

To Do of Conveyancing

There is no one way in dealing with risks. It is best to find ways and avoid any risks.



Conflicts are Everywhere

- You may be acting for a friend or family member in some matters, put relationship aside and ask yourself:
 - would this affect the matter?
 - can it affect your judgement?
 - is there a direct interest to you/firm?
- Does your firm have a conflicts checking system?
 - Keep a database of all clients with their details.
 - Run a conflicts check with all (legal and support) staff of the firm.
 - Make sure to include any new staff of your firm in case they had prior dealing with the potential client.
 - When you have taken up the matter, inform the staff members and include it in the client's database.
- Obtain a written waiver if you are acting for purchaser and financier.



Verify Identities

- Request for a second set of identification (ie latest utility bills of the property, driving licence, etc) to affirm the identity and/or ownership of the land/property.
- Make sure relevant parties involved in the S&P Agreement is present and signs the documents in your presence.
- Do a search with relevant authorities, ie National Department of Registration, foreign embassies.
- Confirm particulars in the identification produced are the same as in search results.
- Always have sight of the original identification documents. Should you receive a temporary identification document, ensure to run proper checks with the relevant authorities.

Communication is Key

- At the initial meeting with the client, make sure the client understands the job scope that you will be handling for the client.
- Prepare a retainer letter listing the work scope of your work for the client.
- Have written confirmation before executing any verbal or third party instructions.
- Keep your client informed on the progress of the matter at relevant stages.

Checklist in Conveyancing

- Conduct proper searches on the land:
 - on status of land and whether it is possible to change with the consent of the state government
 - ownership of land – when taking up the matter and before releasing the monies
- Do a caveat to protect the interest of your client.
- Confirm the ownership of the land and your client. Run an identity check:
 - identification card
 - second verification: driving licence, utility bills, etc
 - seek authority, embassy, etc
- Use *Bar Council's Practice Area Checklist* CD-ROM for Conveyancing.