



# The Continuing Legal Education Society of Nova Scotia

## **Practice Protocol: Common Courtesy between Lawyers**

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# **PRACTICE PROTOCOL COMMON COURTESY BETWEEN LAWYERS**

## **POINTS TO PONDER FOR PROTOCOL**

1. Opening letters - By purchaser's solicitors requiring everything from an environmental audit to confirmation no underground oil tanks and then never raising it again when you don't respond.
2. Lease Assumptions - should we as lawyers be involving ourselves in these.
3. Late Objections - Doing our best to avoid but if unavoidable the cooperation of the vendor's solicitor is requested.

4. Judgments - What are and what are not objections to title and how should they be handled as a courtesy we provide declarations by vendors.
5. No surprise undertakings, all undertakings to be confirmed either verbally or in writing well in advance of closing.
6. Advising vendors what fixtures are when you are meeting with them to sign the Deed prior to them vacating the property.

7. Environmental considerations.

8. Ethical considerations.

Independent Legal Advice

Undertakings

9. Documents signed by Power of Attorney - Both document and Power of Attorney to be delivered well before closing to purchaser's solicitor.

10. Confirmation of Adjustments - First to call and deemed to be accurate if within a \$5 - \$10 range.
11. Provide the oil tank top-off slip or give your undertaking to holdback until you can.
12. Timely delivery of Deed and keys.

13. Making sure that you deliver at least one key to the property.
14. Letters from purchaser's lawyer received at 4:00 Friday afternoon with their cheque asking you to hold documents in escrow until they have received your Deed, keys, copy of the oil top-off slip, etc. which you have delivered to them 3 days before and when you call to determine whether or not they have received them both the lawyer and the secretary have gone for the weekend.





**If you have any suggestions for Protocol that you would like to submit to RELANS please set those points out below.**

