

## LAWYERS AVAILABLE TO ASSIST ARCHITECTS

### A CONSOLIDATED LIST OF LAWYERS FOR ARCHITECTS

Many architects calling Pro-Demnity for Risk Service advice are seeking legal advice without necessarily realizing it. Topics on which advice or comment has recently been sought include:

- Assistance with Fee Disputes including assistance with collection of outstanding accounts from clients
- Contract wording review – explanation of the legal implications of the wordings
- Support for negotiations of contract provisions with clients and subconsultants
- General business issues – lease agreements, real estate, joint ventures, mergers, record keeping
- Business structures – Incorporation, documentation etc.
- Partnership or shareholder agreements
- Acquisition of new partners, dissolution of partnerships, purchase and sale of shares,
- Transfer of projects to other architects – voluntary or otherwise
- Regulatory questions ...what does the *Architects Act* say about ...?
- Assistance with OAA complaints and discipline process – from either side of the issue
- Assistance with content of an Insurance Policy and/or comparison of content of policies
- Assistance with Contract Administration role – disputes, claims (*What should I do?*)
- Assistance with Bid Law questions – award of construction contracts
- Intellectual property questions – copyright, moral rights
- Workplace legislation issues

### PRO-DEMNITY'S LIMITATIONS

Pro-Demnity's Risk Services advisors are not qualified to provide legal advice (on any topic). Individuals employed in Pro-Demnity's in-house legal group are fully engaged providing the required defence to architects involved in litigation related to a claim. Accordingly, very often Pro-Demnity's Risk Services advice to an architect will be accompanied by a disclaimer to the effect that:

***Pro-Demnity cannot provide legal advice. It is strongly recommended that the (matter on which advice has been sought) and the observations that follow be referred to the firm's own lawyer.***

Where advice related to insurance requirements called for by a client or policy wording in a non-Pro-Demnity policy is sought the disclaimer might be:

***Pro-Demnity is not a registered insurance broker and cannot provide advice to the public related to the content of an insurance policy. We strongly recommend that these questions be directed to the broker offering the policy and / or a lawyer familiar with insurance policy wordings.***

Although these disclaimers offer appropriate advice, in many instances accepting and acting on the advice presents a challenge for the architect. In follow-up discussions, Pro-Demnity has found that many architects do not have ready access to a lawyer for assistance with legal concerns that arise in practice. This gap includes general legal assistance on many issues that are separate and distinct from the legal advice and services that would properly fall under Pro-Demnity's responsibilities as a professional liability insurer.

## **HELP FOR ARCHITECTS - WHO CAN YOU RECOMMEND?**

To help address this situation and answer the common question: "*Who could you recommend?*", Pro-Demnity is providing the names and contact information for a [list of lawyers](#) that Pro-Demnity knows are already familiar with architectural practice and the many issues that can arise in practice. Architects are encouraged to reach out to these professionals as a resource for their practice.

The advice to "*Consult a lawyer*" is usually triggered by an immediate concern that has prompted the architect to contact Pro-Demnity. However, the value of having a lawyer "on call" who is already familiar with your practice is much greater as indicated by the long list of topics at the beginning of this article. Having a lawyer available as a "go-to" resource can enhance and support essential business needs – collection of accounts, practice ownership considerations, dealing with "difficult" circumstances and people etc. Establishing a working relationship with a lawyer can provide you with more confidence, reducing stress and uncertainty respecting legal matters facing the practice.

## **WHO BENEFITS? - WHY PRO-DEMUNITY HAS ACTED**

From Pro-Demnity's perspective, it is hoped that timely access to legal advice for architectural practices may result in a "win-win" – fewer claims arising against architects for you and your colleagues to lose sleep over, and claims that are easier to manage and defend by Pro-Demnity when these do arise.

The accompanying [List of Lawyers](#) includes individuals who have confirmed their interest and availability to provide legal services to Ontario architects. All are familiar with the issues facing architects in practice, already have architects as clients or are providing legal advice to architects.

Some, but not all, have been retained by Pro-Demnity to act on insured architects' behalf in the defence of claims falling under the architect's professional liability insurance.

Those listed represent a cross-section of practice sizes, ranging from quite small to very large. In several instances, more than one individual from a single practice is included in the list based on Pro-Demnity's familiarity with the individuals and their experience.

## QUESTIONS TO ASK

Please note that there are many other well-qualified lawyers who act for architects / have architects as clients who are not included on this list, if only because Pro-Demnity is unaware of those relationships.

If you do reach out to a [lawyer on this list](#), do not hesitate to ask about other architectural or consulting engineering practices that the lawyer has as clients who you can contact as a reference.

Also, be sure to seek information about the fees charged by the individual, including any special or discounted rate, or additional resources the individual lawyer can call on that might apply to your firm and the services you may use.

And be sure to seek information about any other areas of special interest or expertise of the lawyer or their colleagues that might be of particular interest to areas of practice that your firm is involved with.

## IMPORTANT CONSIDERATIONS

Although Pro-Demnity has high regard for all the individuals on the list, Pro-Demnity IS NOT prepared to monitor, manage, or intervene in the business relationship between any architect or lawyer. Nor will Pro-Demnity assume the role of "Complaints Department" with respect to the unmet expectations of either architects or lawyers in their professional dealings.

The relationship between an architect and its lawyer is subject to confidentiality provisions that preclude the lawyer communicating with Pro-Demnity about the architect's practice without first obtaining permission from the architect.

Finally, although any of the lawyers on the list might be considered by Pro-Demnity as suitable for appointment to represent an architect in a claim defended by Pro-Demnity, the inherent conflict of interest will preclude the architect's own lawyer from being appointed by Pro-Demnity to represent the architect on a professional liability claim being managed by Pro-Demnity.

## LIST OF LAWYERS FOR ARCHITECTS

### **Mr. Eric Baum**

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