

Law Society Form 18:
Witnessing, Commissioning and Notarizing Documents
via Audio-Visual Technology

DECLARATION OF MEMBER WHO HAS WITNESSED DOCUMENTS
VIA AUDIO-VISUAL TECHNOLOGY

I, _____, of _____, in the Province of
Newfoundland and Labrador, a member of the Law Society of Newfoundland and Labrador,
did on the _____ day of _____, 20_____ witness
_____ sign the following documents via audio-visual technology:

- 1.
- 2.
- 3.

In accordance with Law Society Rule 18.02, I hereby confirm that I have professional liability insurance that covers witnessing, commissioning and/or notarizing the above listed document(s) or I am eligible to be indemnified by my employer for witnessing, commissioning and/or notarizing the above listed document(s).

In accordance with Law Society Rule 18.05, I have taken steps to mitigate the risks associated with the witnessing of documents via audio-visual technology. I have assessed the following risks and have answered “yes” or “no” to indicate where I have identified concerns:

1. Have I identified any indicia that the transaction might be fraudulent? _____
2. Did I identify concerns, including the physical presence of a third party in the company of the signatory while they were signing the documents, suggesting that there is a risk that the signatory may be subject to undue influence or duress? _____
3. Did I identify concerns about the signatory’s understanding of the documents they are executing? _____

4. Did I identify concerns about the signatory not having an adequate opportunity to ask questions about the document being signed? _____

Where I have indicated “yes” to the statements above, I managed the risks by the following means:

I have also taken the following measures to mitigate the risks associated with fraud, identity theft, undue influence, duress and potential lack of capacity:

In addition, **where the document witnessed was a will**, the details of the second witness signature are as follows:

I was physically in the presence of [name of another member], who acted as the second witness to the testator’s acknowledged signature;

OR

The testator was physically in the presence of [name of witness], who acted as a first, in-person witness to the will and that individual acknowledged their signature to me;

OR

The testator and I were joined via audio-visual technology by [name of another member], who acted as the first remote witness to the will and that individual acknowledged their signature to me and the testator. The testator acknowledged the testator’s signature to both of us.

In accordance with Rule 18.09, I confirm that:

1. I have completed a line-by-line comparison of the will that I prepared against the partially executed will that I received back from the testator and have confirmed that no unauthorized alterations were made.

OR

I was acting as a witness only in relation to the testator's will, and as I had no document that I had created to compare to, I read the entirety of the will to the testator during our meeting via audio-visual technology to confirm the intentions of the testator.

AND

2. I have prepared a Proof of Will in accordance with the *Rules of the Supreme Court, 1986* and amended the jurat accordingly.

Attached hereto is a screen capture or photo of the screen showing the face of the signatory alongside the photo identification that was presented to me via audio-visual technology during the session where the above noted documents were executed or a copy of my affidavit prepared in accordance with Rule 18.04.

I DO SOLEMNLY DECLARE that I have complied with the requirements relating to witnessing, commissioning and notarizing documents via audio-visual technology outlined in the *Commissioners for Oaths Act, Notaries Public Act, Registration of Deeds Act, 2009* and *Wills Act*, as applicable and along with their respective regulations, as well as Law Society Rule 18 and that the statements contained in this form are complete and true in every respect.

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.

DATE

Signature of Member

Once completed,

- the original Form must be maintained in the client's file where the signatory is a client and in a central location where the signatory is not a client; and
- a copy of this Form must be provided to the signatory.