



Canadian Lawyers Liability Assurance Society

2022/2023 Renewal Application for
Excess Professional Liability Insurance

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): McCarthy Tetrault LLP; McCarthy Tetrault Registered Foreign Lawyers and Solicitors; McCarthy Tetrault (New York) LLP; McCarthy Tetrault (US) LLP

2. Address of principal office: Suite 5300, Toronto Dominion Bank Tower, Toronto ON M5K 1E6

Phone: (416) 362-1812

Fax: (416) 868-0673

3. Address, phone, and fax numbers of other office(s):

4. Management or service companies, date(s) established, and services provided:

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.



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.

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, 2022:
- 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 | _____ % | 38 % |
| b) Criminal Law | _____ % | 0 % |
| c) Family Law | _____ % | 0 % |
| d) Intellectual Property | _____ % | 1 % |
| e) Labour Law | _____ % | 5 % |
| f) Litigation | _____ % | 37 % |
| g) Real Estate | _____ % | 11 % |
| h) Securities Law | _____ % | 0 % |
| i) Tax Matters | _____ % | 6 % |
| j) Wills, Estates, Trust | _____ % | 0 % |
| k) Other (please specify) | _____ % | 2 % |

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, 2021. 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:

| | |
|--|--|
| <input type="checkbox"/> \$10M xs \$160M | <input type="checkbox"/> \$20M xs \$160M |
| <input type="checkbox"/> \$30M xs \$160M | <input type="checkbox"/> \$40M xs \$160M |
| <input type="checkbox"/> \$50M xs \$160M | <input type="checkbox"/> \$60M xs \$160M |

If you currently buy the maximum limits available (i.e., \$250MM including the umbrella layer) would you be interested in purchasing an additional umbrella layer of \$30MM?

☐ 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 2022 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: _____
(Who shall be the designated contact person between CLLAS & the Firm as respects this insurance.)

Date: _____