

To: LSN Membership Executive Committee

Re: Remote Affidavit and Statutory Declaration

Date: April 30,2020

Remote Affidavit and Statutory Declaration

You need to review the requirements set out in the [Evidence Act](#).

The jurat of an affidavit is an important record and should accurately reflect the circumstances of the swearing/affirming. For example:

Sworn to/ Affirmed (circle one)

by videoconference

from _____ (location of affiant)

to _____ (location of lawyer taking oath)

this ____ day of _____ 2020

The best practice is for the client to provide their original document to you for execution. If this is not immediately possible, you can execute a printed electronic (scan or fax) copy and then later the original when it becomes possible.

If you require identification to verify the identity of the affiant, you need to have the affiant show you the front and back of their government issued identification. You need to document the type of government ID produced and that you reviewed and verified the information. Some authorities, such as the [Nunavut Court of Justice \(NCJ\)](#) and [Legal Registries](#), may require that you keep a copy of the identification.

If you do not have a true original, explain to the authority receiving the affidavit of the circumstances and seek their guidance.

You should make and retain detailed documentation of all aspects of each matter in which virtual commissioning is used.

In particular, we invite you to take note of the [Chief Justice Notice of March 17 re: SUSPENSION OF REGULAR OPERATIONS](#) which addresses procedural compliance during the suspension. As a result, the Civil Registry is currently accepting for filing unsworn affidavits from counsel who indicate in their covering emails that the affidavits were sworn/affirmed by the clients. Once operations resume and hearings start to take place, the NCJ will ensure the integrity of evidence submitted in civil proceedings is protected through having parties resubmit the affidavits sworn/affirmed.