



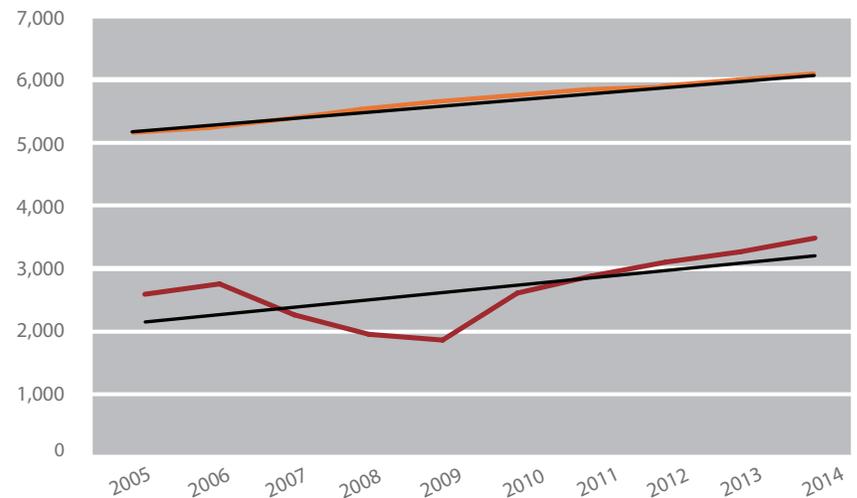
2014



Steady Increase in Lawyers Yields Minor Increase in Levy

This graph shows a steady increase in the number of insured lawyers along with a moderate, but steady, increase in the levy. In 2013/2014, the insurance levy was set at \$3,550.

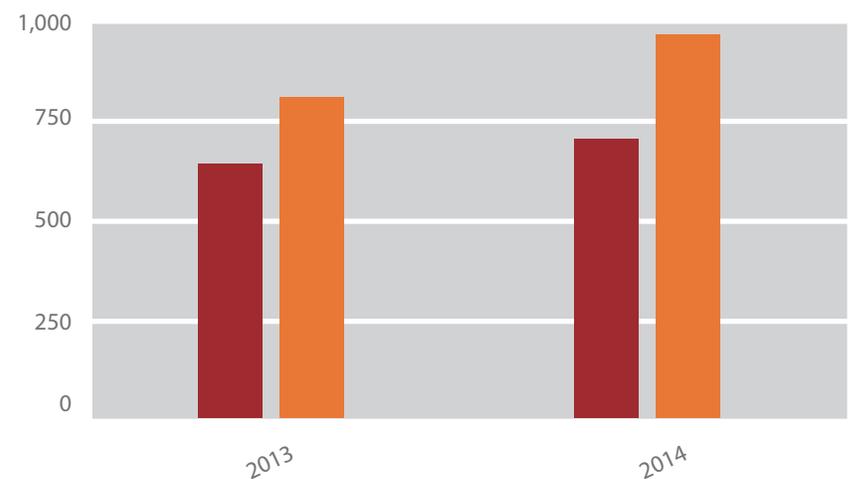
Years where the levy shows a marked decrease are years when ALIA's surplus was large and substantially reduced by subsidizing the levy.



Number of Claims Closed Increases in 2014

This graph shows the number of claims opened in 2014 versus the number of claims closed in the same timeframe.

In 2014, 721 claims were reported and 993 closed, while in 2013, 621 were opened and 836 closed.



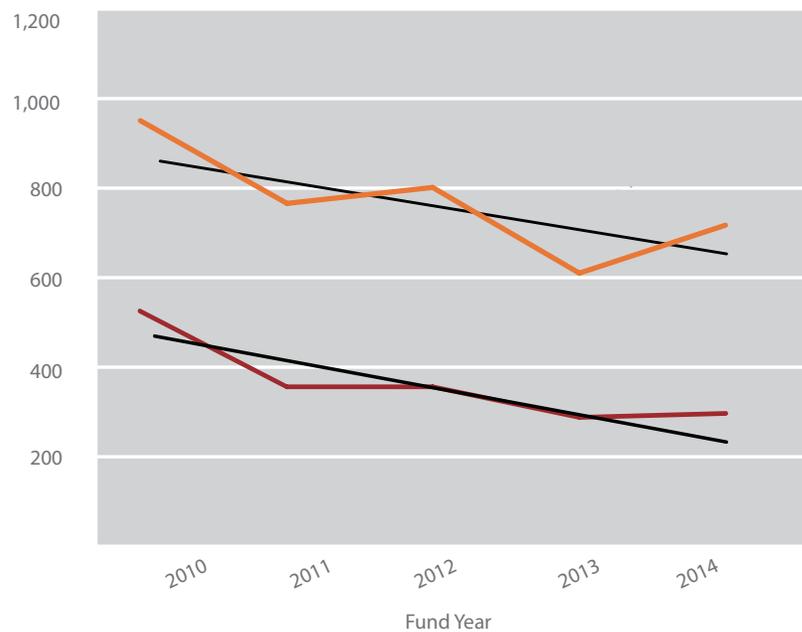
Claims Reported vs. Loss Claims

This graph shows the number of claims reported compared to the number of loss claims over the past five years.

Lawyers are required to report even potential claims to ALIA, however unmeritorious, which results in more reported claims than claims paid out.

In the last five years the average number of new reported claims was **784** and the average number of loss claims was **349**.

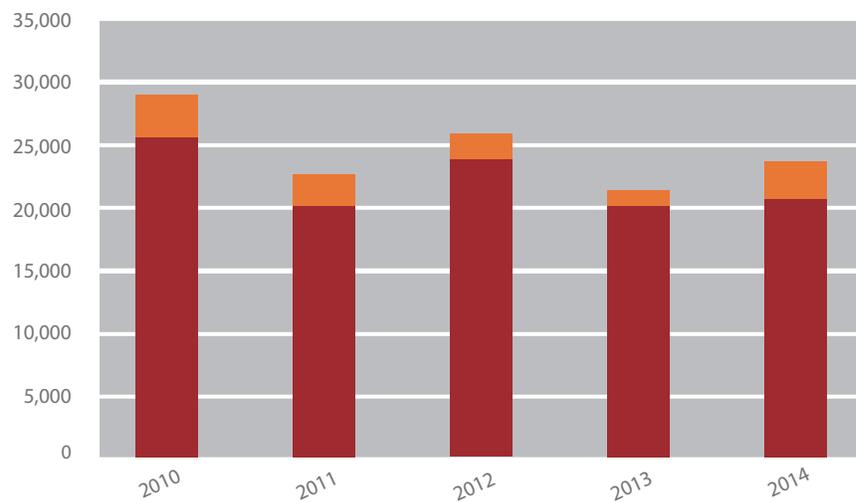
— New Reported Claims
— Loss Claims



Average Claim in 2014 Cost \$23,253 (Indemnity)

This graph shows the average cost per Loss Claim as at June 30, 2014.

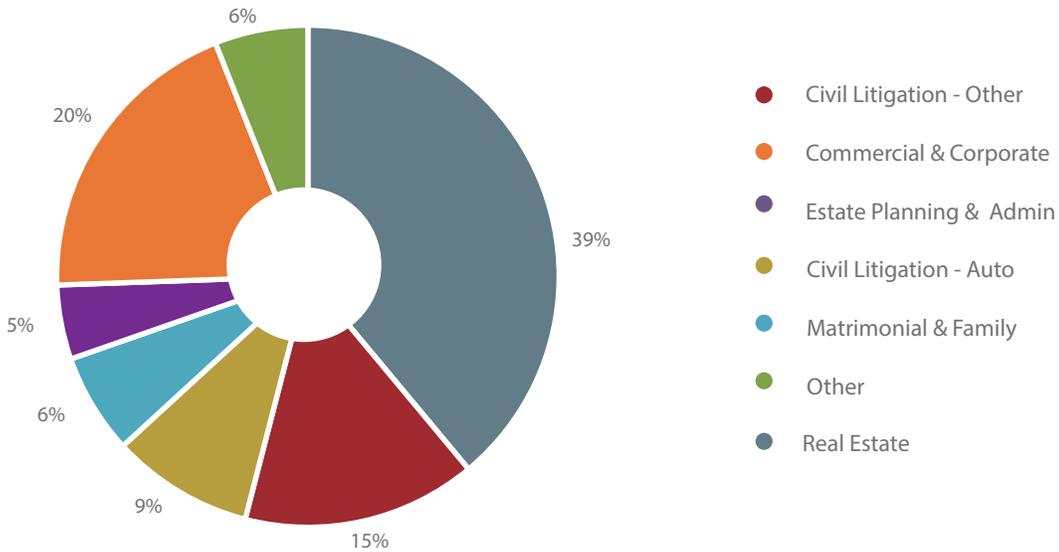
— \$500,000 Group Deductible
— \$300,000 Group Deductible



Severity by Area of Practice

These charts capture claims report data only for 2014 policy year. Claims open in earlier policy years continue to develop as they evolve and are moved towards resolution.

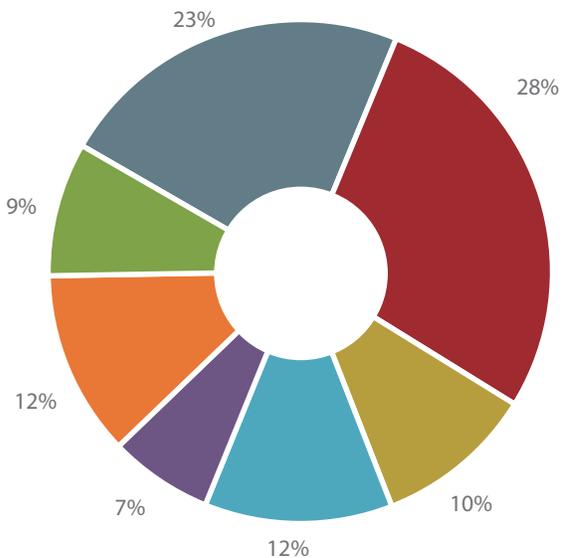
2014



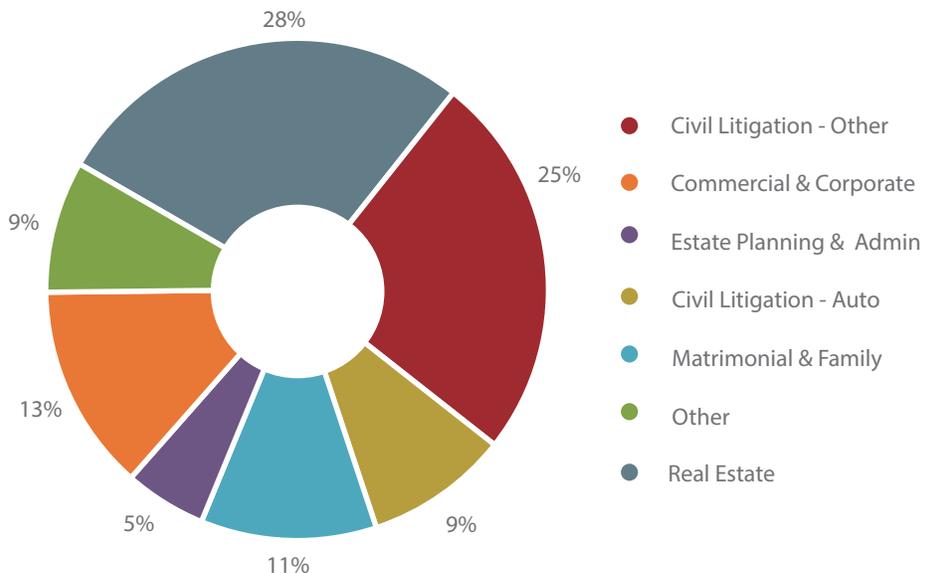
Civil Litigation Continues to Yield Greatest Number of Claims

In the 2014 policy year (July 1, 2013 to June 30, 2014), civil litigation and real estate law have generated the majority of claims submitted to ALIA. Statistics from the previous five years show little fluctuation by area of law.

Claims by Area of Law in 2014 (Policy Year)



Claims by Area of Law in Past Five Years (2010 - 2014 Policy Years)



LOSS PREVENTION



MORTGAGE TIPS:

Top 5 Ways to Avoid Falling into the Mortgage Fraud Trap

Given the recent economic climate, fraudsters may be on the lookout for ways to target unsuspecting lawyers. Here are five ways to avoid falling into a mortgage fraud trap.

1. Know your client. It's important to realize just because the client found you on a recommendation from a realtor friend, doesn't mean you can relax and trust them fully. Do your homework and stick to Client Identification and Verification rules. Ask yourself:

- Do they have appropriate ID?
- How much do they know about the property in question?
- Do they seem anxious to get the deal done quickly?
- Do they give last minute instructions to complete the transaction by way of power of attorney?

Take the time to get to know your client, ask questions, discover their background, understand why they are entering into the transaction, and meet personally with clients whenever possible.

2. Make sure the paperwork checks out. To make sure everything is in order, ask the following questions:

- Are there irregularities in the execution of documents such as documents taken out of the office for execution by the borrower and witnessed by a party to the transaction?
- Are there multiple transactions with similar characteristics such as the same realtor, appraiser and mortgage representative?
- Do the Lender's Instructions have different details than you have – such as purchase price, owner occupancy, down payment?
- Does the Statement of Adjustments match the real estate purchase contract?
- Do title searches show recent transfers of the property or a pattern of mortgages being registered and discharged shortly thereafter?

Use independent source documents and cross-check facts.

3. Establish (and stick to) solid accounting practices. Be sure to implement and follow the rules relating to the receipt and payment of trust funds. Don't sign blank cheques, never sign a cheque with no payee or amount stated and regularly review your bank statements and online accounts. Talk to your bank about the best way to verify instruments of concern prior to deposit and be very careful about disclosing details related to your trust account (such

as the circumstances in which you allow others to make deposits directly to your account).

4. Get your staff on board. Form clear guidelines for your staff on how to deal with files and circumstances that raise suspicions. Discuss various fraud scenarios and develop procedures for addressing each. Make sure to exercise care in hiring practices (i.e. background checks, references), segregate duties relating to handling of money where possible, and be sure to properly supervise and train staff.

5. Trust your instincts. If it doesn't sound right, investigate further.

- Is the information you are provided consistent?
- Are the closing funds in the form of a cheque or bank draft that indicates that funds may be coming from a source other than the purchaser?
- Are there other irregularities in the real estate purchase contract – for example, does the witness' signature for both the buyer and seller look a little too similar?
- Are there indications the mortgage comprises greater than 95% of the purchase price?
- Has the property's value increased rapidly over a short period of time?
- Is the client offering to pay for higher than normal legal fees?
- Are there inordinate delays from the seller's lawyer?

Be sure to be very cautious when being contacted directly via the internet. Do a Google check; investigate reverse telephone directories and independently cross-check information.

In addition to the above tips, be sure to keep up with legal and regulatory requirements, such as the Rules of the Law Society of Alberta, and the Code of Professional Conduct, noting any changes to these rules.

THE ALBERTA LAWYERS INSURANCE ASSOCIATION

SUMMARIZED NON-CONSOLIDATED FINANCIAL STATEMENTS

DECEMBER 31, 2014

Independent Auditors' Report

April 7, 2015

To the Directors of the Alberta Lawyers Insurance Association

The accompanying summarized non-consolidated financial statements, which comprise the summarized non-consolidated balance sheet as at December 31, 2014, and the summarized non-consolidated statement of revenue, expenses and unrestricted net assets for the year then ended, and related notes, are derived from the audited non-consolidated financial statements of the Alberta Lawyers Insurance Association for the year ended December 31, 2014. We expressed an unmodified audit opinion on those financial statements in our report dated February 26, 2015. Those non-consolidated financial statements, and the summarized non-consolidated financial statements, do not reflect the effects of events that occurred subsequent to the date of our report on those non-consolidated financial statements. The summary financial statements do not contain all of the disclosures required by Canadian accounting standards for not-for-profit organizations. Reading the summarized financial statements, therefore, is not a substitute for reading the audited non-consolidated financial statements of the Alberta Lawyers Insurance Association.

Management's responsibility for the summary financial statements

Management is responsible for the preparation of a summary of the audited non-consolidated financial statements on the basis described in the note to the summarized non-consolidated financial statements.

Auditor's responsibility

Our responsibility is to express an opinion on the summary financial statements based on our procedures, which were conducted in accordance with Canadian Auditing Standard (CAS) 810, "Engagements to Report on Summary Financial Statements."

Opinion

In our opinion, the summarized non-consolidated financial statements derived from the audited nonconsolidated financial statements of the Alberta Lawyers Insurance Association for the year ended December 31, 2014 are a fair summary of those non-consolidated financial statements, on the basis described in the note to the summarized non-consolidated financial statements.

PricewaterhouseCoopers LLP
Chartered Accountant



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Summarized Non-Consolidated Balance Sheet

As at December 31, 2014

	2014 (\$000s)	2013 (\$000s)
Assets		
Current assets	26,168	17,443
Investments	93,791	100,413
Capital assets	4	14
	<u>119,963</u>	<u>117,870</u>
Liabilities		
Current liabilities	13,858	12,800
Pension play payable	312	-
Reserve for claims and related costs	70,996	66,072
	<u>85,166</u>	<u>78,872</u>
Net Assets		
Unrestricted net assets	34,797	38,998
	<u>119,963</u>	<u>117,870</u>

Summarized Non-Consolidated Statement of Revenue, Expenses and Unrestricted Net Assets

For the year ended December 31, 2014

	2014 (\$000s)	2013 (\$000s)
Revenue		
Annual levy	22,751	21,474
Investment income	9,689	7,860
Other	240	-
	<u>32,680</u>	<u>29,334</u>
Expenses		
Provision for claims and related costs	21,552	18,698
Premium paid to Canadian Lawyers Insurance Association	4,416	4,267
Premium paid to Alberta Lawyers Insurance Exchange	1,985	-
Operating expenses	6,193	6,131
	<u>34,146</u>	<u>29,096</u>
Excess of revenue over expenses for the year before the following	(1,466)	238
Unrealized gain on fair market value of investments	2,265	4,747
Excess of revenue over expenses for the year	799	4,985
Unrestricted net assets - beginning of year	38,998	34,013
Less: Contribution to the Alberta Lawyers Insurance Exchange	(5,000)	-
Unrestricted net assets - end of year	<u>34,797</u>	<u>38,998</u>

Note to Summarized Non-Consolidated Financial Statements

For the year ended December 31, 2014

Basis of presentation

The summarized non-consolidated balance sheet and non-consolidated statement of revenue, expenses and unrestricted net assets have been derived from the complete audited non-consolidated financial statements of the Alberta Lawyers Insurance Association and have been prepared using the following criteria:

Current assets are comprised of cash and cash equivalents, accounts receivable, prepaid expenses, accrued interest receivable, due from 1452597 Alberta Ltd., and due from the Law Society of Alberta.

Current liabilities are comprised of accounts payable and accrued liabilities, levy deficiency, and deferred revenue.

Operating costs are comprised of the following expenses: provision for input tax credits; salaries and employee benefits, management fee, fair value write-down of due from 1452597 Alberta Ltd., investment counsel fee, administration, professional fees, loss prevention, amortization, and bad debt.

All other items on the summarized non-consolidated balance sheet and non-consolidated statement of revenue, expenses and net assets are as presented on the complete audited non-consolidated financial statements of the Alberta Lawyers Insurance Association.

The complete audited non-consolidated financial statements of the Alberta Lawyers Insurance Association can be found on the website for the Law Society of Alberta at www.lawsociety.ab.ca.

THE ALBERTA LAWYERS INSURANCE EXCHANGE

SUMMARIZED FINANCIAL STATEMENTS

DECEMBER 31, 2014

Independent Auditors' Report

April 7, 2015

To the Directors of the Alberta Lawyers Insurance Exchange

The accompanying summarized financial statements, which comprise the summarized statement of financial position as at December 31, 2014, and the summarized statement of net and comprehensive income and changes in equity for the period from July 1 2014 to December 31, 2014, and related notes, are derived from the audited financial statements of the Alberta Lawyers Insurance Exchange for the period from July 1, 2014 to December 31, 2014. We expressed an unmodified audit opinion on those financial statements in our report dated February 26, 2015. Those financial statements, and the summarized financial statements, do not reflect the effects of events that occurred subsequent to the date of our report on those financial statements. The summary financial statements do not contain all of the disclosures required by International Financial Reporting Standards. Reading the summarized financial statements, therefore, is not a substitute for reading the audited financial statements of the Alberta Lawyers Insurance Exchange.

Management's responsibility for the summary financial statements

Management is responsible for the preparation of a summary of the audited financial statements on the basis described in the note to the summarized financial statements.

Auditor's responsibility

Our responsibility is to express an opinion on the summary financial statements based on our procedures, which were conducted in accordance with Canadian Auditing Standard (CAS) 810, "Engagements to Report on Summary Financial Statements."

Opinion

In our opinion, the summarized financial statements derived from the audited financial statements of the Alberta Lawyers Insurance Exchange for the period from July 1, 2014 to December 31, 2014 are a fair summary of those financial statements, on the basis described in the note to the summarized financial statements.

PricewaterhouseCoopers LLP
Chartered Accountant

 PricewaterhouseCoopers LLP, Chartered Accountants
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T: +1 403 509 7500, F: +1 403 781 1825 www.pwc.com/ca

Summarized Statement of Financial Position

As at December 31, 2014

	Dec 31, 2014 (\$000s)	July 1, 2014 (\$000s)
Assets		
Current assets	1,005	5,000
Investments	7,890	-
	<u>8,895</u>	<u>5,000</u>
Liabilities		
Current liabilities	102	-
Unearned premiums	1,985	-
Reserve for claims and related costs	1,190	-
	<u>3,277</u>	<u>-</u>
Equity		
Contributed Capital	5,000	5,000
Retained earnings	618	-
Total equity	<u>5,618</u>	<u>5,000</u>
Total liabilities and equity	<u>8,895</u>	<u>5,000</u>

Summarized Statement of Net and Comprehensive Income and Changes in Equity

For the period from July 1, 2014 to December 31, 2014

	Dec 31, 2014 (\$000s)
Revenue	
Net premium	1,865
Investment income	104
Unrealized gain on the fair market value of investments	42
	<u>2,011</u>
Expenses	
Provision for claims and related costs	1,190
Operating expenses	203
	<u>1,393</u>
Net and comprehensive income	618
Retained earnings - beginning of period	<u>5,000</u>
Retained earnings - end of period	<u>5,618</u>

Note to Summarized Financial Statements

For the period ended December 31, 2014

Basis of presentation

The statement of financial position and statement of net and comprehensive income and changes in equity have been derived from the complete financial statements of the Alberta Lawyers Insurance Exchange and have been prepared using the following criteria:

Current assets are comprised of cash, accounts receivable, prepaid expenses, and accrued interest receivable.

Current liabilities are comprised of accounts payable and accrued liabilities.

Operating costs are comprised of the following expenses: management fee, administration, professional fees, and investment counsel fees.

All other items on the summarized statement of financial position and statement of net and comprehensive income and changes in equity are as presented on the complete audited financial statements of the Alberta Lawyers Insurance Exchange.

The complete audited financial statements of the Alberta Lawyers Insurance Exchange can be found on the website for the Law Society of Alberta at www.lawsociety.ab.ca.



ALBERTA LAWYERS
INSURANCE ASSOCIATION



ALBERTA LAWYERS
INSURANCE EXCHANGE



SERVING
the PUBLIC
INTEREST

ALBERTA LAWYERS INSURANCE ASSOCIATION
ALBERTA LAWYERS INSURANCE EXCHANGE

HOW TO REPORT A CLAIM

If you wish to report a new claim, instructions are available on the Law Society of Alberta's website at www.lawsociety.ab.ca under 'Services for Lawyers & Students', then 'ALIA & Insurance Claims'.

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