

**SAMPLE AGREEMENT WITH AGENT FOR
VERIFICATION OF CLIENT IDENTITY**

Government issued photo ID verification method (individual inside or outside of Canada)

Lawyers may use an agent to verify the identity of a “client” (widely defined in Rule 3-98). Rule 3-104 requires that the lawyer and agent have an agreement or arrangement in writing for this purpose. The Law Society recommends that lawyers use this sample agreement when retaining an agent to verify the identity of an individual client where the agent will meet with the client in person and review the client’s original government issued identification document. The agreement will need to be amended if the agent will use other permitted methods of verifying identity. Lawyers who have relied on an agent to verify a client’s identity but failed to have an agency agreement in place have been disciplined.

Rule 3-104 does not require that the agent be a lawyer or notary. Lawyers must use their judgment to choose a reputable person who understands what is expected and who will carry out the required work. Lawyers should keep in mind that the agent is the lawyer’s agent, not the client’s agent. Accordingly, the lawyer should select the agent rather than the client and follow up to ensure that the agent actually carried out the work. In some cases, potential new clients have chosen the agent to the lawyer’s detriment. The agent was not who they purported to be and was simply part of an arrangement to set up a scam on the lawyer.

BETWEEN:

[Lawyer’s name and business address]

the “Lawyer”

AND:

[Agent’s full name, occupation and business address]

the “Agent”

RE:

[Client’s full name, occupation and address]

the “Client”

AS A RESULT OF THE FOLLOWING:

The Client retained the lawyer to provide legal services in Canada;

The Lawyer is required by the Law Society of British Columbia to verify the Client’s identity; and

The Agent has agreed to meet with the Client and examine in the Client’s presence an identification document or documents for the purpose of verifying the Client’s identity on the Lawyer’s behalf;

THE PARTIES AGREE THAT, in exchange for *[sum of money]*, sufficiency of which is acknowledged:

1. The Agent will physically meet with the Client and examine in the Client’s presence, a valid, original, and current identification document issued by the government of Canada, a province or territory or a foreign

government, other than a municipal government, that contains the client's name and photograph, to verify that the name and photograph are those of the Client (the "Document").

2. The Agent will make a legible photocopy of the Document that the Agent examined.
3. The Agent will attest, on the photocopy of the Document and in a form similar to that attached as an Appendix to this agreement, that the Agent has examined the Document in the Client's presence to verify that the name and photograph are those of the Client.
4. The Agent will provide the original signed attestation, on which the Agent has placed the information required under paragraph 3 above, to the Lawyer no later than *[date]*;
5. This agreement may be signed in counterparts, and will be read with any changes of gender and number as may be required by context; and
6. This agreement will be governed and interpreted according to the laws of the Province of British Columbia and the laws of Canada, as applicable.

Dated this *[specify]* day of *[month]*, [20__] at *[place and country]*.

[name of law firm]

[name of the Lawyer]

Lawyer's signature

[name of the Agent's firm or business, if applicable]

[name of the Agent and occupation]

Agent's signature

Appendix to Agent Agreement: Sample Attestation Form

[THE FOLLOWING MUST BE PLACED ON THE PHOTOCOPY
OF THE IDENTIFICATION DOCUMENT]

I attest that:

1. I am a [*agent status or occupation*] in [*location*] with a place of business at [*business address and telephone number*];
2. I met with [*name of lawyer's client*] (the "Client") on the [*specify*] day of [*month*], [20__] and examined in the Client's presence, his or her original [*type of government-issued identification document*], issued by [*name of government authority*] on [*date of issue*] and bearing document number [*number*] (the "Document");
3. The photograph in the Document was a true likeness of [*name of lawyer's client*]
4. To the best of my knowledge and belief, the Document was valid, original and current and the information in it was valid and current; and
5. This copy is a true copy of the Document, the original of which I examined.

Signed by me on the [*specify*] day of [*month*], [20__] at [*place*].

Agent's signature