

Protocol for the Court of Appeal for Ontario

This protocol sets out the process by which judges of the Court of Appeal may make a request for mentoring or refer incidents of possible misconduct regarding licensees of the Law Society of Ontario.

Referrals of misconduct and requests for mentoring may be made through the Office of the Chief Justice or by a judge of the Court of Appeal directly.

Referral of Licensee Conduct to the Law Society

The process for referring licensee conduct or a request for mentoring to the Law Society is as follows:

- Submit to the Law Society a written referral that includes,
 1. A description of the licensee's conduct,
 2. Extracts of the relevant portions of the transcript reflecting the licensee's conduct and the judge's comments thereon,
 3. Any reasons by the judge touching on the misconduct,
 4. Copies of any written submissions or other relevant documents, and
 5. The names of any witnesses who may be of assistance.
- The referrals will be directed via email to CEO@lso.ca , or by mail or courier to the attention of the CEO. Mailing information can be found on the Law Society website (www.lso.ca/contact-us).
- The Law Society will open a case file and send correspondence to the referring judge and to the Office of the Chief Justice acknowledging receipt of the referral and providing the assigned case number.
- The Law Society will assign the case file to a staff person to review and investigate the allegations. The Law Society will consider whether, in the context of the licensee's regulatory history, mentoring might be an appropriate outcome.
- Where the licensee's regulatory history suggests that mentoring is not an appropriate outcome, Law Society staff will review and investigate the allegations.

Communication between the Law Society and the Court:

- The Law Society will provide the referring judge and the Office of the Chief Justice with periodic status reports.
- The Law Society may contact the referring judge to obtain any necessary additional information that may be required to proceed.
- The referring judge and the Office of the Chief Justice will be informed of the outcome and disposition of the matter. In cases where the matter proceeds to the hearing process or a regulatory meeting, the referring judge and the Office of the Chief Justice will be advised of the time and date of the hearing / regulatory meeting in the event that a representative of the court wishes to attend.

Mentoring

A judge of the Ontario Court of Appeal may request that the licensee be mentored rather than investigated for professional misconduct.

Where further regulatory action is not warranted, the Law Society may make arrangements for a licensee to be mentored by a senior licensee from mentoring panels.

The mentoring process is as follows:

- The Law Society will report the licensee's conduct to a member of the mentoring panel.
- Arrangements will be made for the member of the mentoring panel to contact the licensee to arrange a mentoring meeting.
- At the mentoring meeting the licensee and mentor will discuss the conduct in question.
- The referring judge and the Office of the Chief Justice will be advised that the matter was referred for mentoring and the matter will then be considered closed.