

David Hodson on International Family Law International Collaborative Law scam e-mails

A warning that the scam e-mails in the context of collaborative law are doing the rounds again. All international family lawyers should beware when they are contacted to enforce a foreign, often American, collaborative law agreement. These schemes were discovered in the UK, Australia, Canada and the US in 2009, re-occurring this past spring. They have just arrived again to me and my colleagues at The International Family Law Group so I felt it was timely to send out another warning

The initial e-mail is an enquiry from a prospective client seeking to pursue a substantial sum owing under a collaborative law agreement. The sum is invariably expressed in dollars, and often approximately \$750,000 to tempt a response. It says that there has already been a divorce and an ancillary out-of-court collaborative law settlement of which some small part has been paid. The person making the enquiry seeks assistance to collect the balance. The paying party is said to be in the home jurisdiction of the lawyer receiving the enquiry. Sometimes it is said that the paying party has been willing to make payment but is going slowly: perhaps to tempt the law firm to think it may not be a difficult matter. Consequently, the note goes on to say, the person making the enquiry wants to instruct the lawyer to enforce the agreement. The note requests an estimate of fees, a retainer letter and details of the client account into which the retainer can be paid. The note invariably indicates a willingness, indeed keenness, to pay this retainer quickly, which should put most lawyers on alert that something odd is afoot!

When bank details have been given, a cheque is sent to the law firm for the work to be undertaken and then before the cheque is cleared, there is a quick request for a refund, often on the basis that the lump sum has now been paid. The refund is given and then the initial cheque bounces especially as it deliberately takes time to clear from an overseas account. The law firm is out of pocket. Sometimes in fact the paying party sends the law firm a cheque for the amount outstanding, swiftly followed by a request from the initial party for the law firm to take generous costs out of that amount and send the balance quickly, with again the initial cheque bouncing. Variations can be found through the web

The e-mail invariably tugs at the heartstrings. The person making the enquiry is doing good works on assignment with a church or charity working on a low income in a Third World country, having to support the children. I confess I only realised it was a scam when I discovered my colleagues has had similar e-mails; a benefit of having a large international practice. This variation of a scam around many years is very directed at family lawyers, often with an international practice. The scammers have done their homework. Some clues are bad grammar, web-based e-mail addresses including with no relationship to the sender, reference to the fact that the lawyer prepare the collaborative law agreement has now died and his firm are not giving any assistance.

Beware, be wise, be willing to share scamming experiences and be sceptical of easy money!

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