

Guide for Returning Money or Other Property to Lost Clients

The steps you take to find a (former) client to return something need to be reasonable. “Reasonable” hinges on the circumstances, particularly the potential value or importance of what needs to be returned.

- A very small trust balance or a minute book for a revoked company with one shareholder and no important minutes might not require a massive effort.
- A larger trust balance or a will are examples of items that usually require extensive effort to locate and return.

Reasonableness relates to your obligations re client property at Rule 3.5 of the [Code of Professional Conduct](#).

Tips

Many people have short attention spans, ignore snail mail and email, and are inclined to not cash cheques quickly. They might not appreciate why they can't just leave something with you. Approach clients with this in mind. Your goal is to return the item promptly, or promptly get evidence you cannot reasonably return it.

- Don't assume the address you have is valid
- Don't send a cheque to an address without following the tips below, otherwise you risk stranding the trust balance for 6+ months
- Find a way to communicate relatively instantaneously, eg phone, in person, Messenger, email. (You might have to try all of those things and more to get their attention.)
- Use it to have a dialog. Arrange to transfer the item(s)
- Use that dialog to confirm their contact information and secure their agreement to receive the item and, for a cheque, cash it ASAP
- Your strategy in the dialog should be to use amicable persuasion to maximize the chances of quick success
- Follow with email or letter to confirm and thank them for the call or contact of whatever type and for agreeing to receive/cash the item. Confirm it is important to them for X reason.
- If it is trust money, and if you're afraid they won't cash it, you can say it is a good thing you were able to speak as you are required to make a court application to pay to the Public Trustee any money that cannot be returned.
- Use methods of transfer that rely on you rather than the client: deliver, don't expect them to pick up. A courier, or dropping by to see them can spare months of aggravation. The sooner you deliver, the fresher your conversation will be.



Checklist for finding client (record date(s) and result(s) for each)

√	Suggested order	Date(s)	Result(s)
	Phone last known number		
	Email last known email		
	POL: check tax address		
	Letter (no cheque at this stage) to last known address and any different address where tax bills sent on POL. Ask for call or email within X days.		
	Canada 411 espec. for phone		
	Facebook with a view to using Messenger		
	LinkedIn with a view to messaging		
	Google search		
	Obituaries – online		
	Obituaries – local paper		
	Send courier, ask to deliver in person not drop, or go to their house		
	If the sum is large, you have their will, or the property is important, try contacting people who might know where the client is, being careful to not reveal confidential information (suggestions: a known relative or friend, a neighbour or another lawyer whom you believe has represented them)		

