



Canadian Lawyers Liability Assurance Society

2023/2024 Renewal Application for  
Excess Professional Liability Insurance

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This application is made by the undersigned member (the "Firm") of the Canadian Lawyers Liability Assurance Society ("CLLAS") for issuance by CLLAS to the Firm of policies of professional liability insurance.

**Note:** *The policies applied for are "claims made" policies and only provide coverage for claims first made against the Insured during the policy period.*

Please answer **ALL** questions. Where space to answer is insufficient, attach a separate sheet.

1. Name of Firm (Named Insured): Borden Ladner Gervais LLP
2. Address of principal office: East Tower, Bay Adelaide Centre  
22 Adelaide Centre Str. W, Suite 3400, Toronto ON M5H 4E3  
Phone: 416-367-6000 Fax: 416-367-6749
3. Address, phone, and fax numbers of other office(s):  
See attached
4. Management or service companies, date(s) established, and services provided:  
See attached
5. Is the Firm a multi-disciplinary partnership ("MDP")? ☒ yes ☐ no  
If "yes", provide date MDP was established and name the non-lawyer partners and their respective disciplines.  
March 1, 2000; See attached list of non-lawyer partners



6. Since last year's CLLAS application, has the name of the Firm been changed, or has any firm merged into the Firm? If so, give full particulars (including the number of lawyers merged into the Firm in each such situation) unless previously provided.

No

7. Attached, as Appendix A, is a list of the Firm's predecessor firms resulting from mergers since July 1, 1987. Is the list complete?

☒ yes      ☐ no

If "no", please provide update.

Note: A predecessor firm is one a) which has undergone dissolution; and b) in which more than 50% of the partners and employed lawyers became partners and employed lawyers of the Firm.

8. Please complete Appendices B and C to provide the following details as of February 15<sup>th</sup>, 2023:
- a) Number of lawyers (including partners, employed lawyers, counsels/of counsels, and lawyer consultants).
  - b) Number of patent & trademark agents (who are not lawyers).
  - c) Number of other non-lawyer consultants.
  - d) Number of paralegals.
  - e) Number of other employees.
  - f) If applicable, the number of lawyers who are not partners, employed lawyers, counsels/of counsels, or lawyer consultants of the Firm who, directly or indirectly, provide services to professional corporations which are partners of the Firm. Please identify such individuals and professional corporations as requested in Appendix B.

Note: A common professional corporation structure is one where the lawyer remains a partner of the firm but the firm contracts with a professional corporation to provide the services of the partner to the firm via the professional corporation. Those lawyers would be accounted for in a) above. Question f) is intended to address an alternative structure whereby the professional corporation itself is a partner of the firm and it contracts directly or via another professional corporation with a lawyer to provide professional services.



9. Please show the Firm's practice split by indicating the approximate percentage of billings for the following areas of law:

	<u>This Year</u>		<u>Last Year</u>	
a) Corporate and Commercial Law	25.50	%	24.50	%
b) Criminal Law	0.00	%	0.00	%
c) Family Law	0.00	%	0.00	%
d) Intellectual Property	4.80	%	5.10	%
e) Labour Law	6.60	%	6.60	%
f) Litigation	24.50	%	25.20	%
g) Real Estate	6.50	%	6.60	%
h) Securities Law	11.00	%	11.80	%
i) Tax Matters	5.00	%	5.00	%
j) Wills, Estates, Trust	1.20	%	1.20	%
k) Other (please specify)	14.90	%	14.00	%
	Construction, Health, Dispute			

10. Have any of the lawyers, or non-lawyer consultants listed in Appendices B and C, or former lawyers, or former non-lawyer consultants of the Firm been the subject of disciplinary proceedings, suspended, or disbarred from practice since last year's CLLAS application?

☐ yes ☒ no

If "yes", please provide full details:

11. Attached, as Appendix D, is a description of the "Associated Firms" and "Umbrella Firms" which are identified in the Associated Firm Endorsement (Endorsement No. 1) of the current CLLAS Primary Policy. Please verify and update where appropriate and advise CLLAS of any anticipated changes.
12. Canadian law society programs may restrict coverage if Professional Services are provided outside of Canada or if the Professional Services relate to non-Canadian law. The CLLAS Primary Policy also excludes, coverage for lawyers providing Professional Services from a U.S. office, as well as the practice of non-Canadian law. Please provide details of such services in Appendix E.
13. Attached, as Appendix F, is a schedule of claims and notices which have been given to the applicable law society and CLLAS as of December 31, 2022. Please verify and provide any changes in status. All known claims or notices that are not on the schedule, including those reported to any underlying insurance carrier, should be reported up to the date of this application. **Notices on this application are not considered proper notice of a claim.**

If applicable, CLLAS will also require an update on claims of your predecessor firms which were reported prior to any merger which are paid or currently reserved in excess of \$500,000.



Note: All claims or notices require the following details: name of lawyer, name of claimant, date claim reported, error date, date claim closed (if applicable), a brief description of the claim including damages sought, amount paid (legal & indemnity, and amount reserved (legal & indemnity).

14. Will the Firm purchase coverage under the CLLAS optional excess layer?

☒ yes ☐ no

If "yes", please indicate preferred limit option:

☐ \$10M xs \$160M ☐ \$20M xs \$160M  
☐ \$30M xs \$160M ☐ \$40M xs \$160M  
☐ \$50M xs \$160M ☒ \$60M xs \$160M

If the Firm currently purchases \$60M xs \$160M under the optional excess layer, will the Firm purchase coverage under the CLLAS second umbrella layer (\$30M xs \$250M)?


☒ Yes ☐ No

15. Under Appendix G, please provide a full description of the Firm's most current risk management policies and procedures or, if appropriate, an update to your response to Appendix G of last year's renewal application.

16. Please complete Appendix H to provide underwriting information with respect to cyber liability.

17. Please attach, with Appendix I, a copy of the Firm's 2023 Professional Liability Insurance Application and Exemption Form submitted to LawPro.

The undersigned hereby declares that the above statements and particulars, including those set forth in Appendices A through I, are true and that no material facts have been omitted, suppressed or misstated and that this application, which is deemed to include the information from any previous applications completed by the Firm for CLLAS, shall be the basis of each of the insurance contracts with CLLAS.

Signature:   
(Must be signed by a Partner of the Firm)

Name of Signatory: **Scott Bartos**  
(Who shall be the designated contact person between CLLAS & the Firm as respects this insurance.)

Date: **March 7, 2023**

Question #3

Address, Phone, and Fax of Other Offices:

Office	Address	Phone / Fax
Calgary	Centennial Place – East Tower 1200 – 520 Third Avenue SW Calgary, Alberta T2P 0R3	Phone: 403-232-9500 Fax: 403-266-1395
Montreal	1000 de La Gauchetiere Street West Suite 900 Montreal, Quebec H3B 5H4	Phone: 514-879-1212 Fax: 514-954-1905
Ottawa	World Exchange Plaza Suite 1300 – 100 Queen Street Ottawa, Ontario K1P 1J9	Phone: 613-237-5160 Fax: 613-230-8842
Toronto	Same as principal office	Same as principal office
Toronto (AUM Offices)	110 Yonge Street Suite 400 Toronto, Ontario M5C 1T4	Phone: 416-966-2004 Fax: 866-627-2299
Vancouver	1200 Waterfront Centre 200 Burrard Street PO Box 48600 Vancouver, British Columbia V7X 1T2	Phone: 604-687-5744 Fax: 604-687-1415

**Borden Ladner Gervais LLP**  
**CLLAS Renewal 2023**

**Question #4 – Management Companies**

Name of Law Firm: Borden Ladner Gervais LLP

<b>Insured Entity</b>	<b>Date Established</b>	<b>Service Provided</b>
Borden Ladner Gervais LLP	2000	Law Firm
Borden Ladner Gervais LLP Toronto Office	2000	Law Firm
Borden Ladner Gervais LLP Ottawa Office	2000	Law Firm
Borden Ladner Gervais LLP Montreal Office	2000	Law Firm
Borden Ladner Gervais LLP Calgary Office	2000	Law Firm
Borden Ladner Gervais LLP Vancouver Office	2000	Law Firm
Borell Management Inc.	1996	Holds and manages the lease for space used by Borden Ladner Gervais LLP
Borden Ladner Gervais Foundation	1997	Charitable Foundation
ISLG Venture Inc.	2009	State Law Guide Sales
BLG Corporate Services (Ont) Ltd	1965	Corporate record services for clients
Besk Investments Limited	1990	Provides services to BLG
Resiliency Management Corp	1999	Holds and manages the lease for space used by Borden Ladner Gervais LLP
ISLG Holdco Inc.	2009	Holding Company
Foundation Borden Ladner Gervais	1999	Charitable Foundation
Gestion Cammerall Inc.	1995	Inactive
Cammerall 1000 Inc.		Holds and manages the lease for space used by Borden Ladner Gervais LLP
809470 Alberta Ltd	1999	Inactive
Noex Management Inc.	1994	Inactive
Cadogan Management Ltd	1969	Holds and manages the lease for space used by Borden Ladner Gervais LLP
Arthur Services Limited		Holds and manages the lease for space used by Borden Ladner Gervais LLP
BLG-AG S.E.N.C.R.L.	2013	Law Firm
BLG-AG Inc.	2013	Law Firm
BLG Procurement Services Limited	2016	Inactive
BLG China Holdings Ltd.	2013	Holding Company
BLG Consulting Limited	2013	Holdings Company
BLG Consulting (Beijing) Limited	2014	Administration Services to BLG

## APPENDIX A

## Predecessor Firms

## Name of Firm

Borden Ladner Gervais LLP

Note: A predecessor firm is one a) which has undergone dissolution; and b) in which more than 50% of the partners and employed lawyers became partners and employed lawyers of the Firm.

[illegible]

# APPENDIX B

## Active Members of the Firm as of February 15, 2023

### Name of Firm

Borden Ladner Gervais LLP

### Updated as of (Enter Date):

February 15, 2023

	CANADA					
	<u>B.C.</u>	<u>Alberta</u>	<u>Ontario</u>	<u>Quebec</u>	<u>Nova Scotia</u>	<u>Other Provinces</u> (Please specify, change heading)
a) No. of Lawyers <sup>/1</sup>	83	69	384	158		
b) No. of Patent & Trademark Agents <sup>/2</sup>	2	0	10	0		
c) No. of Non-lawyer Consultants <sup>/3</sup>		1	1	20		
d) No. of Paralegals	56	24	139	29		
e) No. of Other Employees	154	140	623	173		
f) No. of lawyers who are not employees of the Firm who, directly or indirectly, provide services to professional corporations which are partners of the Firm <sup>/4</sup>	53	60	42	19		

OUTSIDE OF CANADA <sup>/5</sup>				
<u>U.S.</u>	<u>China</u>	<u>South Africa</u>	<u>Other Countries</u> (Please specify, change heading)	<u>Other Countries</u> (Please specify, change heading)

/1 Including partners, employed lawyers, counsels/of counsels and lawyer consultants

/2 These are not lawyers.

/3 Please complete Appendix C if individuals are reported under this category

/4 Lawyers reported here should not be included under a).(See note at Question 8.f) of the application.;

/5 Please complete Question 3 of Appendix E to provide further information on lawyers reported under these columns

**Please attach a list of the lawyers reported under a) above, showing in each case thier full name, date of call, date joined the Firm and, if applicable, date became partner.**

**Please attach a list of the names of the individuals reported under f) above, together with the names of the professional corporations to which they provide services.**

**If underlying insurance is purchased outside any Canadian mandatory law society program for lawyers, please provide full details under Appendix E, Question 4.**

If members of the Firm, either alone or with others, engage in the conduct of any profession or business other than the practice of law (e.g. financial management, mortgage brokering or other consulting; underwriting or brokering of securities or investment banking activities; real estate appraisal; actuarial analysis) either directly or indirectly as an agent, employee or partner of any organization, please provide full particulars such as percentage of practice other than Law.



## APPENDIX C

Active Non-Lawyer Consultants Of The Firm As Of February 15, 2023  
(Excluding Patent & Trademark Agents)

**Name of Firm**  
Borden Ladner Gervais LLP

**Updated as of (Enter Date):**  
February 15, 2023

**SECTION A**

[illegible]

/1 If underlying insurance is purchased, please complete Section B.

/2 Please complete this column only for individuals who are not acting under the supervision of a lawyer and for that portion of time the individual is not acting under the supervision of a lawyer

# APPENDIX C

Active Non-Lawyer Consultants Of The Firm As Of February 15, 2023  
(Excluding Patent & Trademark Agents)

## Name of Firm

Borden Ladner Gervais LLP

## Updated as of (Enter Date):

February 15, 2023

## SECTION B

Please provide the following details on the underlying insurances purchased and attach a copy of the policies:

Type of Exposure:	Professional Lialibility
Insurance Carrier:	Fonds d'Assurances Responsabilite de la Chambre d
Policy Number:	2021-D1364-0001
Period of Insurance:	04-01-2022 to 04-01-2023
Retroactive Date:	
Limit (Per Claim):	\$2,000,000
Limit (Aggregate):	\$5,000,000

Type of Exposure:	CGL
Insurance Carrier:	Chubb
Policy Number:	35811522
Period of Insurance:	Oct 1, 2022 to Oct 1, 2023
Retroactive Date:	
Limit (Per Claim):	\$2M
Limit (Aggregate):	\$20M General



## APPENDIX E

## Professional Services Provided Relating to Non-Canadian Law &amp; Professional Services Provided In the U.S. &amp; Outside of Canada

Name of Firm

Borden Ladner Gervais LLP

Updated as of (Enter Date):

February 15, 2023

## 1 Professional Services Provided by Canadian Lawyers Relating to Non-Canadian Law

Please provide the following information on lawyers primarily resident in Canada who provide Professional Services relating to non-Canadian law (not including those which are incidental to the practice of Canadian law). Please only report on lawyers with more than 5% of docketed time in this category.

[illegible]

## 2 Professional Services Provided by Canadian Lawyers from a U.S. Office

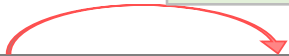
Please provide the following information on lawyers primarily resident in Canada who provide Professional Services part time in an office or branch of the Firm located in the United States. Please only report on lawyers with more than 5% of docketed time in this category.

[illegible]

For lawyers practicing both Canadian and Non-Canadian Law, please provide a split between Canadian and Non-Canadian. Note that in cases where a split is not available, a 50% 50% split will be assumed.

### 3 Professional Services Provided by Offices Outside of Canada

Please provide the following information on all lawyers reported in Appendix B under the “Outside of Canada” column.

[illegible]

# APPENDIX E

## Professional Services Provided Relating to Non-Canadian Law & Professional Services Provided In the U.S. & Outside of Canada

**Name of Firm**  
Borden Ladner Gervais LLP

**Updated as of (Enter Date):**  
February 15, 2023

### 4 Other Insurance

For the exposures identified in Questions 1, 2 and 3 above, please provide details of specific insurance protection (e.g. coverage provided for a non-Canadian office or by a non-Canadian law society) as well as a copy of the policies.

Type of Exposure:	
Insurance Carrier:	
Policy Number:	
Period of Insurance:	
Retroactive Date:	
Limit (Per Claim):	
Limit (Aggregate):	

Type of Exposure:	
Insurance Carrier:	
Policy Number:	
Period of Insurance:	
Retroactive Date:	
Limit (Per Claim):	
Limit (Aggregate):	

Type of Exposure:	
Insurance Carrier:	
Policy Number:	
Period of Insurance:	
Retroactive Date:	
Limit (Per Claim):	
Limit (Aggregate):	

Type of Exposure:	
Insurance Carrier:	
Policy Number:	
Period of Insurance:	
Retroactive Date:	
Limit (Per Claim):	
Limit (Aggregate):	

# APPENDIX F

Schedule of Claims and Notices As of December 31, 2022

**Name of Firm**

Borden Ladner Gervais LLP

**Updated as of (Enter Date):**

December 31, 2022

Please attach separately

Claims (VAN)

Claims (CAL)

Claims (OTT)

# APPENDIX G

## Risk Management Policies and Procedures

### Name of Firm

Borden Ladner Gervais LLP

Please provide a full description of the Firm's most current risk management policies and procedures or, if appropriate, an update to your response to Appendix G of last year's renewal application.

**Please attach separately**

Appendix G – Risk Management Policies & Procedures

1. Acting as Agent for Service Policy
2. Acting as an Escrow Agent Policy
3. Anti-Bribery and Anti-Corruption Policy
4. Book Writing Policy
5. Client Intimate Relationships Policy
6. Confidential Information and Securities Trading Policy
7. Errors and Omissions Reporting Policy
8. Opinions Policy
9. Confidential Information Policy
10. Confidential Screens Policy
11. Conflicts Clearing and Matter Opening Policy
12. Director Appointments and Remuneration Policy
13. Dis-engagement and Non Engagement Letters
14. Electronic Mail Policy
15. Enhancing Diversity and Inclusion
16. Malicious Software Policy
17. National Expense Policy
18. Password Policy
19. Personal Interest Policy
20. Personal Website and Blog Guidelines
21. Privacy Policy
22. Reference Policy
23. Responding to Search Warrants
24. Security Awareness and Training Policy
25. Social Media Policy and Guidelines
26. Speaking Engagements and Publications Policy
27. Various Information Security Policies
28. Workplace Harassment Policy
29. Workplace Violence Policy
30. Acting as Expert Witness Policy
31. Acting for Individual Employees on Employment Matters
32. Errors and Omission Reporting Policy
33. No Cash Policy
34. Various Occupational Health and Safety Policies
35. Electronic Payments - Call Back Policy



# APPENDIX H

## Cyber Liability

### Name of Firm

Borden Ladner Gervais LLP

1	Personnel	Enter Yes or No
a)	Do you have a Chief Security Officer or Chief Information Security Officer or equivalent?	Yes
	If "no", who within the Firm is responsible for the management of and compliance with the Firm's Security Policies?	
b)	Do you have a Chief Privacy Officer or equivalent?	Yes
	If "no", who within the Firm is responsible for the management of and compliance with the Firm's Privacy Policies?	
2	Protection	Enter Yes or No
a)	Do you use encryption tools to enhance the integrity and confidentiality of confidential information?	Yes
	If you use encryption tools, in which scenarios is data encrypted? (Check all statements that you believe are applicable.)	
	- Data at rest	Yes
	- Data in transit	Yes
	- Data transferred to removable media (laptops, CD's, backup tapes, USB devices, etc.)	Yes
	- None of the above	Yes
b)	Do you use and regularly update industry-standard antivirus software?	Yes
c)	Do you install the latest software updates to reduce security vulnerabilities?	Yes
d)	Do you require that passwords be a minimum length and contain alpha and numeric characters?	Yes
e)	Do you require that passwords be regularly updated?	Yes
f)	Do you check to make sure that no spyware or adware resides on your computers?	Yes
g)	Do you use and regularly update industry-standard firewall protection systems to prevent unauthorized access to internal networks and computer systems?	Yes
h)	Is the data on your servers encrypted?	Yes
i)	Is the data on your desktop and laptop computers encrypted?	Yes
j)	Is the data on your mobile devices encrypted?	Yes
k)	Have predesignated computer system/application access rights and privileges been set for all authorized users?	Yes
l)	Is there hourly or daily automatic backup of documents and emails?	Yes
m)	Is there hourly or daily automatic backup of your firm-wide tickler system and/or your lawyers' own personal tickler systems?	Yes
n)	Are backups stored off-site at a secure location?	Yes
o)	Do you use software that can be used to wipe laptops and mobile devices clean if they are misplaced or stolen?	Yes
p)	Do you use software that can detect unauthorized transfers of personal information and unauthorized copying of files?	Yes
q)	Do you use a metadata scrubber on documents that you transmit to clients or third parties such as opposing counsel?	Yes
r)	Has the firm implemented multi-factor authentication for remote access to firm systems?	Yes
3	Incident Report	Enter Yes or No
	Do you have a written network security incident response plan?	Yes

# APPENDIX H

## Cyber Liability

### Name of Firm

Borden Ladner Gervais LLP

If "yes":

a)	Does it include alternative options should a critical third party outsourcing provider's operations be incapacitated?	Yes
b)	Does it include procedures to alert your clients that their data may have been compromised?	Yes

4	Policies	Enter Yes or No
a)	Do you maintain a comprehensive information security and privacy policy that is updated and enforced on a continuous basis?	Yes
b)	Do you advise your lawyers of the risks of using unencrypted email?	Yes
c)	Does your firm advise your lawyers of the dangers of metadata?	Yes
d)	Do you purchase insurance other than CLLAS coverage to protect you in the case of privacy breaches?	No
e)	Do you purchase insurance other than CLLAS coverage to protect you in the case of cyber-attacks?	No