

Independent Legal Advice Checklist

SAMPLE FORM

Date:		Start Time:		Finish Time:	
Client's Full Name			Occupation:		
Home Address:					
City:		Province:		Postal Code:	
Business Address:					
City:		Province:		Postal Code:	
Telephone - Home		Business		Cell / Mobile:	
E-Mail				Fax:	
Spoken Languages:				Written:	
Family Status:				Age:	
Referred by:					
Reasons for independent legal advice:					
Security requested by lending institution:					
The client has limited facility with English, so I obtained an interpreter whose name was:					
Also present during our meeting was:					
I reviewed the following documents:					
Certificate of Independent Legal Advice:	<input type="checkbox"/> Yes				

Part A - I explained the following to the client	
The nature and consequences of a mortgage	<input type="checkbox"/>
The nature and consequences of a guarantee	<input type="checkbox"/>
The effect of power and sale / judicial sale and foreclosure	<input type="checkbox"/>
The effect of an action on the covenant and the liability for an insufficiency	<input type="checkbox"/>
The consequences of his or her spouse's or principal borrower's default	<input type="checkbox"/>
The possible consequences of failure to honor the financial obligations (loss of her or his house, business and all other property)	<input type="checkbox"/>
The possibility of obtaining security for the financial obligations	<input type="checkbox"/>
That an indemnity will be worthless if the spouse or principal borrower declares bankruptcy	<input type="checkbox"/>
The risk to the client if there is a breakdown of the marriage	<input type="checkbox"/>

Part B - The Client	
I reviewed the current state of the client's marriage	<input type="checkbox"/>
I reviewed the current state of the client's health	<input type="checkbox"/>
I asked about domestic violence and was told:	
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The client said that the reason for his or her consent to this transaction or agreement was:	
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I satisfied myself that the client was not subject to duress or undue influence and that the client was signing relevant documents freely and voluntarily, without pressure from anyone:	<input type="checkbox"/>
I accepted payment from the client only, and not from anyone adverse in interest to the client:	<input type="checkbox"/>

Part C - If the independent legal advice relates to a domestic contract	
I obtained complete financial disclosure from both my client and the other side	<input type="checkbox"/>
I determined that the document was sufficiently well-drafted to accomplish my client's objectives	<input type="checkbox"/>
I ensured that the terms of the agreement were both certain and enforceable	<input type="checkbox"/>
I ensured that, if the agreement is to be filed against property or as an order of the court, the statutory requirements for filing have been met	<input type="checkbox"/>
I explained the nature of the agreement	<input type="checkbox"/>
I reviewed the risks and consequences of the agreement	<input type="checkbox"/>
I discussed the effect of the agreement upon the client if her or his spouse dies first	<input type="checkbox"/>
I explained all the clauses of the agreement and the client indicated that he or she understood same	<input type="checkbox"/>
I witnessed the client's signature on these documents	<input type="checkbox"/>

