



Canadian Lawyers Liability Assurance Society

2023/2024 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):

2. Address of principal office:

Phone: _____ Fax: _____

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 15th, 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 | % | % |
| b) Criminal Law | % | % |
| c) Family Law | % | % |
| d) Intellectual Property | % | % |
| e) Labour Law | % | % |
| f) Litigation | % | % |
| g) Real Estate | % | % |
| h) Securities Law (included in Corp. & Comm.) | % | % |
| i) Tax Matters | % | % |
| j) Wills, Estates, Trust (included in Tax) | % | % |
| k) Other (please specify) | % | % |

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: David E. Woolcombe

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

Date: _____

March 9, 2023

APPENDIX A

Predecessor Firms

Name of Firm

McCarthy Tétrault LLP; McCarthy Tétrault Registered Foreign Lawyers and Solicitors; McCarthy Tétrault (New York) LLP, McCarthy Tétrault (US) 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 10, 2023

Name of Firm

McCarthy Tétrault LLP; McCarthy Tétrault Registered Foreign Lawyers and Solicitors; McCarthy Tétrault (New York) LLP, McCarthy Tétrault (US) LLP

See attached lists and detailed schedules.

Updated as of (Enter Date):

February 10, 2023

| | CANADA | | | | | | OUTSIDE OF CANADA ^{/5} | | | | |
|---|--------|---------|---------|--------|-------------|--|---------------------------------|-------|--------------|-----------|--|
| | B.C. | Alberta | Ontario | Quebec | Nova Scotia | Other Provinces (Please specify, change heading) | U.S. | China | South Africa | London UK | Other Countries (Please specify, change heading) |
| a) No. of Lawyers ^{/1} | 65 | 46 | 288 | 174 | | | 4 | | 3 | 9 | |
| b) No. of Patent & Trademark Agents ^{/2} | 1 | 0 | 0 | 0 | | | 0 | | 0 | 0 | |
| c) No. of Non-lawyer Consultants ^{/3} | 4 | 0 | 16 | 4 | | | 0 | | 0 | 0 | |
| d) No. of Paralegals | 25 | 9 | 60 | 43 | | | 0 | | 0 | 1 | |
| e) No. of Other Employees | 106 | 76 | 384 | 183 | | | 1 | | 0 | 8 | |
| 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 ^{/4} | 28 | 22 | 75 | 27 | | | 0 | | 0 | 0 | |

/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 their 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.

| Category | Calgary | New York, US | London, UK | Montreal | Quebec | Toronto | Vancouver | Appendix B Category | SUM REFERENCE |
|---|---------|--------------|------------|----------|--------|---------|-----------|--------------------------------|---|
| Partner | 0 | 0 | 0 | 25 | 3 | 43 | 3 | a) Lawyers | Equity Partner |
| Professional Corporations that are Partners | 22 | 0 | 0 | 24 | 3 | 75 | 28 | f) Partner Corporations | Professional Corporations that are Partners |
| Income Partners | 8 | 1 | 3 | 22 | 4 | 41 | 11 | a) Lawyers | Income Partner |
| Associates | 29 | 3 | 4 | 87 | 14 | 145 | 40 | a) Lawyers | Associates |
| Counsel** | 4 | 0 | 2 | 11 | 7 | 45 | 8 | a) Lawyers | Counsel |
| Counsel who own Professional Corporations* | 5 | 0 | 0 | 0 | 0 | 7 | 1 | a) Lawyers | Counsel who own Professional Corporations |
| Patent Agent Trade Mark Agent | 0 | 0 | 0 | 0 | 0 | 0 | 1 | b) Patent and Trademark Agents | Patent Agent Trade Mark Agent |
| Other Professionals | 0 | 0 | 0 | 4 | 0 | 15 | 4 | c) Non-Lawyer Consultants | Other Professionals |
| Law Clerks | 9 | 0 | 1 | 37 | 6 | 60 | 25 | d) Paralegal | Law Clerks |
| Students (including Summer Law Students) | 7 | 0 | 1 | 11 | 3 | 25 | 8 | e) Other Staff | Students |
| All other Staff (includes contract and summer clerical) | 69 | 1 | 7 | 151 | 18 | 359 | 98 | e) Other Staff | Staff |
| MT>Align Contractor (Type II) | 0 | 0 | 0 | 0 | 0 | 2 | 1 | a) Lawyers | MT>Align Contractor (Type II) |
| MT>Align Contractor (Type III) | 0 | 0 | 0 | 1 | 0 | 3 | 1 | a) Lawyers | MT>Align Contractor (Type III) |
| MT>Align Contractor (Type IV) | 0 | 0 | 0 | 0 | 0 | 2 | 0 | a) Lawyers | MT>Align Contractor (Type IV) |
| Exigent Supplied Contractors | | | | | | 3 | | a) Lawyers | Exigent Supplied Contractors |

*Wayne Wouters is Strategic and Policy Advisor and is captured in the Toronto Counsel who own Professional Corporations headcount. He is not called to the Bar
**David Nikolejsin is a Strategic Advisor and is captured in the Vancouver Counsel headcount. He is not called to the Bar

APPENDIX C

Active Non-Lawyer Consultants Of The Firm As Of February 10, 2023 (Excluding Patent & Trademark Agents)

Name of Firm

McCarthy Tétrault LLP; McCarthy Tétrault Registered Foreign Lawyers and Solicitors; McCarthy Tétrault (New York) LLP, McCarthy Tétrault (US) LLP

Updated as of (Enter Date):

February 10, 2023

SECTION A

| <u>Professional Service Provided or Type of Profession</u> | <u># People in the same Profession</u> | <u>Location (Province)</u> | <u>Client Contact (Y/N)</u> | <u>Advise Clients (Y/N)</u> | <u>Supervised by Lawyers (Y/N)</u> | <u>Underlying Insurance</u> ^{/1} | <u>% of Time Docketed</u> ^{/2} |
|--|--|-----------------------------------|-----------------------------|-----------------------------|------------------------------------|---|---|
| Senior Director, Client Service Delivery. Cohen, David | 1 | Ontario | Y | N | Y | Y | 0% |
| Chief Client and Innovation Officer, McKay, Judith | 1 | Ontario | Y | Y | N | Y | 0% |
| Chief Inclusion Officer, Theodore, Charlene | 1 | Ontario | Y | N | N | N | 0% |
| Specialist, Clients and Markets, Lamond, Shane | 1 | Ontario | Y | N | N | N | 0% |
| Director, Paraprofessional Operations, Sabourin, Marie | 1 | Quebec | Y | N | N | N | 0% |
| Senior Director, Professional Resources, Honsberger, Kathryn | 1 | Ontario | Y | N | N | N | 0% |
| Director, Legal Solutions, Siu, Michele | 1 | Ontario | Y | N | Y | N | 0% |
| Director, Professional Resources, Bissonnette, Jean-Nicolas | 1 | Quebec | Y | N | N | N | 0% |
| Director, Professional Resources, Cinnamon, Amanda | 1 | British Columbia | Y | N | N | N | 0% |
| Chief Professional Resources Officer, MacAulay, Robin | 1 | Ontario | Y | N | N | N | 0% |
| Senior Director, Professional Resources, Kermasha, Rena | 1 | Quebec | Y | N | N | N | 0% |
| Senior Director, Professional Resources, McGowan, Leigh-Ann | 1 | Quebec | Y | N | N | N | 0% |
| Senior Director, Professional Resources, Trott, Nancy | 1 | British Columbia | Y | N | N | N | 0% |
| Senior Director, Innovation, Youngson, Naomi | 1 | British Columbia | Y | N | N | Y | 0% |
| Senior Director, Knowledge & Data Insights, Hogan, Kathleen | 1 | Ontario | Y | N | N | N | 0% |
| Director, Student Programs, Foreman, Kristina | 1 | British Columbia | Y | N | N | N | 0% |
| Director, Professional Resources, Kassam, Hakim | 1 | Ontario | Y | N | N | N | 0% |
| President, MT>Align, Beirsto, Linda | 1 | Ontario | Y | Y | N | Y | 0% |
| | | | | | | | |
| MT>3 Contract Lawyers | 4 | Ontario | N | N | Y | Y | 100% |
| MT>Align Contract Lawyers (Type I) | 2 | Ontario | *Y | N | Y | Y | 100% |
| MT>Align Contract Lawyers (Type II, III, IV) | ** | Ontario, British Columbia, Quebec | Y | Y | N | Y | 100% |
| | | | | | | | |
| * Client contact is limited, consistent with the basis disclosed to CLLAS. | | | | | | | |
| **10 lawyers, included in main headcount in Schedule B. | | | | | | | |
| | | | | | | | |

/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 10, 2023
(Excluding Patent & Trademark Agents)

Name of Firm

McCarthy Tétrault LLP; McCarthy Tétrault Registered Foreign Lawyers and Solicitors; McCarthy Tétrault
(New York) LLP, McCarthy Tétrault (US) LLP

Updated as of (Enter Date):

February 10, 2023

SECTION B

Please provide the following details on the underlying insurances purchased and attach 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): | |

APPENDIX D

"Associated Firms" and "Umbrella Firms"

Name of Firm

McCarthy Tétrault LLP; McCarthy Tétrault Registered Foreign Lawyers and Solicitors; McCarthy Tétrault (New York) LLP, McCarthy Tétrault (US) LLP

[illegible]

APPENDIX E

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

Name of Firm

McCarthy Tétrault LLP; McCarthy Tétrault Registered Foreign Lawyers and Solicitors; McCarthy Tétrault (New York) LLP,
McCarthy Tétrault (US) LLP

Updated as of (Enter Date):

February 10, 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.

| Name of Lawyer | Province the Canadian Lawyer is based out of | Location of Office (Non-Canadian) | % of Docketed Time Relating to Non-Canadian Law |
|----------------------|--|--------------------------------------|--|
| Al-Shakarchi, Heba | Ontario | | 10% |
| Ellam, Timothy | Alberta | | 15% |
| Langdon, Christopher | Ontario | | 15% |
| Smyth, Sean | Alberta | | 15% |
| Jawanda, Pavan | British Columbia | | 10% |
| Lee, Joyce | British Columbia | | 10% |
| Plummer, George | Ontario | | 15% |
| Melanson, Lisa | Ontario | | 7% |
| *Doyle, Shawn | Chile* | | 10% |
| Tabbakh, Karl | Quebec | | 5% |
| | | | |

* Shawn Doyle, previously an income partner of McCarthy Tétrault LLP, is now an independent contractor residing in Chile, practising law through Fidelity Law Corporation, a British Columbia incorporated professional corporation ("Fidelity Law"). He is permitted to practice law for clients other than McCarthy Tétrault clients (subject to clearing conflicts). The office of Fidelity Law in Chile is not an office of McCarthy Tétrault LLP, McCarthy Tétrault (New York) LLP or McCarthy Tétrault (US) LLP.

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.

| Name of Lawyer | Province the Canadian Lawyer is based out of | Location of Office (Non-Canadian) | % of Docketed Time in the U.S. Office |
|---|--|--------------------------------------|--|
| Rahimi, Firuz | Alberta* | New York, U.S. | 100% |
| Thavakumaran, Sharanya | Ontario* | New York, U.S. | 100% |
| Cusson, Suzie | Ontario* | New York, U.S. | 100% |
| | | U.S. | |
| | | U.S. | |
| | | U.S. | |
| | | U.S. | |
| *These lawyers reside in Canada but work for the New York Office. | | | |

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.

APPENDIX E

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

Name of Firm

McCarthy Tétrault LLP; McCarthy Tétrault Registered Foreign Lawyers and Solicitors; McCarthy Tétrault (New York) LLP,
McCarthy Tétrault (US) LLP

Updated as of (Enter Date):

February 10, 2023

| Name of Lawyer | Location of Office (Country Only) | # of Lawyers Practice 100% Canadian Law | # of Lawyers Practice 100% Non-Canadian Law | # of Lawyers Practice both Canadian & Non-Canadian Law | Canadian (%) | Non- Canadian (%) | Total (100%) |
|--|--|---|---|--|--------------|-------------------|--------------|
| Cumming, Matthew | U.S. | X | | | 100% | 0% | 100% |
| Reason, Allan | England | | X | | 0% | 100% | 100% |
| Benson, Tina | England | | | X | 50% | 50% | 100% |
| Sathyamoorthy, Ashwin | England | | X | | 0% | 100% | 100% |
| Brant, Robert | England | | | X | 50% | 50% | 100% |
| Heinanen, Obruché | England | | X | | 0% | 100% | 100% |
| Jhunjhunwala, Kinshuk | England | | X | | 0% | 100% | 100% |
| Chong, Jesslyn | England | X | | | 100% | 0% | 100% |
| *Wanke, Adam | *Portugal (not an office of McCarthy Tétrault LLP) | X | | | 100% | 0% | 100% |
| Toezer, Tomas | England | | X | | 0% | 100% | 100% |
| | | | | | | | |
| 3 Exigent Supplied Contractors | ** South Africa (not an office of McCarthy Tétrault LLP) | 3 | | | 100% | 0% | 100% |
| <p>*Adam Wanke, previously counsel to McCarthy Tétrault, Registered Foreign Lawyers & Solicitors, is an independent contractor residing in Portugal, practicing Canadian law through his wholly-owned professional corporation, Akoni Legal Unipessoal LDA ("Akoni"). He is permitted to practice law for clients other than McCarthy Tétrault, Registered Foreign Lawyers & Solicitors clients (subject to clearing conflicts). The office of Akoni in Portugal is not an office of McCarthy Tétrault LLP or McCarthy Tétrault, Registered Foreign Lawyers & Solicitors.</p> <p>** This is not an office of McCarthy Tétrault LLP</p> | | | | | | | |

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: | Lawyers in the UK, non-Canadian lawyers (including patent and trademark agents) in Canadian offices (other than Vancouver office) and patent and trademark agents. |
| Insurance Carrier: | CLLAS International - Columbia Casualty Company - LEAD |
| Policy Number: | 596377247 - LEAD |
| Period of Insurance: | September 30, 2022 to September 30, 2023 |
| Retroactive Date: | None |
| Limit (Per Claim): | US\$30 million |
| Limit (Aggregate): | US\$30 million |

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

| | |
|--|--|
| | |
|--|--|

APPENDIX E

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

Name of Firm
McCarthy Tétrault LLP; McCarthy Tétrault Registered Foreign Lawyers and Solicitors; McCarthy Tétrault (New York) LLP,
McCarthy Tétrault (US) LLP

Updated as of (Enter Date):
February 10, 2023

| | |
|----------------------|--|
| 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 February 15, 2023

Name of Firm

McCarthy Tétrault LLP; McCarthy Tétrault Registered Foreign Lawyers and Solicitors; McCarthy Tétrault (New York) LLP, McCarthy Tétrault (US) LLP

Updated as of (Enter Date):

February 15, 2023

Please attach separately with the email

APPENDIX G

Risk Management Policies and Procedures

Name of Firm

McCarthy Tétrault LLP; McCarthy Tétrault Registered Foreign Lawyers and Solicitors; McCarthy Tétrault (New York) LLP, McCarthy Tétrault (US) 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 applic

Please attach separately with the email

APPENDIX G

RISK MANAGEMENT POLICIES AND PROCEDURES

| | |
|---------------|---|
| Name of Firm: | McCarthy Tétrault LLP; McCarthy Tétrault Registered Foreign Lawyers and Solicitors; McCarthy Tétrault (New York) LLP; McCarthy Tétrault (US) LLP |
|---------------|---|

1. Please advise if there is a committee or partner with overall responsibility for professional liability risk management of your firm.

The General Counsel, reporting to the Chief Executive Officer, has overall responsibility for professional liability risk management.

2. Please provide a full description of the Firm's risk management policies and procedures and include the following:
 - (a) A list of the Firm's written risk management policies and procedures (e.g. with respect to client intake, conflict checking, lawyers acting as directors or officers) and how these policies and procedures are communicated (e.g. internal practice policy or policy manual, seminars, etc.).

The following are the current written risk management policies and procedures:

- a. **Audit Response Letter Protocol**
- b. **Client Identification and Verification Policy**
- c. **Conflicts Check and New Matter Intake Policy**
- d. **Directors and Officers Policy**
- e. **Personal Interests Policy**
- f. **Pro Bono Policy**
- g. **Opinions Policy**
- h. **Confidentiality Policy**
- i. **Whistleblowing Policy**
- j. **Anti-Bribery Policy**
- k. **Harrassment Policy**
- l. **Canadian Anti-Spam Legislation Policy**
- m. **Records Retention Policy**
- n. **Data Breach Protocol**

These policies are prominently displayed on the firm's intranet site by a link on the home page entitled Risk Management Policies or are otherwise displayed on the intranet.

- (b) The Firm's procedure for opening or starting work on a file (e.g. use of a standard new client form, retainer letter, conflict check, approval process, etc.).

Conflicts Check and New Matter Intake Policy and Procedure are in place.

- (c) A description of the Firm's tickler system for various practice areas (e.g. litigation, intellectual property, wills and trusts).

There is a firmwide tickler system for intellectual property called PATTSY, which is a commercial software program.

Each office runs its own litigation tickler system.

APPENDIX H

Cyber Liability

Name of Firm

McCarthy Tétrault LLP; McCarthy Tétrault Registered Foreign Lawyers and Solicitors; McCarthy Tétrault (New York) LLP, McCarthy Tétrault (US) LLP

| 1 | Personnel | Enter Yes or No |
|----|---|-------------------|
| a) | Do you have a Chief Security Officer or Chief Information Security Officer or equivalent? Director IT Security If “no”, who within the Firm is responsible for the management of and compliance with the Firm’s Security Policies? | Yes |
| b) | Do you have a Chief Privacy Officer or equivalent? Jade Buchanan If “no”, who within the Firm is responsible for the management of and compliance with the Firm’s Privacy Policies? | Yes |
| 2 | Protection | Enter Yes or No |
| a) | Do you use encryption tools to enhance the integrity and confidentiality of confidential information? If you use encryption tools, in which scenarios is data encrypted? (Check all statements that you believe are applicable.) - Data at rest - Data in transit - Data transferred to removable media (laptops, CD’s, backup tapes, USB devices, etc.) - None of the above | Yes Yes 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? | No |
| 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? Build out is in process. | Yes |
| q) | Do you use a metadata scrubber on documents that you transmit to clients or third parties such as opposing counsel? Most of the time. | Yes |
| r) | Has the firm implemented multi-factor authentication for remote access to firm systems? | Yes |

APPENDIX H

Cyber Liability

Name of Firm

McCarthy Tétrault LLP; McCarthy Tétrault Registered Foreign Lawyers and Solicitors; McCarthy Tétrault (New York) LLP, McCarthy Tétrault (US) LLP

| 3 | Incident Report | Enter Yes or No |
|----|---|-----------------|
| | Do you have a written network security incident response plan? <i>There is a written network security incident response plan and it will be reviewed and tested by the firm for its effectiveness.</i> If "yes": | Yes |
| a) | Does it include alternative options should a critical third party outsourcing provider's operations be incapacitated? <i>This is technically not in the Incident Response Plan, but more of a DR/BCP strategy.</i> | No |
| 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? <i>We have an information security policy. We actively enforce this policy where the technical means exist, and no business exceptions have been granted.</i> | Yes |
| b) | Do you advise your lawyers of the risks of using unencrypted email? <i>However, our system automatically encrypts the messaging tunnel (TLS-Transport Layer Security)</i> | No |
| c) | Does your firm advise your lawyers of the dangers of metadata? <i>However, our systems are configured to strip metadata off of documents when emailed.</i> | No |
| 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? | Yes |
| f) | Does the firm have policies and/or procedures in place to mitigate the risk of falling victim to fraud involving the disbursement of client funds? | Yes |

APPENDIX J

OFFICES

Name of Firm

McCarthy Tétrault LLP; McCarthy Tétrault Registered Foreign Lawyers and Solicitors; McCarthy Tétrault (New York) LLP, McCarthy Tétrault (US) LLP

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APPENDIX K

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

Cartan Limited is named as "agents for service" in corporate filings made with the provincial governments by McCarthy's on behalf of certain of its clients. Cartan Limited was incorporated on May 17, 1962.

Fleural Inc. is named as "agents for service" in corporate filings made with the provincial governments by McCarthy's on behalf of certain of its clients. Fleural Inc. was incorporated on June 4, 2010. Fleural Inc. was dissolved in 2012.

Cartan Office Services Limited, Cartan Office Services (Ottawa) Limited, and Hallmark Management Limited provide premises to the Firm.

Cartan Office Services Limited was incorporated on May 12, 1965. Cartan Office Services (Ottawa) Limited was incorporated on February 19, 1997. Hallmark Management Limited was incorporated on May 26, 1961. Cartan Office Services (Ottawa) Limited was dissolved October 9, 2018. Hallmark Management Ltd. was dissolved June 20, 2018.

MT Services Limited Partnership was formed in 1997.

MT Services Limited Partnership provides management, administrative and other services including office premises to the Firm.

McCarthy Nominee Holdings Ltd. was formed in 2003. It is used to hold securities of public companies in the very rare circumstance where client accounts are settled in shares.