

LPIIF RISK MANAGEMENT SELF-ASSESSMENT QUESTIONNAIRE

The annual completion of this questionnaire will assist legal practitioners in:

- Assessing the state of the risk management measures employed in their practices;
- Focusing their attention on the appropriate risk management measures to be implemented;
- Providing a means of conducting a gap analysis of the controls the firm needs to have in place; and
- Collating the information that may be required in the completion of the proposal form for top-up insurers and the application for a Fidelity Fund certificate.

IMPORTANT NOTES AND FREQUENTLY ASKED QUESTIONS

HOW OFTEN MUST THE QUESTIONNAIRE BE COMPLETED?

Clauses XXIV and 23 of the Legal Practitioners Indemnity Insurance Fund NPC (the LPIIF) Master Policy read with the South African Legal Practice Council Rules (the Rules) prescribe that every insured legal practitioner must complete this questionnaire annually. The LPIIF will not provide indemnity in respect of a claim where the insured has not completed this questionnaire in the applicable insurance scheme year. Attorneys must have regard to point 15 of the application for a Fidelity Fund certificate form (schedule 7A of the Rules) which provides that this form must be completed. Advocates with trust accounts rendering legal services in terms of section 34(2)(b) of the Legal Practice Act 28 of 2014 (the Act) must also complete this questionnaire annually (see point 13 of the application for a Fidelity Fund certificate form for advocates (schedule 7B of the Rules)). A Fidelity Fund certificate will not be issued to a legal practitioner who has not complied with this requirement. Any reference to a firm in this form includes advocates practicing in terms of section 34(2)(b) of the Act.

You may complete the questionnaire at any time, even if your firm does not have any claims pending. (In order to make it easier and save time, you might wish to complete it at the time when you complete your top-up insurance proposal or Fidelity Fund Certificate application. In that way, you will have much of the information at your fingertips.)

The questionnaire is aimed at practices of all sizes and types.

WHY IS THE RISK INFORMATION REQUIRED?

The information which we ask for in this assessment will be treated as strictly confidential. It will not be disclosed to any other person, without your practice's written permission. It will also not be used by the LPIIF and the LPFF in any way to affect your practice's claims records or individual cover. An analysis of information and trends revealed by your answers may be used by the LPIIF for general underwriting and risk management purposes. The risk information is required:

- To assist the LPIIF when setting and structuring deductibles and limits of indemnity for the profession, deciding on policy exclusions, conditions and possible premium setting.
- To raise awareness about risk management and to get practitioners thinking about risk management tools/procedures for their practices.
- To obtain relevant and usable general information and statistics about the structure of the firm, areas of practice, risk /practice management measures in place and claims history.
- To assist in the selection and formulation of the most effective risk management interventions.
- To assist the LPIIF in collating underwriting data on the profession.

SECTION 1

1. General practice information:

- 1.1. Name under which practice is conducted
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- 1.2. Practice number.....
- 1.3. Under which Provincial Council (s) does your practice operate?
(see section 23 of the Act)
- 1.4. Is your practice a Sole Practice/Partnership/Incorporated
Company/ Advocate referred to in section 34(2)(b) of the Act?
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2. Principal office details:

2.1 Address and postal code

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2.2 Telephone number

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2.3 Email.....

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2.4 Docex.....

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2.5 Website.....

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2.6 Details of any other physical address at which the practice will be carried on
and name of practitioner in direct control at each office

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4 Composition of the practice.

Number of:

4.1 Partners/directors.....

4.2. Professional Assistants/ Associates/ Consultants

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4.2 Candidate Attorneys.....

4.3 Paralegals.....

4.4 Other staff including secretaries.....

4.5 Total.....

5. In the table below, list all partners/directors by name, together with their number of years in practice and their areas of specialisation. Should there be more than 10, please add a separate list.

PARTNER/DIRECTOR'S NAME	PARTNER'S PRACTICE NO	YEARS IN PRACTICE	AREA OF SPECIALISATION

6. For the past financial year, please provide approximate percentages of total fees earned in the following categories of legal work:

- 6.2. Conveyancing
- 6.3. Commercial
- 6.4. Criminal
- 6.5. Debt collection
- 6.6. Estates – trustees executors administrators
- 6.7. Insurance
- 6.8. Investments
- 6.9. Liquidations
- 6.10. Marine
- 6.11. Matrimonial
- 6.12. Patents & Trademarks
- 6.13. Personal injury (RAF claims)

- 6.14. Medical malpractice
- 6.15. General litigation
- 6.16. Other (please specify any type of work that makes up a significant percentage of your fees)

SECTION 2

Risk Management Information

- 6. Do you have a dedicated risk management resource/ a person responsible for risk management and/or quality control?
- 7. Are all instructions recorded in a letter of engagement?
- 8. Does your practice screen prospective clients?
- 9. Do you assess whether or not you have the appetite, the resources and the expertise to carry out the mandate within the required time?
- 10. Has your firm registered all time barred matters with the LPIIF's Prescription Alert unit?
- 11. Are regular file audits conducted?
- 12. Is the proximity the prescription date taken into account when accepting new instructions and explained to clients?
- 13. Is a peer review system implemented in the firm?
- 14. Is advice to clients always signed off by a partner/ director?
- 15. Do you have a dual diary system in place for professionals and support staff?
- 16. Do you have a system that ensures that all diarised matters are attended to?
- 17. Is more than one contact number obtained for clients?
- 18. Are instructions, consultations and telephone discussions confirmed in writing?

19. Do you have a formal handover process when a file is transferred from one person to another within the firm?
20. Does your firm have documented minimum operating standards/ standard operating procedures?
21. Does your practice have effective policies on uniform file order?
22. Is there a formal structure and process for supervision of staff and delegation of duties?
23. Do you have a formal training program in place?
24. Does the training program include risk management training?
25. Are new background checks (including criminal records and professional history) conducted on new employees?
26. In respect of the financial functions, has an adequate system been implemented which addresses:
 - 26.1. segregation of duties;
 - 26.2. Checks and balances;
 - 26.3. The internal controls prescribed by Rule 54.14.7 with regards to the safeguarding of trust funds?
 - 26.4. Compliance with FICA and the investment rules?
 - 26.5. The verification of the payee banking details and any purported changes as required by Rule 54.13?
27. What other insurance policies does your firm have in place? (for example – cyber risk, misappropriation of trust funds, top-up professional indemnity, fidelity guarantee, commercial crime, public liability etc)

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28. Are you aware of the risks associated with cybercrime in general and risks associated with phishing/cybercams and the scams involving fraudulent instructions relating to the purported change of beneficiary banking details?

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Does your practice have appropriate insurance in place to cover cyber related claims (Cybercrime related claims are excluded from the Master Policy- see clause 16(o)? YES/NO

24. Does your practice have regular meetings of professional staff to discuss problem matters?

26. Does your practice have formal policies on file storage and retrieval? (Procedures to ensure that files are not lost or misplaced or overlooked) `

27. Have you read the Master Policy and are you (and all others in your practice) aware of the exclusions (including the cybercrime exclusion)?

28. Have you and your staff had regard to the risk management information published on the LPIIF website (<https://lpiif.co.za/risk-management-2/risk-management-tips/>)

NAME :

CAPACITY:

SIGNATURE:

DATE OF COMPLETION: