



NOVA SCOTIA BARRISTERS' SOCIETY

Professional Responsibility Policy

NAME OF POLICY	Duties of Co-signers on Lawyers' Trust Accounts		
APPLICABLE SECTIONS OF THE <i>LEGAL PROFESSION ACT</i> AND REGULATIONS	<i>Legal Profession Act</i> ss. 36 and 37, Regulations 4.2.6, 9.4.3 and 10.6.7		
Approved by the Executive Director September 19, 2011	Effective September 19, 2011	Reviewed	Revised

In circumstances where Professional Responsibility staff or a Committee has determined that a lawyer must have a co-signer on his or her trust account, the following procedure applies:

1. Co-signers must consent in writing to acting in this capacity, and be approved by the Executive Director or Complaints Investigation Committee, as appropriate, given that a co-signer fulfills an important role in respect of the lawyer's trust account activity.
2. Co-signers are required to co-sign every trust cheque drawn on the lawyer's account, until the lawyer is discharged from bankruptcy, the judgment(s) have been satisfied, or the period set by the Executive Director or Complaints Investigation Committee expires.
3. In fulfilling this role, the co-signer has a duty to take all reasonable steps to be satisfied of the propriety of the requested payment, including examination of the nature of the payment, the supporting client trust account data and corroborating documents and/or correspondence.
4. Co-signers may seek guidance concerning their responsibilities from the Professional Responsibility department and have a duty to report to the Executive Director any problems or concerns they may have regarding the trust activity of the lawyer for whom they are acting as co-signer.