

CAVE PECUNIAM: LAWYERS AS LAUNDERERS

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SUMMARY

The attorney's trust account is an enticing prospect for criminals seeking ways to launder money acquired illegally, and the attorney whose trust account is abused in this way stands to be branded and punished as a money launderer. The overall aim of the article is to identify the dangers which money launderers pose to attorneys and to highlight the need for vigilance in the face of these dangers. It analyses the anti-money laundering reporting obligations imposed on attorneys by the Financial Intelligence Centre Act and considers impact of these obligations upon the attorney-client relationship. Some of the ways in which a law practice may become implicated in the placement, layering and integration stages of the money laundering process are discussed, and cases which deal with attorneys' involvement in money laundering schemes are presented.

KEYWORDS: trust account; attorneys; money laundering; FICA; confidentiality; legal professional privilege; reporting obligations; cash threshold; suspicious transaction; tipping off

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