Maximising the Digital Advantage in Your Legal Practice

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Abstract. In this era of increased remote and desktop-bound working, and increasing mechanisms and platforms for communication, it remains a challenge for professionals to receive honest, clear and comprehensive instructions from clients.

This era of distributed collaborative computing has new contexts which introduce their own issues. There are risks and opportunities.

This paper explores the contemporary context for lawyers getting instructions as well as improving their use of digital media, including audiovisual media. It suggests measures to spot warning flags, to ensure both client and practitioner are protected from interference or abuse. Additionally it emphasises the necessity for lawyers to improve their use of information, communications and content production technologies.

1.	**Introduction**

The phrase "taking instructions" used in the professional services context simplifies what in practice is a complex process. The fundamentals have not changed when digital technology is used, but the range of technical skills required have increased.

Read literally, taking instructions suggests a one-direction flow of information from a client to a lawyer or other professional receiving the instructions. In practice, taking instructions usually involves dialogue. Here information flows can flow in many directions. On receiving the initial directions, in the dialogue mode of taking instructions the professional responds to the client by sharing information relevant to what is initially presented. With the client's permission the professional may turn to others for more information about the client's circumstances. The resulting client-professional dialogue can iteratively build a chronology of events, test views, question understandings or assumptions, and provide case studies with alternative narratives and outcomes. Mixed into the dialogue can be elements not immediately implied by the phrase "taking instructions", for example body language, persuasion, the theatre of a meeting, technical advice and good counsel.

As no two clients are the same, in taking instructions adjustments are needed. People and entities vary in their personality, capacity, culture, honesty, communication ability, and skill in using technology to provide instructions. Starting a client-professional relationship effectively, ie proper onboarding, reduces the possibility of complications in carrying out the instructions given.

A theme of this paper is that staying up-to-date in a range of technical and even cultural areas helps to get more work, maintain client confidence, and have more effective dialogue in giving and taking instructions.

Consider technology. Taking instructions with teleconferencing, cloud IT systems and various email, SMS and instant messaging systems introduces new areas to manage. There are the old areas to manage of privacy, confidentiality, and file security. Added to them are new realities shaping how people think, and why they think what they think. In the 2020s a break in historical continuity is evident. Consider here the mounting evidence of damage from social media echo chambers (affecting what people think of other people or groups), waning interest in traditional domestic and international news reporting (affecting what people know), declining trust in institutions, continued avoidance of areas screaming for attention (eg Australia's fixation on house prices and global boiling), and escalating speed and turbulence in the economy and elsewhere (affecting the currency of peoples' expectations about markets and regulation).

THE SOCIAL MEDIA LANDSCAPE

4.48 billion people (61% of the global population) currently use social media

6.6 average different social media platforms user engages with

Since 2019, social media growth has been led by
+16.98% Asia   **+13.92%** Africa
+8.00% South America **+6.96%** North America
+4.32% Europe   **+4.9%** Australasia

99% of users access social media through a mobile device

2 hours 24 minutes average time a person spends on social media each day

Facebook **2.9 billion** monthly active users
YouTube **2.3 billion** monthly active users
WhatsApp **2 billion** monthly active users
FB Messenger **1.3 billion** monthly active users
WeChat **1.2 billion** monthly active users
Instagram **1 billion** monthly active users
Twitter **330 million** monthly active users

Source: Digital 2021 April Global Statshot Report, via backlinko.com

As a final introductory observation, professional indemnity insurance cases for professionals provide bottom line considerations to apply when taking instructions. In a 2020 Claims Prevention Roadshow for legal insurer, LawCover, the cases below were cited and the claims covered in them. They involve issues with solicitors taking

instructions.[1] The list identifies many perennial issues connected with client selection and identification, communication with clients, the need for file notes, the use of fraudulent documents and being alert to facts that should trigger further enquiries.

- **Proper client identification, conducting further enquiries and suspicious circumstances** - *Mekhail v Hana; Mekail v Hana* [2019] NSWCA; 197

- **Fraudulent documents, supervision** - *Victoria Legal Services Commissioner v Ibidapo Olayemi* [2019] VCAT 1283

- **Client screening and selection** - *Bird v Stonham t/a John Stonham & Co Lawyers* [2019] NSWDC 419

- **Client identification** - *Michelangelo Alfredo Mascarello & Anor v Registrar-General of New South Wales* [2018] NSWSC 284

- **Communication, importance of contemporaneous file notes** - *Kendirjian v Lepore* [2019] NSWDC 43

   Metadata for document management

2.   15 practice technology decisions

1. **Practice management software**: Do you use practice management software, eg ActionStep, Leap, Silq or other systems. If so what is the level of proficiency in its use in your firm? Do you integrate services such as Xero into that system?

Name	Website	Starting Price	Installation	Apps	Email Client	Calendar	Client/Contact Mgmt	Case/Matter Mgmt	Task Management	Secure Portal	Conflict Checking	Document Mgmt	Document Assembly	Timekeeping	Billing & Invoicing	Online Payments	Basic Bookkeeping	Trust Accounting	Full Accounting

2. **Template standardisation and development**: What policy is in place in your firm for this?

3. **Documents metadata**: What is your approach to use of metadata for document management? Are your firm's electronic document file names human readable?

4. **Backups**: What is your backup strategy? For Mac usersers the publications of Take Control Books are very professionally produced and updated. Consider the following: Take Control of Backing Up Your Mac (4.4.1) and Take Control of Automating Your Mac 4.1. Consider online storage with a Backblaze subscription.

5. **Client contact details**: What is your most relied upon client contact details database (eg FileMaker Pro)?

6. **Corporate information**: What service do you use for corporate data (eg Infotrack)?

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[1] Peter Moran, Partner, Colin Biggers & Paisley and Kerry Stewart, Solicitor, Stewart Mediations, Lawcover Claims Prevention Roadshow

7. **Website platform**: What platform do you use for any website your firm maintains (eg WordPress)?

8. **Scanner**: Do you have a scanner to scan documents for electronic storage?

9. **Docks**: Do you use a hub to have speedy access to all your hardware devices. For example using the CallDigit TS4 all of the following can be operated using it – computer, four or more external drives, scanner, printer, two monitors and more.

10. **Audio transacription**: Do you have an automated way to have audio recordings transacribed (eg otter.ai).

11. **Legal developments news**: Consider a free subscription to Lexology, Mondaq and other newsletter services, or a paid subscription to LexisNexis or others.

12. **Passwords**: Do you use software for password generation (eg 1password) or do you have an alternative system for that?

13. **Teleprompter**: If you are recording video marketing consider purchasing a teleprompter, eg Parrot teleprompter is a small camera lens system and Glide Gear TMP 100 offers a larger teleprompter. Teleprompter+ 3 is a software that has voice recognition.

14. **Cloud storage**: What use is made in your firm of cloud storage, eg Dropbox?

15. **Video conferencing**: What is the level of use in your firm of video conferencing such as on Zoom?

3. Integrated communications technology

3.1 Quality of instructions and client management

In the beginning of any matter, a lawyer needs quality instructions. Collating them involves overcoming many potential challenges, some of which are listed below.

- **Personality**: Recognising character types.
- **Rivalry**: Politics within clients that are multi-person companies or organisations, dealing with multiple agendas.
- **Psychology**: Mental health awareness:
  - CEOs, lawyers, people in media and others in roles with a disproportionate number of **psychopaths**. Related conditions or keywords are bullying, narcissism and manipulation, ingratiation, charm offensive, highly developed social skills, character assassination).[2]
  - People suffering from bipolar disorders (used to be called manic depressive).

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[2] See Wikipedia page on "Psychopathy in the workplace" -
https://en.wikipedia.org/wiki/Psychopathy_in_the_workplace

- **Iterative instructions**: Another challenge in contemporary practice is how instructions build not in one or a few conferences with a client, but rather iteratively over a series of communications and sometimes using many different messaging platforms.

3.2   Cloud software context

In that context of taking instructions, there is increasing use of digital technology.

Microsoft Teams[3] is a lead example of cloud technology. Its functionality is packaged with Office365. By late 2022 worldwide there were about 270 million daily average users of Teams, according to Statista.[4] Microsoft Teams is noteworthy in its ambition and functionality combining many of the applications familiar to law firms, including the Microsoft Office suite and SharePoint for document management.

What was especially new in Teams was the integration into the one system of (i) SharePoint document management, (ii) Microsoft Office365 suite, (iii) audio and video conferencing, (iv) a core function of setting up channels for specific groups of invitees, whether in-house or external, and all that associated with channel-specific file storage and note taking, (v) chat, (vi) OneNote (useful for live document drafting by two or more people), and (vii) adding Microsoft and third party apps to add a very wide range of additional functions.

Audiovisual recordings. Recording and storing messages is facilitated by some of the mechanisms listed above, eg Zoom calls and meetings can be recorded, as can transcriptions of them.[5] In the present era transcription and translation software has gone through a generation or more of improvement in recent years.

Managing 24/7 communication. Clients sometimes send and receive communications outside of usual working hours. How a professional practice or corporate or government counsel deal with that sets client expectations on times for communication and work delivery.

Marketing with live streaming. Social distancing laws in 2020 onwards promoted live streaming using Zoom, Facebook, YouTube, FaceTime and other platforms. It's since been a growing software field.

In the world of streamers on online platformers a fascinating development from late 2019 was the facilitation of professional-level live streaming webinars and live broadcasts using a tool introduced by an Australian company based in Melbourne. Blackmagic Design's ATEM Mini suite of products. First released in late 2019 was the ATEM Mini, then the ATEM Mini Pro, then the ATEM Mini ISO and subsequently larger "Extreme" versions of the same. Fundamentally the ATEM is a hardware and software device that *brings TV studio functionality to a home or office desk*. It is a live

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[3] Waters, Richard, "*Microsoft looks to make 2021 the year of Teams*", Financial Times, 5 January 2021 - https://www.ft.com/content/1bbe1b15-dde6-4a3b-9728-8991818b6c92
[4] Source, graphic on this page Statista

[5] See https://support.zoom.us/hc/en-us/articles/115004794983-Using-audio-transcription-for-cloud-recordings-

stream encoder, a multicam switcher, and a device capable in the case of the ISO of external recording of separate tracks recorded by separate cameras. Comparable to it is the Yolobox which has a different form factor, a preview monitor and battery operation facilitating mobility.

3.3 Identifying your client – what information do you need?

(a) Verification of clients is essential due to a range of considerations. Commonly cited are money laundering laws, but many other laws apply.

For the identification of people, it is instructive to consider the text below. It is a clause the author drafted and uses for some **employment letter agreements** for clients.

> **Your Citizenship and Right to Work Status**
>
> As you are not a citizen of Australia we need to verify now and in the future that you have a valid visa to work for the Company and that working will not involve you in breach of visa conditions. This will involve use of the Department of Immigration and Citizenships Visa Entitlement Verification Online ("**VEVO**") service - https://www.border.gov.au/Busi/Visa. Your signature of this Agreement below authorises the Company to access your personal and confidential information in using VEVO.
>
> You must immediately notify the Company if at any time you no longer have that right. You must also keep the Company informed of any changes to your visa status.
>
> For all non-Australian citizens, the Company requires evidence of the right to work, as set out below. For full details, please refer to the DIMIA website at http://www.immi.gov.au/employers/kit2003/index.htm.
>
> I confirm that you have represented to the Company that you have a the right to work in Australia and are an Australian citizen. Please provide an image or PDF of **one** of the following documents which are acceptable proof of Australian citizenship:
>
> o   Full Australian birth certificate (if born before 20 August 1986) and a form of photo ID
> o   Full Australian birth certificate (if born on or after 20 August 1986), a form of photo ID and evidence that at least one parent was an Australian citizen or permanent resident at the time of the child's birth
> o   Australian citizenship certificate
> o   Australian passport
>
> For non-Australians (original must be sighted by a director of the Company or the Company's Chief Operating Officer)
>
> o   certificate of evidence of resident status
> o   valid visa with work rights
>
> The following documents are NOT acceptable proof:
>
> o   tax file number
> o   driver's licence
> o   Medicare card
> o   bank account
> o   referrals from employment agencies or labour suppliers
> o   references from previous employers

(b)   It is good practice to keep client identification records in the matter folder.

(c)   Consider perusing ID information more than once, contemporary technology has added to the tricks possible within what used to be termed "desktop computing". Fakery is rife in email.

(d)   The "who is the client" issue. Conflicts of interests and other considerations apply.

(e)   Watch for behaviour patterns that may trigger further prudent enquiry.

  (i)   Client who pitches at you constantly like a salesperson
  (ii)   Client who informs you that the support of one or more lawyers has already been sought, without help
  (iii)   Client who prefers to communicate only via letters or email, not in voice calls or in a teleconference
  (iv)   Client who fails to observe requirements to put certain amounts into a trust account
  (v)   Client that repeatedly or seriously fails to follow advice
  (vi)   Client who has unbounded ambition but minimal competency (Armadio case - *Commercial Bank of Australia Ltd v Amadio [1981] SASC 5303*, Supreme Court (SA)
  (vii)   Client that gives instructions that would involve the lawyer in a breach of ethics or other unprofessional conduct
  (viii) Client who claims to be an inventor supported by fancy venture pitch documents
  (ix)   Obviously, a client that tells a story that does not compute or seem credible

(f)   A common problem can be the stretching out of communication between a client and a lawyer, accompanied by piecemeal instructions and advice at each contact point. Rather than a workbee in an office, home or other venue meeting room instructions are provided in back and forth bits and bytes of information. If multiple people or witnesses are being interviewed and confidentiality needs to be maintained between them, breakout rooms can be used, eg over Zoom.[6]

(g)   Being an intellectual property and digital media specialist requires one to be aware of new tends, fads, technology and business practices. In late 2020 the author drafted a terms of service for a digital media production client permitting its production and sharing of "deep fake" video content. This following on an earlier development. Back in 2018 the author noted that an IT company, Nvidia, publicised its project[7] illustrating the capability of new systems to create synthetic identities with fabricated faces of people.

Subsequently in 2021 the author discovered there were then well over a dozen Android and iPhone apps that had face swapping functionality automating the production of deep fake gifs and videos. Among them were apps with names such as Reface, Doublicat, Faces, and Mug Life. Almost all created a final product locally on a mobile device in less than a couple of

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[6] See https://support.zoom.us/hc/en-us/articles/206476313-Managing-Breakout-Rooms
[7] *Nvidia manufactures Graphics Processing Units* - https://arxiv.org/pdf/1812.04948.pdf

minutes. And all had free versions that gave access to a basic set of features. In-app purchases allowed keen users to pick from a wider range of celebrity pictures or create a higher volume of deep fakes.

4. Case study – cybersecurity in legal practice

LawCover observes that in recent years the most common frauds it confronts involve a cybercriminal impersonating a client. This can involve a criminal pretending to be the law firm and requesting that a client deposit money in an account purporting to be the law firm's new trust or office account.

To reduce risks LawCover recommends verification of account details over the phone before processing funds. On other cybersecurity concerns, the suggestions below are inspired by LawCover's *Cyber Risk Assessment* online checklist of 20 questions (https://lawcover.com.au/cyberriskassessment/).

- Ensure regular software updates and patching
- Conduct security audits
- Use strong passwords with a mix of letters, numbers and symbols and change passwords regularly
- Inform clients in writing that you will never email send an email changing your trust account details
- Inform clients to tell you urgently if they get any suspicious emails purporting to be from your firm
- Inform staff and clients to not click unusual or suspicious attachments, emails or hyperlinks as they could contain viruses, ransomeware or othe rmalware
- Ensure back-ups are made regularly (eg daily, more often, weekly)
- Where appropriate keep backups both onsite and offsite
- Regularly check back-up systems and protocols are functioning effectively
- Use up-to-date anti-virus protection software
- Have available a cyber incident privacy breach response plan and recovery plan

Telstra in February 2021 announced[8] it blocked 1.5 million scam phone calls a week. Telstra provides the definitions below of common digital media scam techniques.

- **Malware**: malicious software that corrupts and steals data, usually once you click an attachment.
- **Ransomware**: malicious software that infects your device and restricts access until a ransom is paid.[9]
- **Phishing**: email-based scams that pretend to be from trusted sources and lure you into providing data like your login and banking details.
- **Viruses**: designed to spread, virus-like, from device to device and alter or stop them working altogether.

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[8] Alex Zaharov-Reutt "*Telstra blocking 1.5m scam calls a week, up from 1m a month previously*", ITWire, 16 February 2021 https://www.itwire.com/telecoms-and-nbn/telstra-blocking-1-5m-scam-calls-a-week,-up-from-1m-a-month-previously.html

[9] Alex Zaharov-Reutt "*Crypto criminals stole US $1.9B in 2020, down from US $4.5B in 2019*" ITWire, 18 February 2021 https://www.itwire.com/business-it/crypto-criminals-stole-us-%241-9b-in-2020,-down-from-us-%244-5b-in-2019.html

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5.	**Tips for minimising cyber risk**

Due to the global pandemic, in 2020 the pace of technological change escalated for societies and knowledge workers towards greater adoption of paperless offices and contactless communications and transactions. More people than ever appreciated the need to become more familiar with video conferencing and electronic signatures (eg via email, DocuSign or Adobe Acrobat).

Competency and habits differ. Different clients, for different reasons, prefer different communication mechanisms or platforms. Preferences also differ between sectors and age groups. While service providers typically have preferences for meetings, letters and emails, client communications preferences now vary enormously.

Another theme of this paper is the importance of the initial client engagement or onboarding process. By the time of engagement by a client to a matter, or first full physical or virtual meeting, preliminary communications should ideally have set client expectations for the meeting.

Mechanisms for communication are proliferating

1. FACE TO FACE CONVERSATION
2. EMAIL, single, in threads, in groups
3. PHONE eg standard telephony, Whats App, Viber, Microsoft Teams
4. SMS AND INSTANT MESSAGING eg Apple iMessage
5. VIDEO CONFERENCING eg Microsoft Teams, Zoom, Skype, Google Hangouts, Apple FaceTime, Facebook Messenger
6. LETTER
7. DIRECT MESSAGING eg via LinkedIn, Twitter, Facebook Messenger, WeChat, Telegram; and instant messaging and project management software eg Trello, Asana, Slack.
8. IN-APP MESSAGING, eg comments or chat streams to the side of documents in Dropbox, Miscrosoft Teams, MS Planner, even comments or track changes in Word
9. WEBSITE LOGIN eg via an organisation's website, third party facility or online portal such as Microsoft Teams
10. CHAT AND COMMENTS CHANNELS eg LinkedIn Groups, Reddit Groups, Telegram Groups, Facebook Groups
11. LIVE STREAMING on YouTube Live, Facebook Live, Twitch, Brightcove, Vimeo. Eg used for interactive meetings and webinars
12. BOTS designed to automate tasks, eg prospective client/customer queries about a specific product. Eg Cortana, Siri, Alexa, Hey Google
13. EXPERT SYSTEMS emulating the decision making ability of a human expert mostly with if-then rules
14. FACSIMILE, very common in medical practices

Settled matter workflow processes, matter documentation standardisation and practice management software systems can help practitioners de-risk their practice in the important client onboarding process. This can involve setting agendas, requiring completion of checklists or questionnaires and supply of client ID information. Where relevant, all this needs to be in synch with a lawyer's costs disclosure and services agreement.

(a)   **Mechanisms for taking instructions are proliferating**. Not everyone wants, accepts, has available or is good at all of the list of 14 mechanisms listed in the image above titled "*Mechanisms for communication are proliferating*". It seems there is unanimous agreement among professionals that face-to-face meetings remain the most reliable and risk-minimising way to take instructions and communicate with clients.

(b) **Client Identification**. Law sector insurer in New South Wales, LawCover's ***Client Identification Check - Individual*** is set out in **Attachment A**. It is a useful guide. Its introductory paragraph states. "*Lawcover recommends that practitioners use the Verification of Identity Standard as set out in the NSW Participation Rules for Electronic Conveyancing to confirm the identity of all new clients regardless of the type of matter.*"

(c) **Know your client and enhanced customer due diligence**. Concerns expressed regarding money laundering, terrorism financing[10] and local influence by countries abroad resulted in introduction of regulatory requirements over recent decades for holders of Australian Financial Services Licences, the professions and businesses to conduct "know your client" procedures when onboarding and serving clients.

Included is the need to identify the beneficial owners of all or part of companies, assets and ventures. Where required, risk monitoring systems identify possible money laundering or terrorism risks, in which case an "enhanced customer due diligence program" must be applied. AUSTRAC is the relevant Australian Government agency.

One area for monitoring by AUSTRAC of activities that can involve lawyers, accountants, and financial advisers is real estate transactions. AUSTRAC's list of considerations[11] includes:
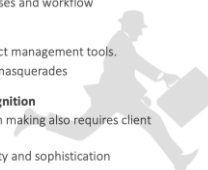
•   Cash deposits then transfer of it by bank cheque
•   Customer appears to be acting on behalf of another person and is reluctant to identify those they represent
•   Low-value property bought with subsequent improvements paid for in large cash amounts before re-selling
•   Customer buys property in the name of a third party, relative or minor
•   Customer buys multiple properties in a short period of time
•   Ownership of property is the customer's only link to Australia
•   Transactions in which the parties are foreign or a non-resident for tax purposes

AUSTRAC in "How to comply with KYC requirements during the COVID-19 pandemic"[12] states:

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[10] Anti-Money Laundering and Counter-Terrorism Financing Act 2006
https://www.legislation.gov.au/Details/C2020C00362
[11] AUSTRAC (2015) *Money Laundering Through Real Estate*
https://www.austrac.gov.au/sites/default/files/2019-07/sa-brief-real-estate_0.pdf
[12] AUSTRAC (2020) *How to comply with KYC requirements during the COVID-19 pandemic*
https://www.austrac.gov.au/business/how-comply-and-report-guidance-and-resources/customer-identification-and-verification/kyc-requirements-covid-19

"After customers have provided copies of identification documents, you could consider additional verification through:

- **using a video call**, such as Skype, Zoom or FaceTime to compare the physical identity of
- a customer with scanned or photographed copies of **identification documents**;
- requiring a customer to provide a **clear, front-view 'selfie' of themselves** that can be compared with the scanned or photographed copies of identification documents; or telephoning the customer to ask questions about their identification, their reason for requesting a designated service or other questions that would assist in ascertaining whether the customer is who they claim to be."

How the HWL Ebsworth hack unfolded, as another Medibank class action is launched

BY FLOYD ALEXANDER HUNT - MAY 09, 2023 12:10 PM AEST

On 28 April 2023, HWL Ebsworth experienced a ransomware attack which resulted in the theft of client information and employee data by a Russian-linked hacking group.

The attack was first reported by the *Australian Financial Review*, with the ALPHV/Blackcat ransomware group claiming responsibility for the hack. The group claimed to have acquired four terabytes of company data, including client documents, financial reports, accounting data, credit card information, employee CVs and IDs as well as a network map.

Following the hack, HWL Ebsworth told *LSJ* they are continuing to "investigate and gather accurate information in response to the claim that an unauthorised third party has extracted data from our firm".

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6.   Knowledge management

6.1   Metadata for document electronic file names

Agreements and other types of documents usually have both an electronic file name (eg document-name.docx) and a title that appears on the first page. They are part of a document's metadata.

Applying the five guidelines below to document names and titles improves their categorisation, quick identification and discoverability especially in electronic filing systems. They are a naming convention producing pithy, meaningful and human-readable document names and titles. They apply equally to legal documents, eg in-house standard agreements, bespoke agreements, templates (aka precedents) and sample agreements.

These five rules are illustrated using the agreement electronic file name below for a Purchase (Office Furniture) Agt [Purchaser Bias]. It is emphasised they are for electronic file names, not document titles.

Five title guidelines

1.   **Document Name**: Try to make the first word of a document name and title refer to the document's substantive subject matter, *not the form or type of document*.

Making the first word human readable is useful in electronic media which use hierarchical folders listing items in alphabetical or alphanumeric order. In the illustrative example used here, the first word is "Purchase".

Purchase

That word describes a great deal about the nature or subject matter of the relevant document's legal transaction type and its business model.

The first word is capitalised, as should be all main words in a document name and title. Title case is a common practice for centuries in book title typography.

Here are other examples applying this substantive first word rule - "Partnership Deed" not "Deed of Partnership", "Demand Letter" not "Letter of Demand" and "Dismissal Notice" not "Notice of Dismissal". Putting the form or type descriptor first was a historical convention by lawyers, it did not matter so much when document filing was physical not digital. Times have changed.

Exception: Naming conventions for court forms following court rules (not the five rules suggested here) eg "Notice for Discovery" and "Affidavit Verifying Statement of Claim".

2. **Document Format**: After the descriptive first word state the format of the document in its name and title. Common format words used for legal and related documents include agreement, deed, letter, checklist, questionnaire, statutory declaration, affidavit, table, graphic, form, file note, project plan, project brief or report. Except for "Agreement" (where Agt is fine) avoid abbreviations. In the illustrative example we now get to this combination:

Purchase Agt

3. **Document Variation – round bracket type**: Placing a variation descriptor inside round brackets helps group a family of documents together, keeping them alphabetically listed in folder-based electronic filing under the lead word of the family of documents, here "Purchase".

Purchase (Office Furniture) Agt

The variation forms part of the document's substantive name, hence it is placed before the document format descriptor.

Other examples applying this document variation rule are "Licence Agreement (Subsidiary with Parent Company)" or "Commercial (Shopping Centre) Lease ".

4. **Document Variation – square bracket type**: In a file name and document title a variation in square brackets signifies the content inside usually should not be part of any release version's file name or title. Instead it is a descriptor for document categorisation, quick identification and discoverability. Applied to the illustrative example, below are sample square bracket variations appearing after the document format name. Appearing after the document name is a signifier that the square bracket descriptor should be deleted before a release version is sent out, eg to an external party for a legal transaction.

Purchase Agt [Esso Sample]

Purchase Agt [Letter Format]

Purchase Agt [Short Format]

Purchase Agt [Long Format]

Purchase Agt [Schedulised]

Purchase Agt [Excel Spreadsheet]]

5.   **Document Bias**: This final identifier states the perspective or bias of an agreement inside square brackets. Again, square brackets signify the content inside is not part of the release document's file name or title.

Purchase (Office Furniture) Agt [Seller Bias]

Other examples include "Shop Lease [Lessor Bias]" and "Agency Agreement [Principal Bias]".

As with rule 4, the square brackets appear after the document format descriptor and signify that the bracketed information must be removed before sending the document to the other side in a transaction.

6.2   Drafting by stumbling

For about 20 months from 2021 to 2023 my firm acted in one of the biggest court cases in my career. We represented two companies and four individuals, hence six clients. It was a patent law dispute, at least that is how lawyers might describe it.

Every one of the litigation documents filed and served in the case were painful to prepare compared to what is usual for me in a non-contentious matters. In non-contentious matters I have the benefit of working with templates I have crafted over 40 years. They permit me to aim to get a document out to the other side, including a contract, in an ideal target of three drafts.

- The **first** is a first draft or even a working draft (ie not good enough to be referenced as a first).
- The **second** is usually produced arising from a client's further instructions.
- The **third** is what gets issued to the other side.

Often there might be no more than two or three more drafts before finalised or signed documents are reached. So all up that's sometimes about 6 to 8 drafts, though the final half of those typically involves minor tweaks.

Consistently in the patent matter, working with counsel operating it appears with virtually no or few templates, above number of drafts required **added enormously to cost for the clients.** In the matter I counted perhaps only one written document that may have been based on a template – a table setting the evidence the clients would need to mount for their defence and counter-claim. Numerous documents including several affidavits and the court book involved innumerable drafts to finalise.

It appears practitioners in litigation practice like law is a medieval trade. Almost all work is crafted rather than manufactured with pre-pared component parts. Further, the know-how for production is in the heads of the practitioners or to be deciphered

by reading massive text such as the court's practice notes. I'm expected to know all that as a solicitor. I'd describe it as "learning and drafting by stumbling".

7.	**Service delivery and client communication reality check**

TV is reality. TV is not reality. Television and radio broadcasting continue to be dominated by formats from the last century, increasingly serving an older demographic. They shape broadcast news, radio and television magazine programs, situation comedies, television drama, and reality TV programs. For many audiences distributed collaborative computing in the 2020s has leaped past these traditional formats of broadcast communication achieving what in the early 1990s pioneers thought would be within reach in mere years. A general trend is towards short video-orientated posts, as pushed by Tik Tok which other platforms have quickly copied and promoted. This shapes the attention spans of some and how they expect information to be presented.

Marketing authenticity. Staying up-to-date in mechanisms used for communication and publishing can attract more work for providers of professional services. It can also better educate clients regarding their rights, opportunities and responsibilities.

For some segments of the population especially those under say 35 years of age, including those familiar with blogs, vlogs and social media, last century non-interactive broadcast media formats are perceived as deliverers of tired, dated or even fake content. That shift was evident almost two generations ago when in the 1980s for free to air and cable television in the United States a popular expression, including in song, was "*hundreds of channels with nothing to watch*".[13]

Those with these views can perceive traditional formats as lacking in authenticity, or even credibility or veracity. These attitudes towards old formats reduced their utility for professionals. The drift away from letters, especially long letters, and towards email heralds changes ahead, even changes that reduce the privileging of text as a mechanism for providing advice and client support.

From my perspective it is evident in Australian TV programming that free to air non-interactive broadcast media stations have come to increasingly target the audience they feel remain loyal to them, often the older adult demographic. In contrast to the maintained audience numbers for TV, the readership of print newspapers and print magazines has been on a long slide for decades.

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[13] Disposable Heroes of Hiphoprisy, "*Television, The Drug of the Nation*" YouTube https://youtu.be/8p3CC74wt48.
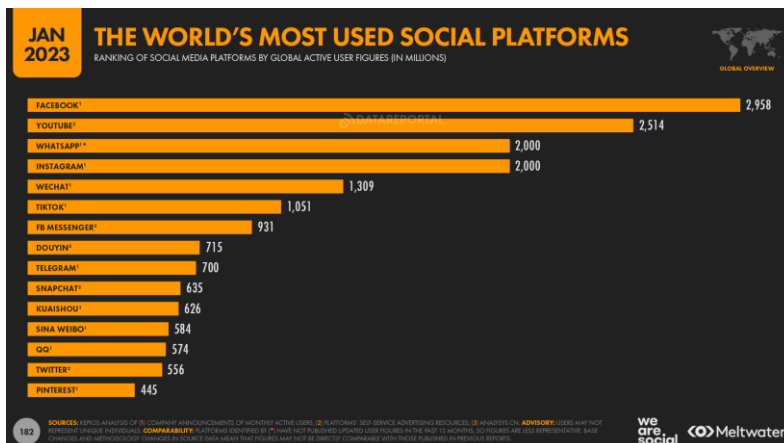
Online Australians. In the 2019 survey of the We Are Social and Hootsuite online ventures, regarding Australia they report:

"Though there was only a growth of 1.2% in total internet users in 2019, the number of active social media users grew by 4.3% since last April (that's the equivalent of another 735,000 people logging onto their favourite social media platforms). 18 million Australians are now active social media users - 71% of our total population."

News for online Australians. In reporting on changing views on news, citing research,[14] The Conversation disturbingly reports:

"In comparison to the other countries, the survey of 2,010 online adults shows that Australian news consumers:
- are the "lightest" news consumers out of 38 countries
- use fewer sources to access news
- are less interested in news and politics
- are more likely to subscribe to Netflix than news
- are less likely to check the accuracy of a story."

Social Media Statistics Australia – December 2020

1. Facebook – 16,500,000 Monthly Active Australian Users (steady)
2. YouTube – 16,000,000 Unique Australian Visitors per month (UAVs)
3. Instagram – 9,000,000 Monthly Active Australian Users (FB/ Instagram data)
4. WhatsApp – 8,000,000 Active Australian Users
5. LinkedIn – 6,500,000 Monthly Active Australian Users approx
6. Snapchat – 6,400,000 Monthly Active Australian Users (Snapchat data)
7. WordPress.com – 6,100,000
8. Twitter – 5,800,000 Monthly Active Australian Users approx
9. Tinder – 4,000,000 Australian users (my estimation)
10. Tumblr – 3,700,000
11. WeChat – 2,900,000 Monthly Active Australian Users approx – (my estimation)
12. TripAdvisor – 2,800,000
13. Yelp – 1,500,000
14. Blogspot- 1,200,000
15. TikTok – 1,100,000
16. Hinge – 1,000,000
17. Flickr – 450,000
18. Pinterest – 290,000
19. Reddit – 110,000
20. MySpace – 70,000
21. RenRen – 70,000 Monthly Active Australian Users approx – (my estimation)
22. StumbleUpon – 39,000
23. Weibo – 35,000 Monthly Active Australian Users approx – (my estimation)
24. Foursquare/Swarm – 10,000
25. Digg – 10,000
26. Periscope – 9,000
27. Delicious – 7,000

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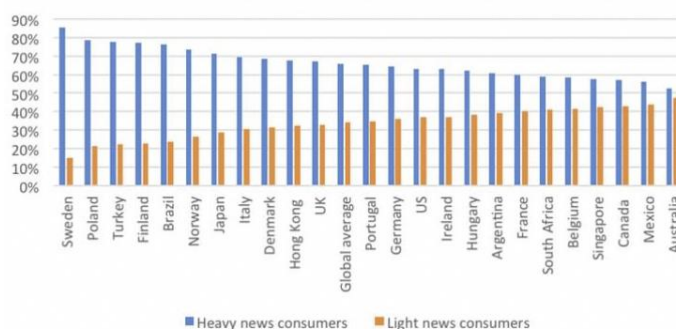
[14] *Digital News Report: Australia 2019*. This was the fifth year of this report, part of a 38-country survey coordinated by the Reuters Institute for the Study of Journalism at the University of Oxford. Reported in The Conversation, 12 June 2019. https://theconversation.com/australians-are-less-interested-in-news-and-consume-less-of-it-compared-to-other-countries-survey-finds-118333

Cultural change in Australia and its relevance to lawyers. A great deal of data points to growing diversification in clients. As a business, IT and intellectual property lawyer in Sydney, the author's experience is that clients today are very different from decades ago. The cultural milieu lawyers serve in Australia has diversified. Compared to practising law and being a consultant in Sydney in say 1990, there is much greater diversity today in client languges spoken, English language skills, levels of education, cultural backgrounds and understandings about business.

Today there is certainly in Australia more diversity too among lawyers and providers of legal services. However, given a significant range of cultural changes, there is a need to explore new ways to communicate what legally trained people can do and are doing. Some judges have joined the ranks of noting this. Here's Tom Bathurst, at the time the Chief Justice of NSW, speaking in February 2017:[15]

> "In New South Wales, 23 per cent of the population speak a language other than English at home and 19 per cent were born in a non-main English speaking country. Throughout Australia, 11 per cent of Aboriginal and Torres Strait Islander peoples speak an Australian Indigenous language at home. …
>
> These statistics should be a cause for celebration; the location of this event tonight, Sydney, is internationally recognised as one of the most culturally and linguistically diverse cities in the world. …
>
> Jokes aside, it is certainly worrying that in one survey conducted by the Australia Institute, 88 per cent of respondents agreed with the statement that "the legal system is too complicated to understand properly." That being said, 79 per cent did state that if they had a legal problem, they would know where to get help. …
>
> It is important for both judges and legal professionals to be aware of the ways in which culture can influence communication, so as to prevent misunderstandings and erroneous findings of unreliability or evasiveness.
>
> What I think all this demonstrates is that, with one in four Australians born overseas and an increase in Australia's engagement in international commercial transactions, the legal profession and the courts in particular have the potential to become leaders in the way we ensure that "all manner of people" have equal access to our judicial institutions. We certainly have the obligation to endeavour to ensure that this occurs."

Urbanisation and shift to the regions. Geoffrey West, a physicist and analyst of cities, in his insightful book titled *Scale* and other writing notes that diversity is a reality in urban environments.[16] Internationally he expects the population of cities to grow exponentially in the coming decades. He contrasts the acceptance of diversity in cities to circumstances outside them.

A trend specific to Australia is that in the five years to 2016 regional Australia attracted 65,204 more people[17] than it lost to the capital cities. The remote working evidence

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[15] "Doing Right By "All Manner of People": Building a More Inclusive Legal System", Opening of Law Term Dinner, 1 February 2017
http://www.supremecourt.justice.nsw.gov.au/Documents/Publications/Speeches/Bathurst_20170102.pdf.

[16] Geoffrey West, "*The surprising math of cities and corporations*" <https://youtu.be/XyCY6mjWOPc> and Geoffrey West "on COMPLEXITY" https://youtu.be/DFFVSvAr7Wc.

[17] Regional Australia Institute *The Big Movers* report (a PDF link is at the end of the following article): http://www.regionalaustralia.org.au/home/the-regionalisation-of-our-nation-the-big-movers/

emerging in and since 2020 is creating many data points indicating that the trend is sustaining.

7.1 Popular culture, online presence and attracting suitable clients

The rise and rise of video. What can be learned for providers of legal services from developments in popular culture online? There are significant developments with video. The use of video online has expanded enormously, this will continue in the coming years extending to augmented reality and virtual reality. In 2020 the author was surprised to learn of he extent of experimentation of virtual reality for psychology and aged care services.

One interesting thing about live video is that it can reduce self-censorship by lawyers for them to speak their minds. This is evident in forthright comments made in some videos recorded in the 2016-2017 enquiry by the Law Society of New South Wales named Future of Law and Innovation in the Profession (FLIP).[18]

For video distribution YouTube is dominant. The platform in January 2023 was used by 78.2% of Australians (a virtual tie with Facebook at 77.7%), with the average time spent on the site being 19 minutes and 33 seconds per day.[19] Its revenue base continues to grow enormously and the platform is morphing to be more things to more people. What began as a platform for sharing music, film, television, celebrity clips, as well as videos about cats, is increasingly a platform for lectures, vloggers, video essays and online offerings that cut and paste or mashup elements from other media (eg photography, TV news, music, cinema).

The Top Australian Social Media Sites By Web Traffic:

Social Media Rank	All Sites Rank	Social Media Network
1	2	Youtube
2	3	Facebook
3	4	Reddit
4	6	Twitter
5	9	Instagram
6	27	LinkedIn

As at January 2023 (*Source* Analysis by Genroe)

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[18] See the Video Library of The Future of Law and Innovation in the Profession enquiry of The Law Society of New South Wales:
http://lawsociety.com.au/ForSolictors/Education/ThoughtLeadership/flip/VideoLibrary/index.htm.
[19] Source https://www.genroe.com/blog/social-media-statistics-australia/13492

Format changes. Vlogs and video essays are formats involving style shifts. Their popularisation in various fields of entertainment, information publishing and popular culture made prior formats and styles seen ossified, or failing to respond to the philosophies, styles, modes, mores, fashions or genres of the new circumstance. When an entertainment or information presentation format or style becomes an obvious formula people see the stitching, reducing or eliminating the suspension of disbelief. There is a tendency for broad audiences to progressively stop listening, stop believing. It is for this very reason that print and audiovisual advertising of prior decades often causes amusement.

Vlogs. In the format of vlogs new styles of communication evolved over the decade of the 2010s. What can we learn from online identities involved in business who are outside of law? Among those who heralded the format and style shift, and relevant to business, were vloggers such as Casey Neistat[20] and Gary Vaynerchuk[21]. They are master story tellers, dress casually and talk with informality (Veynerchuk swears a lot); use video editing techniques which connote naivety or authenticity; and create a fresh audio environment with sound design and newer styles of music. In the case of Neistat that has helped promote a new generation of home studio DJs.

Video essays. In recent years the video essay is another video format that arose. In contrast to a blog a video essay is typically highly scripted. It is a format very useful for marketing professional services by sharing information, eg sharing the pros and cons of different approaches for specific types of cases. It is useful to think of the video essay format as an evolution from prior essay writing in blogs, and before that, in scholarly essays and pamphlets. Below are sample video essays that may inspire. A master of the form is media, online retailing and communications expert, Prof Scot Galloway (see video 2 below). He's done maybe 200 video essays with an engaging and insightful combination of talking head piece to camera combined with audiovisual clips or extracts. He does self-deprecation and humour very well.

1. **Hugh Brownstone**, Three Blind Men and An Elephant Productions *The Panasonic GH5 Two Years Later: UNTOUCHABLE!* https://youtu.be/nvw9pXrqHUs
2. **Scott Galloway** - *Disney Prepares for War* https://youtu.be/471AZ7jbLi0?list=PL3igJET4Ir3HXEzn_VO1tr42jnIWdxMmc
3. **Every Frame a Painting** - *A Brief Look at Texting and the Internet in Film* https://youtu.be/uFfq2zblGXw?list=PL3igJET4Ir3HXEzn_VO1tr42jnIWdxMmc
4. **Nerdwriter1** - *Casey Neistat: What You Don't See* https://youtu.be/JbiJqTBCQuw?list=PL3igJET4Ir3HXEzn_VO1tr42jnIWdxMmc

Relevance of format changes to lawyers. What relevance do vlog and video essay formats and style innovations have for people in law and related professions? A reminder, in contemporary circumstances we are witnessing necessary changes in the presentation, communication and delivery of legal services and products. There is an ever-present need for better writing, presentation and communication about legal services and cheaper, faster and better ways to deliver legal services. Generally speaking, the post-2008 evidence[22] of economic stagnation in private practice law

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[20] Caisey Neistat currently has almost 6.5 subscribers to his YouTube channel - <https://www.youtube.com/user/caseyneistat> Within a day of uploading a vlog post on YouTube Neistat typically receives over one million views and thousands of comments.

[21] Gary Vaynerchuk has almost .5 million subscribers.

[22] See:

firms in major English language common law jurisdictions indicates shifts in the level of market demand as well as the offerings clients seek or value. There was an upswing of legal work in 2020, but that may have been due to it being an unusual year due to the global pandemic.

Social media publishing and traditional branding require different approaches.[23] The author first noted this when he began blogging in 2006. It was liberating to use the word "I", rather than the formal writing style of no self-reference or use of the word "we". Subsequently, heaven forbid, lawyers appeared in Australia in marketing promotions without ties. In T-shirts with logos they pitched that they were friends of start-ups. Think back a decade to stiff-suited lawyers under ad banners saying in effect "*clients trust us*" and "*our most important people are our clients and employees*" and similar generic messages. Who believes any of this when the presentation is generic?

Being social vs being on social. For effective online communications there are benefits to *being social* and not just being on social. Deloitte in 2016 observed "*Companies and brands have shifted from just being on social media to being social, for example through innovative use of personal messaging services and experimentation with new forms of direct broadcasting from within social platforms.*"[24] Then in January 2017 Instragram's CEO said that his social media platform's feed ranking algorithm gives preference to images of families and friends, as they are imperfect creating the perception of "authenticity" and obviously boosting time and engagement of people on the platform as opposed to using easy to look at people.[25] He was recycling a long established popular culture trend of applying a lack of refinement to simulate authenticity.

Twitter presence of lawyers. There are few in law in Australia with a prominent online profile across several platforms. But there is a concentration on Twitter. Among them we can randomly include:

- consultant to law firms Liz Harris (@allocatur);
- Justice William Gummow (@shitjudgessay), he has not published since 2019
- legal academics and deans Tania Sourdin (@TaniaSourdin), Andrew Lynch (@AndrewLynchUNSW) and Peter Black (@peterjblack)
- tax and succession planning lawyer Matthew Burgess (@matthewwburgess)
- technology lawyer and mediator Philip Argy (@philipargy)

- Melbourne Law School and Thomson Reuters Peer Monitor "2016 Australia: State of the Legal Market", released September 2016. <http://insight.thomsonreuters.com.au/resources/resource/state-of-the-australian-legal-market-2016/?gated=true>; see too Melbourne Law School and Thomson Reuters Peer Monitor "*2015 Australia: State of the Legal Market*",
- Center for the Study of the Legal Profession at Georgetown University Law Center and Thomson Reuters Peer Monitor "2*016: Report on the State of the Legal Market*"
- "*9,000 clients vote*" <http://www.legalbusiness.co.uk/index.php/lb-blog-view/8913-9-000-clients-vote-blp-travers-and-dla-piper-win-plaudits-for-innovation-but-city-giants-miss-the-mark>;
- Jordan Furlong "*You're not selling what we're buying*" <http://www.remakinglawfirms.com/youre-not-selling-buying/>; and
- Jordan Furlong "*Welcome to the buyer's market in law*", Legal IT Today, September 2016 <https://www.legalitprofessionals.com/global-news/9057-legal-it-today-15-published>

[23] Truly Social with Tara Hunt, "*Brand Management is the Enemy of Social - Truly Social*" https://youtu.be/Uyc1rgDIsw0.
[24] Deloitte report "*Media Consumer Survey 2016: Australian Media and Digital Preferences*", 5th Edition, page 8.
[25] Kurt Wagner "*Inside Instragram's reinvention*", 23 January 2017 http://www.recode.net/2017/1/23/14205686/instagram-product-launch-feature-kevin-systrom-weil.

- business lawyer Ursula Hogban (@UrsulaHogben)
- legaltech commentator Dominic Woolrych (@dwoolrych);
- and many intellectual property specialists such as barrister Warwick Rothnie (@wrothnie) and lawyer Morris Averill (@MediaMozza)

Bernard Salt, example of a professional prominent online. Who has a cross-platform online business profile in Australia? An example is Bernard Salt. Formerly a partner with KPMG, he has assiduously developed a profile as a demographer and with that invitations to share his views as a futurist, keynote speaker, columnist, business adviser and author. Salt initially used print media articles and added radio programs and presence online. On Facebook over 6,600 follow his "Bernard Salt Demographics" page.[26] On Twitter he has over 33,000 followers.[27]

Cross-platform profile development is evident too with other media identities in Australia such as journalist on legal affairs Richard Ackland (@JustinianNews - 11,000 followers), and economics journalists Alan Kohler (@AlanKohler - 113,000 followers) and Peter Martin (@1petermartin - 33,000 followers).

8.	**12 takeaway points**

Below is a 12 point summary of themes in this paper.

1. **Clients are more variable** by culture, experience, education, age, culture, understanding, literacy, interests and ability to pay.

2. **Clients value deliverables** generally more than advice. Clients value brevity, practicality and actionable deliverables. A risk is that any race from technical advice to a transaction may overlook consultancy and demote the role and earnings of professionals.

3. **Procurement expectations of clients** are shaped by user experience of online product search and ecommerce functionality on major platforms. For lawyers the bar has been lifted very high.

4. **Technology matters, and proliferates**, (a) there is a proliferation of communication mechanisms; (b) more work to do for onboarding checks and records; and (c) there is a greater necessity to improve online document production, naming, design and sharing.

5. **Avoiding face to face meetings or conversations can be a risk**, not a shortcut. Clients pay for speed in more ways than one.

6. **Race to stay relevant on many fronts,** to get more work and have more effective dialogue in taking instructions and giving consultancy and advice.

7. **Identity checking**. Spoofing, malware, cybercrime and other digital media risks are on the rise and rise. Client ID checking is part of a bigger need today for more onboarding tasks. Group ID evidence. Make file notes.

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[26] https://www.facebook.com/BernardSaltDemographer/
[27] https://twitter.com/BernardSalt

8. **What is good practice today?** Client capacity is about *cognition*. Effective decision making also requires client *competency* and *capability*. You are in a consultancy mode of practice when recognising and evaluating how a client thinks and why they think what they think. A race from advice to a transaction can be a race to the bottom.

9. **Template and process development and refinement**. Document and workflow process design and standardisation reduce risk for clients and practitioners. Finesse them for taking instructions, sharing information and client communication. Apply them in practice areas, eg employment agreements; standard onboarding emails/letters; and service agreements accompanying cost disclosures.

10. **Improving communication**. Face to face conversation cannot be bettered by virtual communication. For virtual communication adopt a mix of formats and mechanisms to maximise understanding by clients and reduce risks for all.

ATTACHMENTS

Attachment A: Lawcover - Client Identification Check - Individual

Client Identification Check - Individual

Lawcover recommends that practitioners use the Verification of Identity Standard as set out in the NSW Participation Rules for Electronic Conveyancing to confirm the identity of all new clients regardless of the type of matter. The Rules require production of original documents in any one of the categories in the following table.

NSW Participation Rules for Electronic Conveyancing (Version 3) Schedule 8 Table

Category	Minimum Document Requirements
	For Persons, who are Australian citizens or residents:
1	Australian Passport or foreign passport plus Australian drivers licence or Photo Card plus change of name or marriage certificate if necessary
2	Australian Passport or foreign passport plus full birth certificate or citizenship certificate or descent certificate plus Medicare or Centrelink or Department of Veterans' Affairs card plus change of name or marriage certificate if necessary
3	Australian drivers licence or Photo Card plus full birth certificate or citizenship certificate or descent certificate plus Medicare or Centrelink or Department of Veterans' Affairs card plus change of name or marriage certificate if necessary
4	(a) Australian Passport or foreign passport plus another form of government issued photographic identity Document plus change of name or marriage certificate if necessary (b) Australian Passport or foreign passport plus full birth certificate plus another form of government issued identity Document plus change of name or marriage certificate if necessary
5	(a) Identifier Declaration plus full birth certificate or citizenship certificate or descent certificate plus Medicare or Centrelink or Department of Veterans' Affairs card plus change of name or marriage certificate if necessary (b) Identifier Declaration by a Person specified in Verification of Identity Standard paragraph 4.4(e) plus Medicare or Centrelink or Department of Veterans' Affairs card plus change of name or marriage certificate if necessary Note: Refer to Verification of Identity Standard paragraph 4.
	For Persons who are not Australian citizens or residents:
6	(a) Foreign passport plus another form of government issued photographic identity Document plus change of name or marriage certificate if necessary (b) Foreign passport plus full birth certificate plus another form of government issued identity Document plus change of name or marriage certificate if necessary

When confirming the identity of the client, the solicitor should:

- [ ] Conduct the check face-to-face and sight original documents to verify identity
- [ ] Verify the client's identity from an original primary photographic identification document Ensure that copies of documents are properly certified under the Oaths Act 1900
- [ ] In conveyancing matters, confirm Australian residency/citizenship of both vendor and purchaser

In verifying the information from the relevant documents the solicitor should be reasonably satisfied that:

- [ ] The documents are legible and do not appear to have been altered in any way
- [ ] There is no apparent discrepancy between the information collected from the client and information contained in the documents other than a discrepancy that can be reasonably explained and supported
- [ ] That the photograph contained in the document is a true likeness of the client

Identification Check - Organisation

Corporation

If the client is a corporation the solicitor should:

- [ ] Obtain a full ASIC search of the corporation
- [ ] Sight and take copies of relevant resolution(s) appointing the solicitor to act on behalf the corporation in the matter. The resolution(s) should adequately describe the matter
- [ ] Sight and take a copy of the relevant authority by the corporation for the director/employee to instruct the solicitor. Complete the proofs of identity for an individual in respect of the director/employee instructing the solicitor

Trust

If the client is a trust the solicitor should:

- [ ] Obtain the original or a certified copy of the trust deed and any amendments to the trust deed
- [ ] Ensure that the trust deed contains the power(s) required by the matter
- [ ] If the trustee is an individual complete the proofs of identity for individual in respect of that trustee
- [ ] If the trustee is a corporation complete the proofs of identity for a corporation in respect of that trustee
- [ ] Sight and take a copy of the relevant resolution(s) appointing the solicitor to act on behalf the trust in the matter. The resolution(s) should adequately describe the matter
- [ ] Sight and take a copy of the relevant authority by the trust for the trustee to instruct the solicitor

Note:

1. *If the client is represented by an attorney pursuant to a power of attorney the original or a certified copy of the power of attorney must also be sighted in addition to the above proofs of identity of the attorney.*

2. *If the client is exercising a power under a court order (eg: an executor or mortgagee in possession) the original or a certified copy of the court order must also be sighted.*

3. *Copies of all documents must be permanently kept by the solicitor in hard copy or preferably electronic form and not kept in the client file which may be destroyed after 7 years.*