



CLIENT IDENTIFICATION AND VERIFICATION OVERVIEW

	Individual Clients or Representative Clients (individuals)	Organizational Clients or Representative Clients (organizations)
Identification Required when retained to provide legal services (Rule 134.5) except (Rule 134.5(3)) <ul style="list-style-type: none"> - for employer - agent for another lawyer - referral from lawyer who has already done ID - duty counsel (unless activity re verification) 	Obtain and record (Rule 134.6(a)) <ul style="list-style-type: none"> - full name - home address and telephone# - occupation(s) - work address and telephone # (if applicable) - the applicable date of the identification 	Obtain and record (Rule 134.6(b)) <ul style="list-style-type: none"> - full name - business address - business telephone# - incorporation # or business ID # (if applicable) - type of business - name, position, and contact information of person authorized to give instructions. - the applicable date of the procedure performed
Verification Required when lawyer " engages in or gives instruction in respect of the receiving, paying, or transferring of funds " (Rule 134.7, 134.8(2)(b)) Exceptions (Rule 134.8(1)) <ul style="list-style-type: none"> - client is or funds are paid by/to financial institution, public body, or reporting issuer - received from trust account of another lawyer - received from peace officer, law enforcement agency or other public official acting in their official capacity - paid or received to pay fine, penalty, or bail - paid or received for professional fees, disbursements, or expenses - electronic funds transfer (EFT) 	Obtain, record, and date information about the source of the funds (Rule 134.8(2)(a)) Obtain and keep copy (Rule 134.9(1)) <ul style="list-style-type: none"> - valid, original and current government-issued photo identification; or - credit file information; or - valid, current information from two different, reliable and independent sources that contain: <ul style="list-style-type: none"> ▪ the individual's name and address ▪ the individual's name and date of birth or ▪ the individual's name and confirmation they have a deposit account, credit card or other loan with a financial institution Clients under 12 – <u>must</u> verify the identity of one parent or guardian (Rule 138.8(8)(a)) Clients 12 to 15 – <u>may</u> refer to dual process identification for one parent or guardian at same address of client (Rule 138.8(8)(b))	Obtain and record with date, information about the source of the funds (Rule 134.8 (2)(a)) Obtain and keep copy (Rule 134.8 (c), (d)) <ul style="list-style-type: none"> - written confirmation from government registry; or - copy of constating documents for unregistered organizations Verify individual giving instruction using one of 3 methods for individual (Rule 134.8(2)(b)) Make reasonable efforts to obtain, and if obtained, record with date, names of all directors (Rule 134.8(9)(a)), identity of the beneficial owners (Rule 134.8(9) (b)(i) and trustees (Rule 134.8(9)(b)(ii) and take reasonable measures to confirm accuracy of this information (Rule 134.8(10)) If unable to obtain required information or confirm accuracy, make reasonable efforts to collect and confirm identity of senior managing officer (Rule 134.8(12)(a)) and take prescribed steps to assess whether information about client's activities, source of funds, and instructions are consistent with the purpose of the retainer, and assess whether there is a risk of assisting in or encouraging fraud or other illegal conduct (Rule 134.8(12)(b-d))
Timing of Verification	Upon engaging in or giving instruction receiving, paying, or transferring of funds (also applies for individual providing instruction for organizational client) (Rule 134.8(13))	Within 30 days of engaging in or giving instruction receiving, paying, or transferring of funds (Rule 134.8(15))
In Person or by Agent	Verification must be done in person If agent is used, need to have an agent agreement (Rule 134.8(3-6))	
Ongoing monitoring	Periodically assess whether client's activities, source of funds, and transactions are consistent with purpose of retainer to assess if there is a risk that the client is engaged in fraud or other illegal conduct (Rule 135.2)	