

## Application to Designate a Responsible Lawyer and/or Operate a Trust Account

Rule 119.5(1) and Rule 119.9(1)

### Instructions

1. Every law firm must obtain prior approval from the Law Society of Alberta before opening, maintaining, or operating a trust account.
2. A law firm applying to operate a trust account must first obtain approval from the Law Society of Alberta for a member of the firm to be designated as the Responsible Lawyer and may also apply to designate the Alternate Responsible Lawyer.
3. The Rules of the Law Society of Alberta set out:
  - (a) the qualifications to be designated a Responsible Lawyer or Alternate Responsible Lawyer,
  - (b) the accountability of the Responsible Lawyer or the Alternate Responsible Lawyer, and
  - (c) the requirements for a trust account.
4. Please submit this form to [Trust.Safety@lawsociety.ab.ca](mailto:Trust.Safety@lawsociety.ab.ca). We do not require the original.

I am applying for the following designation  
(please check one):

Responsible Lawyer

Alternate Responsible Lawyer

The law firm with which I practise, or will soon be practising  
with (please check one):

Is seeking approval to operate a Trust Account

Has already been approved to operate a Trust  
Account

### SECTION A – APPLICANT DETAILS

1. Name: \_\_\_\_\_
2. Member ID: \_\_\_\_\_  
(on member card)
3. Business Name: \_\_\_\_\_
4. Street Address: \_\_\_\_\_  
City: \_\_\_\_\_ Province: \_\_\_\_\_ Postal Code: \_\_\_\_\_
5. Main Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Direct Phone: \_\_\_\_\_
6. Email: \_\_\_\_\_  
(for Law Society use only)

### SECTION B – LAW FIRM/BUSINESS INFORMATION

1. Designated Year-  
End (for Law  
Society filings): \_\_\_\_\_  
(month) (day)
2. Number of Lawyers: \_\_\_\_\_
3. Your Position/Title: \_\_\_\_\_  
(if applicable)

The information provided in this form will be used by the Law Society of Alberta for one or more purposes contemplated by the *Legal Profession Act*, the Rules of the Law Society, the Code of Conduct, or a resolution of the Benchers and will be accessible to all departments of the Law Society, including the Alberta Lawyers Insurance Association. The information may be used or disclosed by the Law Society of Alberta, now or in the future, for regulatory purposes, including Law Society of Alberta investigations and proceedings. We may contact you to obtain additional information, or to obtain clarification on the information you provided. Should you have any questions about this, please contact the Privacy Officer at 403-229-4700.

4. The law firm uses or will use the following accounting software for the trust and general bank accounts, including monthly bank reconciliations:

- Esilaw
- PC Law
- Clio

5. I propose to practice law in the following areas:

- |   |   |
|---|---|
| <input type="checkbox"/> Aboriginal             | <input type="checkbox"/> Administrative / Boards / Tribunals    |
| <input type="checkbox"/> Arbitration            | <input type="checkbox"/> Bankruptcy / Insolvency / Receivership |
| <input type="checkbox"/> Civil Litigation       | <input type="checkbox"/> Commercial                             |
| <input type="checkbox"/> Corporate              | <input type="checkbox"/> Criminal                               |
| <input type="checkbox"/> Employment / Labour    | <input type="checkbox"/> Environmental                          |
| <input type="checkbox"/> Entertainment          | <input type="checkbox"/> Estate Planning & Administration       |
| <input type="checkbox"/> Immigration            | <input type="checkbox"/> Intellectual Property                  |
| <input type="checkbox"/> International Business | <input type="checkbox"/> Matrimonial / Family                   |
| <input type="checkbox"/> Mediation              | <input type="checkbox"/> Real Estate Conveyancing               |
| <input type="checkbox"/> Tax                    | <input type="checkbox"/> Other (please specify)                 |

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TOTAL

**SECTION C****LAWYER INFORMATION**

- |    |  |     |    |
|----|--|-----|----|
| 1. | Disciplinary proceedings have been commenced against me or disciplinary punishment has been imposed on me in another jurisdiction in which I am subject to regulation of a governing body of the legal profession.   | Yes | No |
| 2. | I have been refused membership in an extra provincial law society or refused a license or other authorization to practise law in a jurisdiction outside Alberta.   | Yes | No |
| 3. | I have been disqualified from being a company director (including by way of undertaking).  | Yes | No |
| 4. | I have been, or am currently, the subject of a suspension, investigation, supervision, undertaking, conditions, insurance claim (self-reported or otherwise) or similar process including but not limited to Conduct, Audit, Practice Review or competence related proceedings by direction of a governing body of the legal profession in a jurisdiction other than Alberta.  | Yes | No |
| 5. | Proceedings have been commenced against me under Part 3 of the <i>Legal Profession Act</i> .   | Yes | No |
| 6. | I have been found guilty of conduct deserving of sanction under Part 3 of the <i>Legal Profession Act</i> or its predecessors or guilty of conduct unbecoming a barrister and solicitor or a professional misdemeanor under Part 3 of the old <i>Act</i> .   | Yes | No |
| 7. | I have pleaded guilty to or been found guilty of an offence committed inside or outside Canada <b>other than</b> an offence under a municipal by-law, a Métis settlement council by-law, or an Indian band council by-law, or, an offence in respect of which the law permits the offender to voluntarily pay a fine without the need to appear before a court or justice to enter a plea and in respect of which I voluntarily paid the fine. | Yes | No |
| 8. | I am currently charged with any of the following:  |     |    |
|    | (a) an indictable offence under any Act of the Parliament of Canada;   | Yes | No |
|    | (b) an offence under any Act of the Parliament of Canada where the offence was prosecutable either as an indictable offence or as a summary conviction offence;  | Yes | No |
|    | (c) a summary conviction offence under the <i>Income Tax Act</i> , the <i>Criminal Code</i> , the <i>Narcotic control Act</i> or the <i>Controlled Drugs and Substances Act</i> , the <i>Food and Drugs Act</i> of Canada or the <i>Income Tax or Securities Act</i> of any province of Canada;  | Yes | No |
|    | (d) a summary conviction offence under any other law in force in Canada punishable by a fine, if the maximum fine for the offence was then at least \$25,000.00, or;   | Yes | No |
|    | (e) an offence committed outside Canada and similar to any of the kinds of offences described in clauses (a) to (d);   | Yes | No |
|    | (f) a disciplinary offence in any jurisdiction in which I am subject to the regulation of a governing body of the legal profession.  | Yes | No |

**AUDIT INFORMATION**

- |     |  |     |    |
|-----|--|-----|----|
| 9.  | I have contravened, in Canada or a foreign country, a law, rule, policy or guideline about trust money or a trust account. | Yes | No |
| 10. | I am an undischarged bankrupt or have been a bankrupt.   | Yes | No |
| 11. | I am a judgment debtor.  | Yes | No |
| 12. | I have had a civil judgment made against me relating to fraud.   | Yes | No |
| 13. | I have disobeyed an order of a court.  | Yes | No |
| 14. | I owe money to the Law Society of Alberta.   | Yes | No |

**Full particulars in regard to any affirmative statement made above accompany this application.**

**SECTION D – DECLARATION**

I acknowledge as a Responsible Lawyer or Alternate Responsible Lawyer I am accountable for:

- (a) the controls in relation to and the operation of the law firm trust account
- (b) the accuracy of all reporting requirements of the law firm
- (c) the accuracy of all filing requirements of the law firm; and
- (d) any of (a), (b), or (c) above that have been delegated to law firm staff.

I acknowledge that at any time the Executive Director is of the opinion that I no longer continue to be suitable to fulfill my duties as Responsible Lawyer or Alternate Responsible Lawyer, the Executive Director shall do any of the following:

- (a) attach conditions to the Responsible Lawyer or Alternate Responsible Lawyer approval; and/or
- (b) refer the matter to the Trust Safety Committee for determination.

I acknowledge that the Responsible Lawyer or Alternative Responsible Lawyer designation is deemed to be revoked upon the suspension, disbarment or death of the Responsible Lawyer or Alternate Responsible Lawyer.

If I am unable or unwilling to discharge the duties of a Responsible Lawyer or Alternate Responsible Lawyer, I shall, a minimum of 14 days before the date I wish to cease to be Responsible Lawyer or Alternate Responsible Lawyer:

- (a) advise the Society of my intention to cease to be the Responsible Lawyer or Alternate Responsible Lawyer;
- (b) file a final Law Firm Self-Report;
- (c) comply with any outstanding audit requirements; and
- (d) ensure a replacement Responsible Lawyer or Alternate Responsible by:
  - (i) ensuring the necessary application has been filed with the Society; and
  - (ii) ensuring the necessary steps have been taken to enable the transfer of the Responsible Lawyer or Alternative Responsible Lawyer designation to another qualified member of the law firm.

I acknowledge that the Law Society will access information it has in its records regarding credentials and education, conduct, practise review, insurance and audit proceedings involving me.

I hereby authorize the Society to make enquires of any other law society or governing professional body, or of other entities which may have information relevant to any matters to which I gave an affirmative answer above. On the request by the Executive Director, I will furnish any additional specific authorization or any release that is required for the purpose of enabling the Society to obtain information related to my background.

I undertake that I will at all times during which I am the Responsible Lawyer or Alternate Responsible Lawyer faithfully and to the best of my ability perform my obligations as a Responsible Lawyer or Alternate Responsible Lawyer and as a member of the Society under the *Legal Profession Act*, the Rules of the Society and any code or ethical standards authorized or established by the Benchers of the Society.

**Declaration**

I, \_\_\_\_\_ solemnly declare

that all statements made by me in this application, and in the documents furnished in connection with this application, are correct, and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me at \_\_\_\_\_

On \_\_\_\_\_  
(mm/dd/yyyy)

A Commissioner for Oaths for the Province of Alberta  
(Note: if the declaration is made outside Alberta, it must be made before a Notary Public.)

Applicant Signature