

## **FRAUD ALERT**

**From Deborah E. Gillis, Q.C.**

**Risk and Practice Management Advisor**

**Lawyers' Insurance Association of Nova Scotia**

### Request for Divorce Representation

You will recall receiving FRAUD ALERTS from me relating to real estate transactions and debt collection schemes.

A new scheme may be circulating in Nova Scotia, involving a request for representation in a divorce.

The Nova Scotia lawyer who reported this suspected fraudulent scheme was contacted this week, via e-mail, by a prospective client seeking representation in a divorce.

The e-mails she received contained many grammar and spelling errors. An example of such grammar and spelling follows:

*"Please note that i had contact one other lawyer and i am waiting to hear from him, so i advise that you get back to me as soon as possible with your address, person phone number and how much these will cost me, so i can start making arrangment as soon as possible...I will have all necessary documents filled and signed once i get to your office.."*

The lawyer declined representation because of a number of red flags that included the grammar and spelling errors and:

- Discrepancies in the different e-mails that were received from the prospective client including the place of the marriage and even what country she was coming to; in one e-mail it was the US and in another it was Canada
- The prospective client not being willing to facilitate telephone contact by calling the law office or providing a number where she could be reached
- The client not complying with the lawyer's request for information such as details of the marriage, residency, parties' names and addresses etc.

The Nova Scotia Lawyer declined representation and thus, received no retainer from the prospective client. However the prospective client seemed quite willing to pay a retainer. Had one been paid, the lawyer may have found herself in the same situation as an American divorce lawyer who reported the following:

*"I was contacted via email by a potential client that wanted me to represent her in a divorce action. In this email, she had several other what I assumed to be local attorneys emails that she was also considering for her representation. After several emails, she decided I was to represent her. I sent, via email, my retainer agreement that she was to return to me, signed, with the retainer check. Then on Friday, when she sent the (less than agreed upon) retainer check via UPS, she included instructions to wire a portion to a travel agent. At this point, bells went off in my head. I started digging and found out that the UPS package was sent from Oregon when she was supposedly in the UK (as was the travel agent). Also, upon receiving the UPS package, it is a computer generated check (not that unusual for me to see) but from a company in Alexandria, VA. The address on the package was also from Virginia.*

*Then, this morning, the phone started ringing - "why haven't you sent the money?" The phone calls were, however, not from the potential client but from the supposed travel agent. Several such phone calls all in a short period of time. The phone number did not show up on caller ID, but the calls were coming through the switchboard which is unusual for most phone calls to this office. I was able to ignore them for the time being. There have been no calls since lunch time. Also, today there was an email from the potential client where she was for the first time indicating some type of physical or emotional abuse, although she did not say that outright. The email also said that she was in a hurry to get everything started.*

*Needless to say, the money was not wired to the travel agent and thus far the check has not been deposited into my accounts. I am pretty sure that the check would be dishonoured"*

As with any unsolicited e-mail request for legal services, satisfy yourself as to the identity of your client and the legitimacy of the funds you receive into and pay out of your trust account, Read the Fraud Fighting Tips which have been compiled for your benefit by me and posted to the LIANS website <http://www.lians.ca/FraudFightingTips.pdf> .