



LEGAL AID ONTARIO
AIDE JURIDIQUE ONTARIO

QUALITY ASSURANCE PROGRAM

TICKLER GUIDELINES AND PROCEDURE

NOTE: Although the QAP Steering Committee has not had an opportunity to review in detail the Tickler Guidelines and Procedure, it agrees in principle with this better practice, recognizing that it may not apply to all situations.

A tickler system is a requirement of the Law Society and the clinic's funding certificate. It reminds caseworkers of upcoming limitation dates, submissions, hearings and court appearances, dates for service of documents, and any other crucial matters involving a major degree of responsibility on the part of the lawyer. These crucial matters must be attended to within the required time limit.

The Advisory Service of the Law Society strongly recommends that one person, a tickler administrator, be designated to administer a centralized tickler system. A designated back-up person, in the event of the administrator's absence, supports the tickler administrator. While caseworkers should themselves track tickler dates by entry into a personal diary, someone else, namely the tickler administrator, should be charged with checking the ticklers daily, distributing them to the appropriate caseworker(s), and monitoring the status of the work tickled.

Although QAP strongly recommends the use of an electronic system due to its efficiency, a tickler system can be either manual or electronic. Regardless of which system a clinic uses, the critical element is that the system be pro-active: a person or mechanism is used to ensure the tickled matter is actively brought to the attention of the caseworker. A caseworker's desk diary is not sufficient for this purpose, since its effectiveness depends on the caseworker turning the page and seeing the diary entry. An electronic tickler system is pro-active and can be used to remind the caseworker continually of the tickled date until the matter is addressed and the tickler administrator so notified. Only on notification can the tickler reminder be removed from the system, or be "re-tickled" by the administrator if need be.

The centralized tickler system should have, in addition to a back-up tickler administrator, a back-up system; for example, the office administrator could use a four-month wall chart or a central desk diary as a back-up system, and each caseworker could use an individual back-up system such as a desk diary. These examples are intended as back-ups only, not as replacements for a tickler system, since they are not pro-active. If using an electronic system, a paper back-up will also safeguard against computer malfunction and potential loss of data. In

addition to a back-up system, each caseworker should have a back-up caseworker in the event a tickler date is due and the caseworker responsible is absent.

An electronic tickler system should be set-up so that both the caseworker and the tickler administrator are notified of the tickled date. When the tickler data is entered into the software program, a hard copy of the tickler should be printed and placed in a prominent, consistent place on the file. When the administrator and caseworker are notified of the tickler date electronically, a copy of this notification should be put in the file and the matter noted as completed or re-tickled if necessary with the appropriate entries made to the software program.

TICKLER SYSTEM PROCEDURE

1. This procedure is to be used for ticklers for limitation periods, appearances before courts and tribunals, submission of written legal arguments or other documents, service deadlines and other dates, which, if missed, could substantially prejudice the client.
2. A caseworker will clearly state on a file opening sheet or the summary advice record, whether or not a tickler is required. Files should not be opened until this information has been communicated to the support staff responsible for file openings. In the event a tickler is required, each caseworker must complete an electronic template tickler form for each file that requires a tickler and forward the completed form to the tickler system administrator (*insert name*) by e-mail.
3. On each tickler form, the following information must be provided:
 - client's name,
 - caseworker responsible/back-up lawyer,
 - file number,
 - subject matter,
 - tickle date - highlighted,
 - due date in big bold letters,
 - limitation date,
 - brief note explaining what must be done by these dates.

The Law Society recommends that, if necessary, there be three dates for each matter to be tickled.

- tickle date - one month prior to the limitation date,
 - due date - one week prior to the limitation date,
 - limitation date - one day prior to prescription day.
4. Each caseworker must record the tickler card information in his or her manual agenda, diary, bring forward system, or whatever is used as a back-up system, on the relevant dates.

5. The tickler form must record a back-up lawyer responsible for the file in the event of absence of the caseworker responsible. For example: Jawad Kassab is the back-up for Noelle Spotton.
6. The tickler administrator records the tickler form information in his or her own manual agenda or diary as well.
7. The tickler administrator has a back-up person (*insert name*) in case of his or her absence.
8. Once the tickler administrator receives a completed tickler form, s/he will place one copy in a prominent, consistent place in the file and enter another copy in the tickler system on the date that it is to be brought forward and dealt with by the caseworker.
9. Each day, the tickler administrator will identify the ticklers that are due for that day and bring them to the attention of the responsible caseworker. The caseworker will acknowledge receipt by initialing, dating and returning the tickler or by setting a new tickle date by the end of that same day. If the tickler administrator does not receive an acknowledgment by the end of the day, the tickler administrator must approach the caseworker to find out why the tickler has not been acknowledged. If a new tickler date is set by the caseworker, the tickler administrator will enter that new date into the system, following the procedure outlined above.
10. The acknowledged tickler and its status should be placed in the file, as evidence that the tickled matter was addressed by the deadline specified.
11. During file reviews, the supervising lawyer should ensure that all matters requiring ticklers have been appropriately tickled.

Attached to these tickler guidelines are two appendices outlining electronic and manual tickler system procedures. Appendix A consists of a manual tickler system through use of paper tickler forms.

NOTE: QAP has precedents procedures for the use of electronic tickler systems: the STATS program and the Microsoft Outlook Tasks program. Since the STATS program continues to have technical problems and the Microsoft Outlook Tasks program has not been used extensively in the clinic system, QAP did not feel that it was appropriate to include these as better practices. However, if a clinic is interested in either document as a precedent, it should contact QAP.

While Microsoft Outlook is a more user-friendly model than the STATS program, a clinics using this program should have a testing period during which the clinic would continue to use a manual system at the same time until the clinic had an opportunity to determine its reliability. QAP would be very interested in feedback from clinics that use the Microsoft Outlook Task program for this purpose.

BRING FORWARD SYSTEM

In addition to the clinic having a centralized tickler system, a clinic ought to have a bring forward system for matters important to file management as well as clinic administration. Matters such as timely requests for medical reports, client communications on dormant files, case file follow-up, funding application deadlines, caseworker file reviews, and Law Society membership fee payments ought to have bring forward dates. Each clinic ought to create two specific lists, depending on the nature of the clinic's practice, one for matters to be entered into the bring forward system and another for matters to be entered into the tickler system. Individual clinic staff should be held responsible for their own bring forward dates, using an electronic or manual system that meets his/her needs. Some clinics, depending on the system they adopt, may choose to designate a support staff member as a bring forward "administrator", responsible for inputting all bring forward information and alerting a caseworker or support staff of a bring forward date. Clinics which operate with the aid of students - or function based on legal teams or divisions - may find it beneficial to designate a support staff as a "bring forward" administrator for a particular group of students or team.

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APPENDIX A

Manual Tickler System – Law Society of Upper Canada

1. The tickler administrator, on being notified of a tickler date by the caseworker, will complete a tickler form, print two copies of the completed tickler form and place the first copy in a prominent, consistent place in the file. Use can be made of a Dye and Durham carbon copied tickler form.
2. The second copy of the completed tickler form is stored in a box divided by day and month. See attached, Manual system – Law Society of Upper Canada, Practice Advisory Service (pp.18 - 22).
3. On each date tickled, the tickler administrator will bring the tickler card to the responsible caseworker and ask the caseworker to initial, date, and return the card when the task is completed. It is the responsibility of the caseworker to do so and to return the initialed, dated card that same day. If the tickler administrator does not receive the initialed, dated card by the end of the day, the tickler administrator must come back to the caseworker to find out why the card has not been returned. If a new date is set by the caseworker, the tickler administrator will enter that date into the system, following the procedure outlined above.
4. The completed tickler card should be placed in the file, as evidence that the task was done by the deadline specified.
5. When the matter tickled is complete, the caseworker should notify the administrator whether there is another deadline to be met (e.g. after filing documents, is there a date for service to be tickled?). If there is, the procedure outlined above should be followed. In this way, all critical deadlines will be tickled, and the risk of missing such a deadline greatly reduced.

ADVISORY SERVICES

LIMITATION REMINDER OR TICKLER SYSTEMS

November 2000

There are manual and computertized limitation reminder or tickler systems that will aid lawyers in meeting their obligations under the *Rules of Professional Conduct*. Notably, Rule 2.01(1) includes performance of all functions in a timely manner in its definition of a competent lawyer. Commentary to Rule 2.01(2) refers to "records, systems or procedures of the member's practice" in discussing standards of professional competence. Additionally, Rule 6.03(6) requires lawyers to be "punctual in fulfilling all commitments." The computerized systems need to be proactive, in that they bring to the lawyer's attention any limitations or tasks to be completed on their due dates and keep these items on the system until they have been completed. It is prudent when using a computerized system to back-up the information daily to avoid negligence claims in the event that the electronic information is damaged or lost.

Detailed below is a comparatively simple method of compiling and using a manual central limitation or tickler system for abeyance control. Whether the system is manual or computerized, it is strongly recommended that a central system be used for matters involving a major degree of responsibility on the part of the lawyer if they are not attended to within the required time limit. A manual system should be used in conjunction with a desk diary.

1. Required to start a manual limitation or tickler system are:
 - (a) A card index box to house cards 3 inches x 5 inches. The depth of the box can best be determined by the number of persons utilizing the system. These can be purchased in single units and stack conveniently if more than one is required.
 - (b) A supply of cards 3 inches x 5 inches to fit the box.
 - (c) A set of 3 inch x 5 inch coloured index cards *with tabs*, one for each month of the year together with a set of 1-31 cards. For a larger firm, it may be advisable to have a set of 1-31 cards for each month of the year. As some limitation periods extend from one year to the next - or longer - additional provision should be made for the following years.

2. Diary cards should be completed as follows:-
 - (a) Name of the client.

- (b) Description of subject matter and service required.
- (c) File number.
- (d) Name of lawyer responsible for the matter.
- (e) A clear note of the deadline date by which the matter is to be *completed*.
- (f) The day, month and year on which the matter is to be *attended to*. This should be at least one month prior to the limitation deadline.
- (g) A note of any follow up for confirmation of completion of the required service that may be necessary.

Some tickler slips can be purchased in duplicate. If these cards are used, one copy goes in the system and one in the file. When the duplicate tickler slip is used, if the task is completed prior to the tickler date, the file copy of the tickler will give the tickler date so that tickler can be pulled from the system to avoid duplication of the task.

<u>Limitation Date</u>	<u>File No.</u>
<u>Client's Name</u>	
<u>Subject</u>	
<u>Lawyer</u>	
<u>Schedule Initiated: Day</u>	<u>Month</u>
	<u>Year</u>
<u>Notes</u>	
<u> </u>	
<u> </u>	

3. The completed card should be initialled by the lawyer when he/she has approved the information and directions thereon and should then be filed in the Limitation or Tickler System.

4. One person should be appointed to control the Limitation or Tickler System with a specified deputy to act in the absence of the person primarily responsible. No cards should be inserted or withdrawn from the system except by the person responsible or, in his/her absence, the deputy.
5. Diary reminding will be accomplished by delivery of the diary card to the lawyer responsible or the lawyer carrying his/her work in his/her absence.
6. Diary cards can be delivered daily which is recommended as it spreads the workload, weekly or monthly in advance or otherwise as is deemed appropriate.
7. When the diary clerk removes cards for distribution he or she will distribute the cards to the lawyers responsible for the matters involved. In firms where there are number of lawyers, the diary clerk should photocopy the card and file them in a separate loose-leaf folder as a record of distribution.
8. Once the task has been accomplished as noted on the diary card, the lawyer responsible should note completion on the file copy. In firms where there are a number of lawyers, a notation should be made on the original and returned to the diary clerk to be attached to the photocopy.
9. The diary clerk should also be made responsible for making periodic checks before the deadline date to find out if the matter has been suitably completed. When assured that this has been done, the diary clerk will note, on the photocopy, the date this confirmation has been received and initial the entry.
10. Appropriate directions should be given to the diary clerk for bringing to the attention of the managing partner or other responsible person matters calling for completion in respect of which confirmation (see 8 & 9) has not been received.
11. Again once the task has been accomplished as noted on the diary card, follow the procedure in paragraph 8.
12. When a statement of claim has been issued but is not being served immediately a second card should be prepared showing the day, month and year by which the statement of claim *must* be served.

All the precautions and procedures in paragraph 3 to 9 should again be followed assiduously to avoid missing the deadline date for service.

It is advisable not just to make one card for limitation reminders but three, as follows: -

- (i) one month before expiry
- (ii) one week before expiry
- (iii) one day before expiry.

The Limitation or Tickler System can also be used for reminder purposes for other matters, e.g., correspondence, annual Law Society filings, etc.

Desk Diary

It is recommended that in conjunction with a manual Limitation or Tickler System the member should maintain his/her own Daily Desk Diary or where he/she can record reminders to act on limitation periods that expire within the calendar year, and, on the blank pages that usually follow the calendar year for Desk Diaries, the dates of reminders for limitations expiring during the following year or years. The latter can be transferred to the following year's Desk Diary and so on to provide additional protection from the risk of missing a limitation.PR/revised RS

TICKLER SLIP SAMPLES

(TICKLER DATE COPY)	DATE INITIATED: <u>7</u> <u>Sept.</u> <u>1997</u>
TICKLER DATE:	Day <u>5th</u> Month <u>Oct.</u> Year <u>1997</u>
DUE DATE:	Day <u>8th</u> Month <u>Oct.</u> Year <u>1997</u>
CLIENT:	<u>BROWN, Mr. & Mrs. John T.</u> File No. <u>97-1811</u>
LAWYER(S) RESPONSIBLE:	<u>A.T.M.</u>
COMMENTS:	<u>Check search - send letter of</u> <u>requisitions - note follow up date</u> <u></u>

Brown, Mr. & Mrs. John T.

#97-1811

1023 Purchase from Mr. & Mrs. Adam Green
Osgoode Street, Bondville

REQUISITIONS - OCTOBER 5, 1997

CLOSING - OCTOBER 29, 1997

Sept.29/97 - Check tax certificate

- Building clearance

- Review Search

- Prepare requisition letter

Oct.14/97 - Review closing documents

Oct.18/97 - Check for statement of adjustment

COPIES OF SAMPLE DIVIDER CARDS

