



GUIDELINES FOR LAWYERS WHO ARE SUSPENDED OR WHO HAVE GIVEN AN UNDERTAKING NOT TO PRACTISE

The Law Society of
Upper Canada

Barreau
du Haut-Canada

GENERAL

1. (1) In this Guideline, “suspended lawyer” means a lawyer whose licence to practise law is suspended or who undertakes to the Law Society not to practise law.

(2) A suspended lawyer or a lawyer who has undertaken to the Law Society to restrict his or her practice must cease practise as a result of the suspension or in compliance with the terms of the undertaking. Suspended lawyers are also prohibited from providing legal services as defined by the *Law Society Act*, as only those persons licensed by the Law Society to provide legal services may do so. By-laws 7.1(Part II) and 9(Part II.1) impose on suspended lawyers certain notice requirements, obligations and restrictions on activities, including the handling of money and other property.

(3) In order to comply with these obligations and restrictions, suspended lawyers must comply with these Guidelines.

PERMITTED ACTIVITIES

2. (1) During the term of the suspension or undertaking not to practise, the suspended lawyer may only:
 - a) See clients only for the limited purpose of assisting them in transferring their past or present legal work to another lawyer;
 - b) If requested by the client, suggest a referral to a particular lawyer to continue work on the client’s file. The ultimate choice of who is retained rests with the client and not with the suspended lawyer;
 - c) Collect accounts receivable;
 - d) Render accounts for work completed on or before the effective date of the suspended lawyer’s suspension or undertaking not to practise; and
 - e) Arrange with the lawyer whom the suspended lawyer has retained to complete outstanding reporting letters and undertakings for his or her remuneration.

MANDATORY ACTIVITIES

3. (1) On or before the effective date of the suspension or undertaking not to practise, the suspended lawyer shall:
 - a) Remove any sign from the suspended lawyer’s door, building, premises, window, building directory, property, vehicle or any other location designating it as a “law office” or designating the suspended lawyer as being able to practise law or to be a “barrister”, “solicitor”, “lawyer”, “Licensee of The Law Society of Upper Canada”, “Licensed by The Law Society of Upper Canada”, “notary public”, “commissioner for taking affidavits” or “commissioner of oaths” or similar words giving the impression, in English or any other language, that the suspended

lawyer is able to practise law. The above words must also be removed or crossed out from all stationery, letterhead, business cards, forms, stamps, accounts, electronic mail forms, Internet sites and any other advertisements or publications bearing the suspended lawyer's name;

- b) Disconnect the suspended lawyer's telephone and facsimile lines or arrange for a voice message to advise callers that his or her law practice is closed until further notice and provide callers with the name and telephone number of another lawyer to call for information regarding their files. Suspended lawyers under a definite suspension may leave a message advising when the office will reopen;
- c) Enable an "out of office" email notification advising that his or her law practice is closed until further notice and provide the name and telephone number of another lawyer to call for information regarding their files. Suspended lawyers under a definite suspension may leave a message advising when the office will reopen; and
- d) Notify the Law Society immediately after any change in contact information in compliance with By-law 8.

PROHIBITED ACTIVITIES

- 4. (1) Effective from the date of suspension or undertaking not to practise, the suspended lawyer shall not:
 - a) Create new lawyer-client relationships;
 - b) Accept new legal work for existing clients;
 - c) Notarize documents pursuant to the *Notaries Act*, R.S.O. 1990, c. N.6, or commission affidavits or statutory declarations pursuant to the *Commissioners for taking Affidavits Act*, R.S.O. 1990, c. C.17;
 - d) Report to clients, other than to:
 - i) inform them of the suspension or the undertaking not to practise; and
 - ii) deliver an account for services rendered prior to the suspension or undertaking not to practise;
 - e) Give to another lawyer or a paralegal or receive on behalf of a client, other individual, corporation or other entity, any undertaking with respect to any legal matter;
 - f) Occupy or share office space with a lawyer or paralegal in contravention of Subrule 7.6-1.1 of the *Rules of Professional Conduct*;;
 - g) Provide services to a lawyer or paralegal in relation to that lawyer's practise of law or paralegal's provision of legal services in contravention of Subrule 7.6-1.1 of the *Rules of Professional Conduct*;
 - h) Act as an articling principal to a student-at-law in the Licensing Process or act as the supervising lawyer to a student-at-law in the Licensing Process; and
 - i) Accept any referrals from the Law Society Referral Service.
- (2) The suspended lawyer shall not resume the practise of law upon termination of a suspension or undertaking not to practise until the suspended lawyer receives confirmation of the termination of the suspension or undertaking not to practise from the Law Society. This confirmation will be promptly given.

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