**Power of Attorney Preparation Checklist for Pro Bono with VOLS Senior Law Project**

Preparation:

* For all clauses marked (OPTIONAL), the entire body can be removed and replaced with 'Intentionally omitted.' Please keep the section clause title in place. The POA is a statutory document and the less the statutory form is altered the more likely it is to meet substantial conformity. A POA that meets substantial conformity with the statutory form earns statutory protections against arbitrary rejections by third parties.
* Please keep the last line on the document that says who prepared the document. Fill in the name and office address of an attorney from your team there.
* Please do not delete both successor agent signature pages. If there is no successor agent keep just the page at clause (q) and type “NONE” each place where NAME OF SUCCESSOR AGENT meant to be placed.
* The client signature should be at clause (m). Ensure that all clause letters are present in the document. The POA should end with clause (q).
* Please do not delete the Compensation of Agents clause or any other clauses that are not marked (OPTIONAL) to help ensure substantial conformity.
* Names on signature pages do not need to be bold and italic. You may type them in normal font.
* Please do not reduce the font of the POA. The statute asks for at least 12-point font.

Double-Check:

* Please compare names and addresses against the intake summary (blurb)/summary contacts/intake questionnaire. If you note any differences, please confirm the name and address with client.
* Names listed on the POA should match the named person’s government issued photo ID that they use most frequently, including any middle name or middle initial.

Ensuring Proper Execution:

* Initials at Each Authority: Ensure that the client initials have not been typewritten. The client will initial the bracket at each specific authority they wish to grant at the time of execution of the POA.
* If client lists more than one agent or successor agent please speak to them about the option to initial to permit them to act separately. If they are permitted to act separately then the POA is valid and usable upon the signature of one of the agents. New York General Obligations Law 5-1501B(3)(a) provides: “The date on which an agent’s signature is acknowledged is the effective date of the power of attorney as to that agent; provided, however, that if two or more agents are designated to act together, the power of attorney takes effect when all the agents so designated have signed such power of attorney with their signatures acknowledged.”
* Use of (P): If the client has chosen to use (P), verify that they have written, or you have pre-typed the letters for each authority on the blank line at (P).
  + Initials at (P): Confirm that the client has initialed the bracket at (P) at execution if they have listed authorities there.
  + No Duplicate Initials: If (P) is initialed, ensure that the other lines are not initialed, as initialing (P) alone is sufficient.
* Clients MUST write in all dates themselves. See New York General Obligations Law § 5-1501B (2022), requiring POA principals to sign, initial, and date by hand.
* If the client is using modifications that include gifts over 5K annually please also have them initial (g) which links to those, “I grant my agent authority to make gifts in accordance with the terms and conditions of the Modifications that supplement this Statutory Power of Attorney.”