



NOVA SCOTIA BARRISTERS' SOCIETY

TRUST ACCOUNT REPORT

NSBS Office Use Only

__ \$10,000
__ More than one year
__ UTFA

PART A — LAWYER'S/LAW FIRM'S REPORT

(in accordance with Part 4 and Part 10 of the Regulations of the *Legal Profession Act (LPA)*)

Filing Instructions:

- A. The Trust Account Report must be **received** in the Society's offices within three months immediately following the lawyer's or firm's fiscal year-end [Regulation 4.2.2. & 7.2.1]. **The penalty for late filing is automatic suspension [Regulation 4.1].**
- B. A lawyer or firm must complete Part A in full and have it signed and dated by the authorized member(s) before forwarding it to the accountant completing Part B. On return of Parts A and B of the form, the authorized member(s) is/are to complete Part C and forward all Parts of the Form to the Society, together with any explanation of exceptions noted.
- C. If space is insufficient, please attach schedules giving the information requested.
- D. For "we" read "I" throughout where appropriate.
- E. Submit the completed form to:

The Executive Director, Nova Scotia Barristers' Society, 1101-1645 Granville Street, Halifax, NS B3J 1X3

This Report is for the: Sole Practice of: _____

The Law Firm of: _____

Telephone _____

This report covers the period from _____, to, _____.

The fiscal year end of this practice is _____.

The accountant's work for preparation of Part B of this form was done pursuant to a written engagement dated _____.

Accounting records are maintained primarily by:

Full-time bookkeeper Part-time bookkeeper Accounting firm Secretary/bookkeeper Law firm's principal(s)

Name of person(s) maintaining accounting records: _____

Position/Designation/Office of the person(s): _____

The nature of the accounting system is mainly:

Manual <input type="checkbox"/>	Computer In-house <input type="checkbox"/>	Name of software used to maintain computerized trust records: <i>(if applicable)</i> _____
One-write <input type="checkbox"/>	Computer Service Bureau <input type="checkbox"/>	

During the period covered by this report, the following are all the general trust accounts we maintained. Please indicate if an account was opened or closed during this period (attach additional sheet if necessary).

Account – Financial Institution and Number	Opened – Date	Closed – Date

At the end of the period covered by this report, the following are all the specific trust accounts and interest-bearing trust investments we maintained (*attach additional sheet if necessary*):

Financial Institution Name	Branch Account Number or other identifier

The following are the signing officers on the general and specific trust accounts at the end of the period covered by this report (*attach additional sheet if necessary*):

Financial Institution Name	Branch Account Number	Signing Officers and Position With Firm

Have there been any changes in the signing authority during the period covered by this report? YES NO

If yes, explain _____

Please check the applicable boxes for the following requirements and questions:

Books and Records:

Regulation	Requirement	Maintained		Posted Currently 10.2.2(a)	
	We maintain:				
10.2.1(a)	a book of original entry showing the date of receipt and source of trust money for each client and identifying the client on whose behalf to trust money is received;	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
10.2.1(b)	a book of original entry showing all disbursements out of trust money for each client and showing each cheque number, the date of each disbursement, the name of each recipient, and identifying the client on whose behalf the disbursement is made;	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
10.2.1(c)	a clients' trust ledger showing separately for each person on whose behalf trust money has been received, all such money received and disbursed and any unexpended balance;	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
10.2.1(d)	a record showing all transfers of money between clients' trust ledger accounts explaining the purpose for each; <input type="checkbox"/> N/A	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
10.2.1(e)	a book of original entry or data source showing the date of receipt and source of all money received other than trust money;	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
10.2.1(f)	a book of original entry or data source showing all disbursements of money other than trust money and showing each cheque or voucher number, the date of each disbursement and the name of each recipient;	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
10.2.1(g)	a book, data source or chronological file with copies of billings showing all fees charged and other billings to clients, the dates such charges are made and identifying the clients so charged;	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
10.2.1(h)	a record showing a comparison made monthly of the total of balances held in all trust accounts and the total of all unexpended balances of funds held in trust for clients as they appear from the books and records together with the reasons for any differences between the totals and supported by: (i) a detailed listing made monthly showing the amount of trust money held for each client and identifying each client for whom trust money is held, and;	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
10.2.1(i)	(ii) a detailed reconciliation made monthly of each trust account in a financial institution; a record showing all trust property (other than trust funds) held in trust from time to time for all clients, and identifying the client on whose behalf the property is held; <input type="checkbox"/> N/A	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
10.2.1(j)	bank statements or pass books, cashed cheques and detailed deposit slips for all trust and general accounts;	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
10.2.2(b)	The entries in the books, records, and data sources are securely preserved for at least seven (7) years.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Banking:

Question

10.3.1	Was all trust money deposited within one banking day of receipt?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
10.3.1(a)	Was all trust money deposited in an account designated as a trust account?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
10.3.1(b)	Was the trust account kept in the name of the practising lawyer or law firm?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
10.3.1(c)	Was the trust account kept at a financial institution as defined in subregulation 10.1.1?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
10.3.1(d)	Does the trust account bear interest which is computed and payable as required by the Society?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
10.3.3	In the case of funds electronically transferred into the lawyer's or firm's trust account, was written confirmation obtained from the lawyer's financial institution within one banking day of receipt?	<input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
10.3.5	Were the funds deposited to the trust account only those described in subregulation 10.3.5?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
10.3.7	At any time during the year were personal (or office operating) funds deposited to the trust account?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
	Were all trust funds held within the Province of Nova Scotia?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
10.3.8	If no, were these funds held outside the province in accordance with written instructions provided by the client?	<input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
4.4	Did any lawyer in the law firm receive or accept \$7,500 or more in currency (cash) in the course of a single transaction?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Withdrawals:

10.4.1	Was all money due the lawyer/law firm promptly removed from the trust account?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	Was all money withdrawn from a trust account in accordance with Regulation 10.4.2, namely:		
10.4.2(a)	money required for payment to, or on account of, a client from funds held on account of the client in the trust account;	<input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
10.4.2(b)	money properly required for or toward payment to a lawyer for services authorized by the client in respect of which a billing or other written notification has been prepared and the lawyer has taken steps to have it transmitted;	<input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
10.4.2(c)	money required for payment of disbursements made or liabilities incurred on account of a client;	<input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
10.4.2(d)	money that is directly transferred into another trust account and held on behalf of a client;	<input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
10.4.2(e)	money that was deposited inadvertently into a trust account in contravention of the regulations?	<input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
10.4.2	Were funds withdrawn from a client's trust account greater than the client had to its credit?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Withdrawal by Cheque and Transfers:

10.4.4	Was money withdrawn or transferred from the trust account only by:		
10.4.4(a)	a cheque;	<input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
10.4.4(b)	an electronic funds transfer in accordance with subregulation 10.4.7?	<input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
10.4.4(c)	a wire transfer in accordance with subregulations 10.4.9?	<input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
10.4.4(d)	a direct debit withdrawal by the Government of Nova Scotia in accordance with subregulations 10.8.1 through 10.8.9	<input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	Was every cheque drawn on the trust account:		
10.4.5(a)	marked as Trust cheque;	<input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
10.4.5(b)	payable to a named payee;	<input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
10.4.5(d)	signed by at least two persons;		<input type="checkbox"/> Yes <input type="checkbox"/> No
10.4.6	If no – does the practising lawyer practice alone and without another practicing lawyer?	<input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
10.4.5(e)	signed by a least one practising lawyer;		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
10.4.5(f)	released from the lawyer's office only after the lawyer or law firm was in possession of funds for the credit of the client on whose behalf the cheque is drawn?	<input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	In the case of withdrawal by electronic funds transfer (EFT):		
10.4.7(a)	does the electronic funds transfer system require a password or access code;	<input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
10.4.7(b)	does a lawyer maintain the password;	<input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
10.4.7(c)	does the electronic funds transfer system produce the written confirmation as required by subregulation 10.4.7(d);	<input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

10.4.7(e)	for each withdrawal via EFT was an EFT requisition in a form approved by the Society completed and signed?	<input type="checkbox"/> N/A	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
10.4.8	Was the confirmation required by 10.4.7(c) produced, compared to the requisition required by subregulation 10.4.7(e), and signed and dated by the lawyer?	<input type="checkbox"/> N/A	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
In the case of withdrawal by wire transfer:				
10.4.9(a)	Were written instructions delivered to the lawyer's financial institution in accordance with regulation 10.4.9(a)?	<input type="checkbox"/> N/A	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
10.4.9(b)	Were the written instructions signed by a practising lawyer and one other person?	<input type="checkbox"/> N/A	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	If no – does the practising lawyer practice alone and without another practicing lawyer?	<input type="checkbox"/> N/A	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
10.4.9(d)	Do you have arrangements in place to produce the written confirmation as required by subregulation 10.4.9(d)?	<input type="checkbox"/> N/A	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
In the case of direct debit by the Government of Nova Scotia:				
10.8.6.1	Has the (a) lawyer maintained control and confidentiality over her/his personal password used to authorize payment of registration fees and deed transfer tax?	<input type="checkbox"/> N/A	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
10.8.8.1	Was the Notification of e-Submission Receipt printed, confirmed, annotated, and maintained in accordance with regulation 10.8.8.1?	<input type="checkbox"/> N/A	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
10.8.8.2	Was the E-Submission Pre-Authorized Payment Notice printed, reviewed and maintained in accordance with regulation 10.8.8.2?	<input type="checkbox"/> N/A	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
10.4.10	Did anyone make a withdrawal from any of the firm's trust accounts by way of a debit card or similar instrument?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
10.4.11	At all times was a balance on deposit maintained in each trust account which, together with undeposited trust money, was sufficient to meet all obligations with respect to monies held in trust for each client?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
10.5.1	Were all overdrafts in any trust account immediately reported to the Executive Director?	<input type="checkbox"/> N/A	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Required Information:

1. How many debits (either cheques or other withdrawals) were processed through your trust account during the period covered by this report? (The number of debits is typically listed on the bottom of each bank statement) _____
2. Regarding the general trust accounts operated by the firm, does the firm provide each financial institution with an annual report as required by the Canadian Deposit Insurance Corporation's regulations to ensure that each client's funds, rather than the account itself, are insured up to the limit of CDIC insurance? Yes No
3. We are aware of the provisions of s.30(5) of the LPA with respect to funds held in trust for more than 30 days. Yes No
4. In circumstances where s.30(5) applies, have you advised all affected clients that such funds can be held in a specific trust account with the interest credited to the client? N/A Yes No
 If "Yes" is the advice documented? N/A Yes No
5. At the time of this review, is there an amount greater than \$10,000 relating to a single transaction being held in the general trust account that has been there for more than 90 days? Yes No
 If "Yes" please provide details on a separate sheet.
6. At the time of this review, are you holding any balances in the trust account when, for more than one year, there has been no activity? Yes No
 Please provide a list of such balances greater than \$1,000.
7. Are you holding in trust any funds for which the purpose of the trust cannot be fulfilled and the trust funds cannot be distributed [see *Public Trustee Act* s.28(1)]? Yes No
 If "Yes" please provide a list.
8. On the last reconciliation for the year, were there any stale dated cheques (i.e. outstanding for more than 6 months)? Yes No
 If "Yes" please attach a listing of the stale dated cheques including dates and amounts
9. Is this a FINAL Trust Account Report? Yes No
 If "Yes" please include a confirmation from your bank(s) that the Trust Account(s) is(are) closed.

Please provide an explanation for any exceptions (shaded checkboxes) reported in this part of the report. **Explanations provided for any exception are taken into consideration during the Society's review of your report and may minimize the need for follow-up.**

CERTIFICATION AND AUTHORIZATION – SIGNING AUTHORITY

To be completed by:

- (a) a sole practitioner; or
- (b) when there are four or more lawyers in a firm, by four lawyers with signing authority on any trust account; or
- (c) when there are three or fewer lawyers in a firm, by all lawyers in the firm

Certification

We hereby certify to the Nova Scotia Barristers' Society that:

	Initial(s) of Signatories
We have been authorized on behalf of all the members in the firm to complete this form.	_____ _____
We have provided the reporting accountant completing Part B of this Trust Account Report with a record for each client from or on whose behalf we or the firm received any money or other valuable property in trust during the period under review.	_____ _____
We have provided the reporting accountant with whatever information and explanations were required.	_____ _____
To the best of our knowledge and belief, the books, records and accounts maintained in connection with the practice and produced for the accountant's engagement fully disclose all trust obligations to clients.	_____ _____
Within the past 12 months, we have read and are familiar with Section 30 of the <i>Legal Profession Act</i> , Part 4 and Part 10 of the Regulations under the <i>Legal Profession Act</i> and Section 28 of the <i>Public Trustees Act</i> .	_____ _____
We confirm that we are in compliance with the Society's regulations regarding Client Identification <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	_____ _____
If No, we confirm that the nature of our practice does not require us to identify clients.	_____ _____
No matters have arisen subsequent to the period covered by this report, which had they occurred during the said period, would have been reported as an exception to the regulations referred to above. Attach schedule explaining any matters that have arisen if necessary.	_____ _____
The information contained in this report is true and correct to the best of our knowledge and belief.	_____ _____

Authorization

We hereby:

- (a) authorize the Nova Scotia Barristers' Society to make available to the Law Foundation of Nova Scotia the account numbers of all general trust accounts listed in Part A of Trust Account Report together with the names and branch addresses of the institutions in which the accounts are maintained;
- (b) consent to all financial institutions with general or specific trust accounts of the firm to disclose to the Nova Scotia Barristers' Society occasions on which any of the trust accounts have been subject to a deficiency, shortfall or overdraft;
- (c) irrevocably direct the accountant completing Part B of this form to immediately report in writing to the Nova Scotia Barristers' Society any apparent shortfall in any trust account in excess of \$100 which exists at the time of the accountant's engagement or, if the total of all trust liabilities to all clients exceeds by more than \$100 the total of all monies on deposit in all trust bank accounts, we expressly waive any confidentiality that may attach to such information in the possession of our accountant.

Signature of member

Signature of member

Name of member (please print)

Name of member (please print)

Signature of member

Signature of member

Name of member (please print)

Name of member (please print)

Date



NOVA SCOTIA BARRISTERS' SOCIETY

TRUST ACCOUNT REPORT

PART B — ACCOUNTANT'S REPORT

If the space provided on this Form is not sufficient, please attach schedules giving the information requested.
TO: The Executive Director, Nova Scotia Barristers' Society, 1101-1645 Granville Street, Halifax, NS B3J 1X3

With respect to certain books, records and accounts maintained in connection with :

[] Sole Practice of: _____

[] The Law Firm of: _____

Initial of Accountant

I have followed the minimum procedures in accordance with the "Engagement for Accountants" published by the Nova Scotia Barristers' Society.

Within the past 12 months I have reviewed and am familiar with Section 30 of the Nova Scotia Legal Profession Act and Part 4 and Part 10 of the Regulations under the Act.

I received and reviewed the completed Part A of this form before I commenced work on this Part B. (If you did not receive a completed Part A, please provide an explanation.)

I have been irrevocably directed in completing Part B of this Trust Account Report to immediately report in writing to the Nova Scotia Barristers' Society any apparent shortfall in any trust account in excess of \$100 which exists at the time of my engagement or, if the total of all trust liabilities to all clients exceeds by more than \$100 the total of all monies on deposit in all trust bank accounts.

Four horizontal lines for the Initial of Accountant.

Read "we" for "I" where appropriate.

The accountant's work for preparation of Part B of Trust Account Report was done pursuant to a written engagement dated _____.

During my engagement I conducted my fieldwork at the place of business of the member/firm. [] YES [] NO

If "No," explain _____

My fieldwork for this engagement was completed on _____ (date).

This report is for the trust account reporting period from _____, to _____, _____.

I am informed by the member/firm that I have been provided with the member's/ firm's records of all general trust accounts, all specific trust accounts and for other valuable property held in trust by the member or firm during the period covered by this report. _____ (Initials)

I am informed by the member/firm that all trust accounts and other valuable property referred to in 6(a), were held in Nova Scotia unless there were written instructions from the client to the contrary [Reg. 10.3.8 (LPA)]. _____ (Initials)

In accordance with the minimum procedures, I have reviewed _____ (#) files (i.e. single transaction files) which involved trust money maintained in the general trust accounts, specific trust accounts, or other valuable property. (If fewer than the required minimum number of files was reviewed, please explain.)

I was refused access to review _____ (#) files.

Describe the methodology used to select the files noted above _____

Three horizontal lines for describing the methodology used to select files.

For the files referred to above, and for the other records and trust accounts reviewed in accordance with the minimum procedures outlined in the Nova Scotia Barristers' Society's "Engagement for Accountants," I can advise as follows:

Please check the applicable boxes for the following requirements and questions:

Regulation	Requirement	Maintained	Posted Currently
	The lawyer/law firm maintain(s):		
10.2.1(a)	a book of original entry showing the date of receipt and source of trust money for each client and identifying the client on whose behalf to trust money is received;	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
10.2.1(b)	a book of original entry showing all disbursements out of trust money for each client and showing each cheque number, the date of each disbursement, the name of each recipient, and identifying the client on whose behalf the disbursement is made;	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
10.2.1(c)	a clients' trust ledger showing separately for each person on whose behalf trust money has been received, all such money received and disbursed and any unexpended balance;	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
10.2.1(d)	a record showing all transfers of money between clients' trust ledger accounts explaining the purpose for each; <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
10.2.1(e)	a book of original entry or data source showing the date of receipt and source of all money received other than trust money;	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
10.2.1(f)	a book of original entry or data source showing all disbursements of money other than trust money and showing each cheque or voucher number, the date of each disbursement and the name of each recipient;	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
10.2.1(g)	a book, data source or chronological file with copies of billings showing all fees charged and other billings to clients, the dates such charges are made and identifying the clients so charged;	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
10.2.1(h)	a record showing a comparison made monthly of the total of balances held in all trust accounts and the total of all unexpended balances of funds held in trust for clients as they appear from the books and records together with the reasons for any differences between the totals and supported by: (i) a detailed listing made monthly showing the amount of trust money held for each client and identifying each client for whom trust money is held, and; (ii) a detailed reconciliation made monthly of each trust account in a financial institution;	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
10.2.1(i)	a record showing all trust property (other than trust funds) held in trust from time to time for all clients, and identifying the client on whose behalf the property is held; <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
10.2.1(j)	bank statements or pass books, cashed cheques and detailed deposit slips for all trust and general accounts;	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	Question		
10.3.1	Was all trust money deposited within one banking day of receipt?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
10.3.1(a)	Was all trust money deposited in an account designated as a trust account?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
10.3.1(b)	Was the trust account kept in the name of the practising lawyer or law firm?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
10.3.1(c)	Was the trust account kept at a financial institution as defined in subregulation 10.1.1?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
10.3.1(d)	Does the trust account bear interest which is computed and payable as required by the Society? <input type="checkbox"/> Unable to Confirm		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
10.3.3	In the case of funds electronically transferred into the lawyer's or firm's trust account, was written confirmation obtained from the lawyer's financial institution within one banking day of receipt? <input type="checkbox"/> N/A		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
10.3.5	Were the funds deposited to the trust account only those described in subregulation 10.3.5?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
10.3.7	At any time during the year were personal (or office operating) funds deposited to the trust account? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
10.3.8	Were all trust funds held within the Province of Nova Scotia? If no, were these funds held outside the province in accordance with written instructions provided by the client? <input type="checkbox"/> N/A		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
4.4	Did any lawyer in the law firm receive or accept \$7,500 or more in currency in the course of a single transaction? <input type="checkbox"/> Unable to Confirm		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

10.4.1	Was all money due the lawyer/law firm promptly removed from the trust account?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	Was all money withdrawn from a trust account in accordance with Regulation 10.4.2, namely:		
10.4.2(a)	money required for payment to, or on account of, a client from funds held on account of the client in the trust account;	<input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
10.4.2(b)	money properly required for or toward payment to a lawyer for services authorized by the client in respect of which a billing or other written notification has been prepared and the lawyer has taken steps to have it transmitted;	<input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
10.4.2.(c)	money required for payment of disbursements made or liabilities incurred on account of a client;	<input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
10.4.2(d)	money that is directly transferred into another trust account and held on behalf of a client;	<input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
10.4.2(e)	money deposited in the trust account by mistake, accident or which belongs to the member or firm;	<input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
10.4.2(f)	money that was deposited inadvertently into a trust account in contravention of the regulations?	<input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
10.4.2	Were funds withdrawn from a client's trust account greater than the client had to its credit?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
10.5.1	In the case of an overdraft where regulation 10.5.1 applies, I have seen evidence of the lawyer's report to the Executive Director.	<input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<hr/>			
10.4.4	Was money withdrawn or transferred from the trust account only by:		
10.4.4(a)	a cheque;	<input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
10.4.4(b)	an electronic funds transfer in accordance with subregulation 10.4.7?	<input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
10.4.4 (c)	a wire transfer in accordance with subregulations 10.4.9?	<input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
10.4.4 (d)	a direct debit withdrawal by the Government of Nova Scotia in accordance with subregulations 10.8.1 through 10.8.9	<input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	Was every cheque drawn on the trust account:		
10.4.5(a)	marked as Trust cheque;	<input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
10.4.5(b)	payable to a named payee;	<input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
10.4.5(d)	signed by at least two persons;		<input type="checkbox"/> Yes <input type="checkbox"/> No
10.4.6	If no – does the practising lawyer practice alone and without another practicing lawyer?	<input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
10.4.5(e)	signed by a least one practising lawyer;		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
10.4.5(f)	released from the lawyer's office only after the lawyer or law firm was in possession of funds for the credit of the client on whose behalf the cheque is drawn?	<input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	In the case of withdrawal by electronic funds transfer (EFT):		
10.4.7(a)	does the electronic funds transfer system require a password or access code;	<input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
10.4.7(b)	does a lawyer maintain the password;	<input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
10.4.7(c)	does the electronic funds transfer system produce the written confirmation as required by subregulation 10.4.7(d);	<input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
10.4.7(e)	for each withdrawal via EFT was an EFT requisition in a form approved by the Society completed and signed?	<input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
10.4.8	Was the confirmation required by 10.4.7(c) produced, compared to the requisition required by subregulation 10.4.7(e), and signed and dated by the lawyer?	<input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	In the case of withdrawal by wire transfer:		
10.4.9(a)	Were written instructions delivered to the lawyer's financial institution in accordance with regulation 10.4.9(a)?	<input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
10.4.9(b)	Were the written instructions signed by a practising lawyer and one other person?	<input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	If no – does the practising lawyer practice alone and without another practicing lawyer?	<input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
10.4.9(d)	Does the lawyer have arrangements in place to produce the written confirmation as required by subregulation 10.4.9(d)?	<input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	In the case of direct debit by the Government of Nova Scotia:		
10.8.6.1	Has the (a) lawyer maintained control and confidentiality over her/his personal password used to authorize payment of registration fees and deed transfer tax?	<input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
10.8.8.1	Was the Notification of e-Submission Receipt printed, confirmed, annotated, and maintained in accordance with regulation 10.8.8.1?	<input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
10.8.8.2	Was the E-Submission Pre-Authorized Payment Notice printed, reviewed and maintained in accordance with regulation 10.8.8.2?	<input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

- 10.4.10 Did anyone make a withdrawal from any of the firm's trust accounts by way of a debit card or similar instrument? Yes No
- 10.4.11 At all times was a balance on deposit maintained in each trust account which, together with undeposited trust money, was sufficient to meet all obligations with respect to monies held in trust for each client? Yes No
- At the time of this review, is there an amount greater than \$10,000 relating to a single transaction being held in the general trust account that was held in trust 90 days prior? Yes No
- On the last reconciliation for the year, was there at least one stale dated cheque (outstanding for more than six months)? Yes No

Based on questions above, the following are the exception(s) that were noted:

The minimum procedures set out in the Nova Scotia Barristers' Society's "Engagement for Accountants" do not constitute an audit of the firm's records and would not necessarily reveal any material errors, fraudulent action or fraudulent activities. Therefore I express no opinion on the accuracy or completeness of the trust or accounting records.

I spent _____ hours completing this Trust Account Report.

In addition to this Trust Account Report, I/my firm also provides other services to this lawyer/law firm. YES NO

If YES, please describe other services _____

Signature of public accountant

Name of public accountant (please print – must be a natural person)

Name of Firm (please print)

Telephone

Address

City

Province

Postal Code

Dated at _____ Nova Scotia, this _____ day of _____, _____.

Part B of the Trust Accounts Report may be signed ONLY by a public accountant licensed under the *Public Accountants Act* of Nova Scotia.



NOVA SCOTIA BARRISTERS' SOCIETY

TRUST ACCOUNT REPORT

PART C — LAWYER'S REVIEW OF ACCOUNTANT'S REPORT

(To be completed after receiving and reviewing the completed Part B)

This part is to be completed and signed by:

- (a) a sole practitioner, or
- (b) the lawyers who signed Part A of Trust Account Report.

Please state reasons why the accountant was denied access to _____ (#) files: N/A

The following is my (our) explanation of each exception noted by the reporting accountant on Trust Account Report. **Explanations provided for any exception are taken into consideration during the Society's review of your report and may minimize the need for follow-up.**

We agree with the completed Accountant's Report (Part B of Trust Account Report); YES NO *(If no, attach reasons)*

The information contained in this Trust Account Report is correct to the best of our knowledge and belief.

Signature of member

Signature of member

Name of member (please print)

Name of member (please print)

Signature of member

Signature of member

Name of member (please print)

Name of member (please print)

Date

ENGAGEMENT FOR ACCOUNTANTS – Trust Account Report

ENGAGEMENT – The accountant’s engagement for completing the Trust Account Report **must** be in writing. A sample engagement letter is attached.

PURPOSE

The Trust Account Report is the means by which the Nova Scotia Barristers’ Society may determine whether or not:

- (1) the member or firm has an adequate system for recording all financial transactions of the law practice in order to comply with the Regulations of the Nova Scotia Barristers’ Society;
- (2) the system referred to in (1) is being properly used by the member or firm;
- (3) there were no contraventions of Section 29 -31 of the *Legal Profession Act* or Regulations Part 4 and Part 10 of that act;
- (4) the member or firm has properly maintained trust accounts for the law practice in accordance with the requirements of Section 29-31 and Regulations Part 10.

FORM

The pre-printed Trust Account Report or a computer generated version of the Form must be used in reporting to the Society. A copy of the Trust Account Report may be downloaded from the Society’s website <http://www.nsbs.ns.ca>. If space on the Form is insufficient, a reference on it should be made to accompanying remarks. Where appropriate read “we” for “I” throughout.

MINIMUM PROCEDURES

The scope of your engagement with respect to the Trust Account Report reporting period must include at least the following:

1. Scrutinize **all books of account** to determine that the records and accounts referred to in Regulations Part 10 (LPA) were kept by the member/firm.
2. Inquire whether all trust accounts are maintained in Nova Scotia, unless there are written instructions to the lawyer from the client to the contrary.
3. Confirm with the financial institutions all general trust bank accounts in use at the end of the period covered by this report.
4. Review the list as prepared by the member/firm as of the end of each month to determine if the cumulative balance of client accounts in the trust ledger agree with the control account balance. Scan one month’s trust and general cash books, watching for unusual and significant items, which may require further review.
5. Review the year end client ledger cards noting any amount greater than \$10,000 in the general trust account. Review the client ledger card list for the period 90 days (3 months) prior to year end to determine if those amounts were on-hand at that time.
6. Review bank reconciliations as prepared by the member/firm as of the end of each month for all general and specific trust bank accounts to determine that the total thereof agrees with the control account balance (gross trust liability) and that the reconciliations were prepared within 30 days.
7. Review in detail one month’s bank reconciliation for all general and specific trust accounts, ensuring the reconciliation is properly prepared and in particular,
 - a. Vouch outstanding cheques to returned cancelled cheques and to invoices or receipts for large or unusual disbursements;
 - b. Vouch outstanding deposits to stamped deposit slips, confirmations, or faxes;
 - c. Check mathematical accuracy; and
 - d. Ensure other reconciling items are adequately explained.
8. Review all month end client trust balances for the period under review, and in particular, identify and note any client overdrafts.
9. Review all general trust bank account statements and passbook balances noting any overdrafts or other unusual entries, noting unusual entries in the narrative part of the form.
10. Based on the results of the minimum procedures outlined above, select for review a minimum of five files, in the case of a firm of 10 or fewer lawyers, or a minimum of 10 files, in the case of a firm of 11 or more lawyers. Your review should include general and specific trust accounts opened during the period covered by this report and reference should be made to adherence to Regulations 10.2; 10.3; and 10.4 in particular. For these files:
 - a. compare the supporting documentation with the client’s ledger to ensure that at all times a balance on deposit was maintained which together with undeposited trust money, was sufficient to meet all obligations with respect to monies held in trust for the client;
 - b. vouch disbursements and payments to returned cancelled cheques and, if required, to client authorizations;
 - c. vouch receipts to dated deposit slips;
 - d. review client billings to determine that fee transfers from trust are not made before rendering the account to the client and that fees are reasonably promptly withdrawn as earned and not permitted to accumulate in a trust account.
11. Enquire about on-line access to the lawyer’s trust account(s) and observe access to the account by the lawyer’s staff. Note whether staff have the ability to initiate transactions.
12. If the firm maintains computerized trust accounts, observe:
 - a. that an audit trail is created for all changes or corrections to accounting transactions;
 - b. that the records are maintained on back-up storage if the client’s trust ledger is not printed monthly.
13. In completing paragraph 10 Part B, note any exception reported by the member/firm in Part A.

SUBSEQUENT EVENTS

You must report any matter arising subsequent to the period covered by this report that came to your attention which, had it occurred during the period, would have been reported as an exception.

MATERIALITY

With respect to lawyer’s trust accounts, there is **no materiality** allowance. The amount of money involved in any matter under review ought not to be a concern for you. Your responsibility is to report to the Society **ALL exceptions** which you discover in the course of your engagement.

EXCEPTIONS

If there are numerous minor exceptions of a similar nature, it is only necessary to report on the general situation. For trust debit balances of less than \$10, only the number of times the situation has arisen need be noted.

Provide as much detail as possible about exceptions, including the date of occurrence, the nature of the transaction, and the date and nature of the corrective action.

In certain cases, you may wish to expand your work and examine additional material concerning transactions you consider to be exceptions or areas where you believe exceptions should exist. If independent verification from third parties is desirable, authorization of the member or firm should be obtained in order to ensure confidentiality is maintained on client accounts. Any refusal to allow independent verification and relevant additional information you may discover should be reported promptly to the Society.

PUBLIC ACCOUNTANT

Only a public accountant licensed by the Public Accountants' Board of Nova Scotia may complete Part B of this report (Trust Account Report).

SAMPLE ENGAGEMENT LETTER

Date

Dear :

This letter sets out the terms of our engagement as public accountants for the purpose of preparing Part B of the Trust Account Report and the report to the Nova Scotia Barristers’ Society on your firm’s compliance with S.29 to 32 of the *Legal Profession Act* and Regulations Part 4 and Part 10 of the Nova Scotia Barristers’ Society. This engagement relates to the twelve month period ending _____, as well as for such subsequent period as may be required to complete Part B of The Trust Account Report.

In completing Part B of The Trust Account Report, we will perform the minimum procedures that are set out in the Nova Scotia Barristers’ Society’s “Engagement for Accountants,” and will report any exception to the Nova Scotia Barristers’ Society.

We will also immediately report in writing to the Nova Scotia Barristers’ Society any apparent shortfall in any trust account in excess of \$100 which exists at the time of our engagement or in the event the total of all trust liabilities to all clients exceeds by more than \$100 the total of all monies in all trust bank accounts. You expressly waive any confidentiality that may attach to such information in our possession.

On completion of the Trust Account Report, Part B, we will review it with you (representative of your firm) and will explain any of the exceptions that are noted. We will be pleased to assist you in rectifying any matters that give rise to exceptions.

The minimum procedures used for the preparation of the Trust Account Report, Part B do not constitute an audit and we will not express an opinion on the accuracy of completeness of the trust books, records and financial information. Furthermore our engagement cannot be relied upon to prevent or detect defalcations or disclose irregularities which may have occurred during the period covered by the report.

In order that we may carry out this engagement, you will make available to us all general and specific trust books, records and accounts pertaining to the practice for the period ending _____. You will also provide us with a completed Trust Account Report, Part A and a blank Part B for our use.

After completion of the Trust Account Report, Part B, we will return it to you. You will complete Part C and forward the completed Trust Account Report to the Nova Scotia Barristers’ Society together with a copy to us. You will provide us with a full copy of the completed Trust Account Report, and you will keep a copy for your records.

You have authorized us to respond directly to the Nova Scotia Barristers’ Society regarding any inquiries from the Society, and we will provide you with copies of any such written responses.

Our fees for services will be based on the time spent by us, plus any out-of-pocket expenses that we incur.

Please review this letter carefully, sign and date a copy of it and return it to us.

Yours truly,

Name of Accounting Firm

The terms set out in the foregoing letter are agreed to:

Date:

Firm/Member: