The Law Society of Manitoba
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Electronic Funds Transfer Frequently Asked Questions:

1. Is there an application form to use for approval to use online banking for our trust account? *No there is not an actual application form. The trust account supervisor is to provide in writing to the Law Society what their policies and procedures will be for electronic banking following the minimum requirements as set out in Practice Direction 03-02 and Appendix A to the Electronic Funds Transfer Guideline.*

2. Blanket wire transfer approval for manual transfers has existed for many years. Does a firm or lawyer have to have blanket approval for manual wire transfers in order to also receive blanket EFT approval? *No, it is not necessary to have blanket approval for manual wire transfers to go ahead and apply for approval for blanket EFT approval.*

3. Does our client have to provide us with authorization to send their trust funds via EFT? *Yes, the client must provide authorization for EFTs in writing, other than transfers to the general account for previously issued statements of account. If the instructions are not received in-person then they must be reconfirmed verbally with the client using pre-existing contact information.*

4. Do we have to use the Law Society sample requisition form? *No, the firm may prepare their own customized requisition form, however it must contain all of the required information and authorizations.*

5. Does the person setting up the online withdrawal have to be a practicing lawyer? *No, a support staff member may be given online access and the ability to set up or initiate the withdrawal, but it must be a practicing lawyer that approves the withdrawal.*

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6. Many savings institutions have different banking platforms for different customers, such as small business or commercial banking platforms. Do we have to use a commercial banking platform? *Not necessarily, however often it is the commercial banking platforms which can accommodate the various requirements, such as multi-factor authentication for each user's access, each transaction must require a minimum of two users (one to initiate and one to approve), and the final approver of the transaction must be a practising lawyer with the firm.*

7. What additional risk reduction measures can be used for large dollar or recipients outside of Manitoba? *An early test of a small dollar amount (such as $10) can be sent to the destination account to confirm all account information is correct. A firm can also make it part of their policies that a second lawyer is required to approve such withdrawals.*

8. Can a sole practitioner with no support staff still obtain blanket EFT approval? *Sole practitioners with no support staff should contact the audit department for further information.*

9. Generally speaking, do trust accounts still need to be restricted to "read only" for online access? *Yes, unless the trust account supervisor has received approval from the Law Society for disbursing trust money via EFT, all trust accounts must be restricted to "read only". As well, if the firm or lawyer has multiple trust accounts, but is only going to be using one of the trust accounts for EFTs, then all other trust accounts are still to be restricted to "read only".*

10. Electronic transmission is an exemption in the Division 12 Client Identification and Verification rules (5-119(c)). Does this exemption become expanded or changed by the addition of EFT to the Financial Accountability rules? *No, the amended Financial Accountability rules for EFT have no impact on the Division 12 rules.*