



The Law Society of
Upper Canada | Barreau
du Haut-Canada

The Professional Regulation Division

Quarterly Report

January - March 2013

The Quarterly Report

The Quarterly Report provides a summary of the Professional Regulation Division's activities and achievements during the past quarter, January 1 to March 31, 2013. The purpose of the Quarterly Report is to provide information on the production and work of the Division during the quarter, to explain the factors that may have influenced the Division's performance, and to provide a description of exceptional or unusual projects or events in the period.

The Professional Regulation Division

Professional Regulation is responsible for responding to complaints against licensees, including the resolution, investigation and prosecution of complaints which are within the jurisdiction provided under the *Law Society Act*. In addition the Professional Regulation provides trusteeship services for the practices of licensees who are incapacitated by legal or health reasons. Professional Regulation also includes the Compensation Fund which compensates clients for losses suffered as a result of the wrongful acts of licensees.

See Appendices for a case flow chart describing the complaints process as well as a description of the Professional Regulation division processes and organization.

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SECTION 1

REPORT HIGHLIGHTS

Highlights of Quarterly Performance

The Division

During the first three months of 2013, Professional Regulation received 1287 new complaints. This was a 6% increase when compared with the same period in 2012 and a 12% increase from the fourth quarter of 2012.

In the same period, Professional Regulation closed 1177 complaint files. As the division received more complaints than were closed, the inventory increased by 217 complaints during the period to 3391 cases.

Complaints Resolution

The input of complaints into this department is increasing overall. The department's intake of new cases was unusually high in the last quarter of 2012, based on an internal revision of the case transfer process, however in the first quarter of 2013, intake of new cases has continued to be higher than the yearly trend in 2012. As a result of the increased intake, the department's inventory has increased to 1045 cases. The median age of the inventory continues to be within the targeted range at 151 days.

Investigations Department

Investigations received 400 new cases in the first quarter of 2013, 32% more than in the same period in 2012. While the department also completed more cases than in the same period in 2012, the high number of new cases resulted in a 6.7% increase in inventory. The median age of the inventory continues to be lower than target at 229 days.

Discipline and Hearings

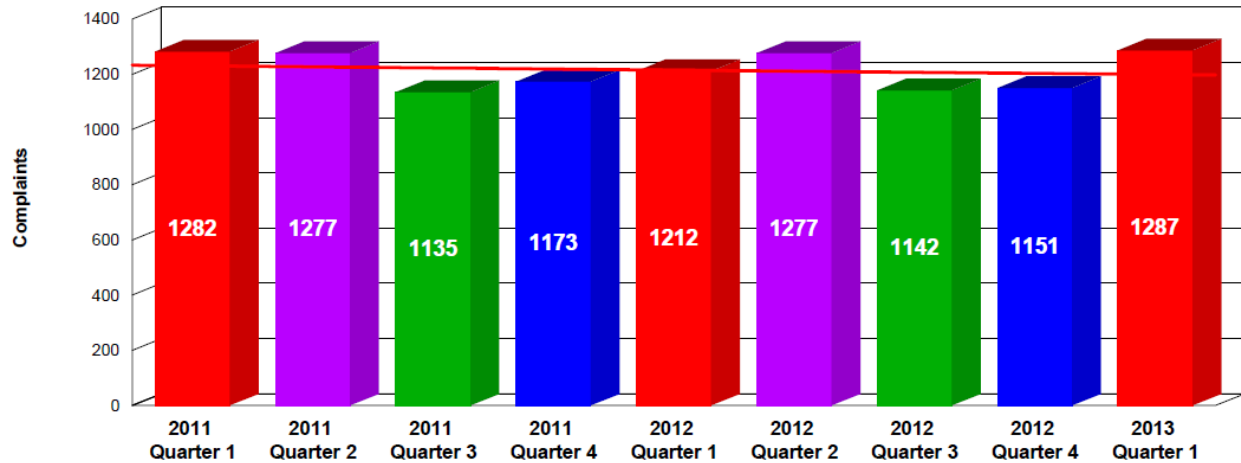
The inventory of cases for prosecution in the Discipline department continues to be high at 595 cases relating to 211 licensees or applicants at the end of Q1 2013. There were 41 notices issued to commence proceedings in the first quarter, with 27 hearings completed, and 7 new appeals launched.

SECTION 2

DIVISIONAL PERFORMANCE DURING THE QUARTER

PERFORMANCE IN THE PROFESSIONAL REGULATION DIVISION

Graph 2A: Complaints¹ Received in the Division



The number of new complaints received in the first quarter of 2013 increased by approximately 12% when compared to the number received in Q4 2012 (1287 vs. 1151); the number was approximately the same as the number of new complaints received in the first quarter of 2011. The analysis of new complaints received (below) shows that, in Q1 2013, complaints against lawyers and licensed paralegals increased while the number of complaints against non-licensees/non-applicants decreased from the number received in Q4 2012.

Detailed Analysis of Complaints Received in the Division

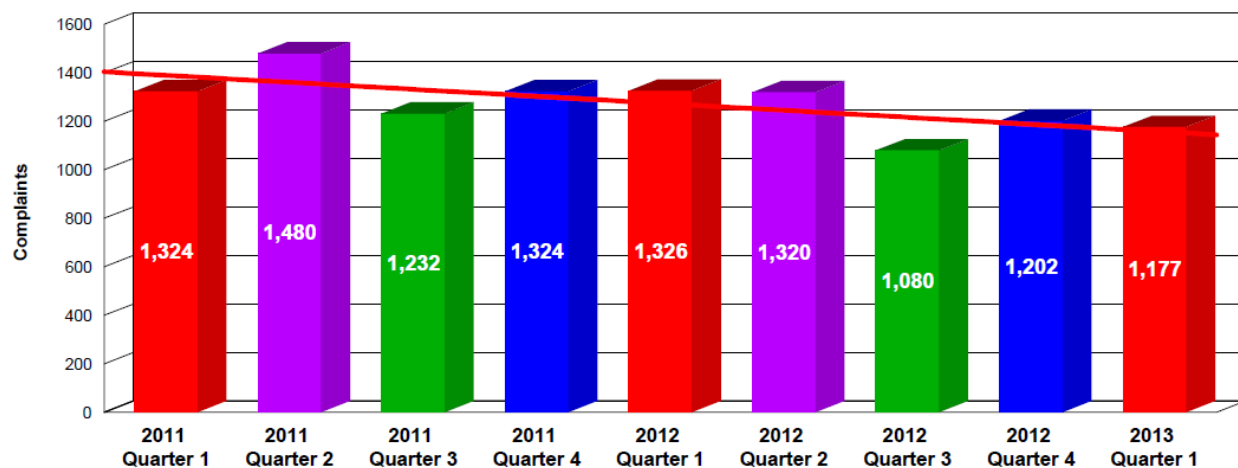
	Q1 2012	Q2 2012	Q3 2012	Q4 2012	Q1 2013
Complaints against Lawyers	997	944	942	937	1013
Lawyer Applicant Cases ★	5	59	27	8	18
Complaints against Licensed Paralegals	110	143	118	109	160
Paralegal Applicant Cases ★	29	80	20	26	29
Complaints against Non-Licensees/Non-Applicants*	71	51	35	71	65
TOTAL	1212	1277	1142	1151	1287

★ Applicant cases include good character cases and UAP complaints

* For a complete analysis of UAP complaints see section 3.4.

¹ Includes all complaints received in PRD from Complaints Services.

Graph 2B: Complaints Closed² in the Division (by Quarters)



The number of cases closed in the Division in Q1 2013 decreased by 2% from the number of cases closed in Q4 2012.

Detailed Analysis of Complaints Closed in the Division

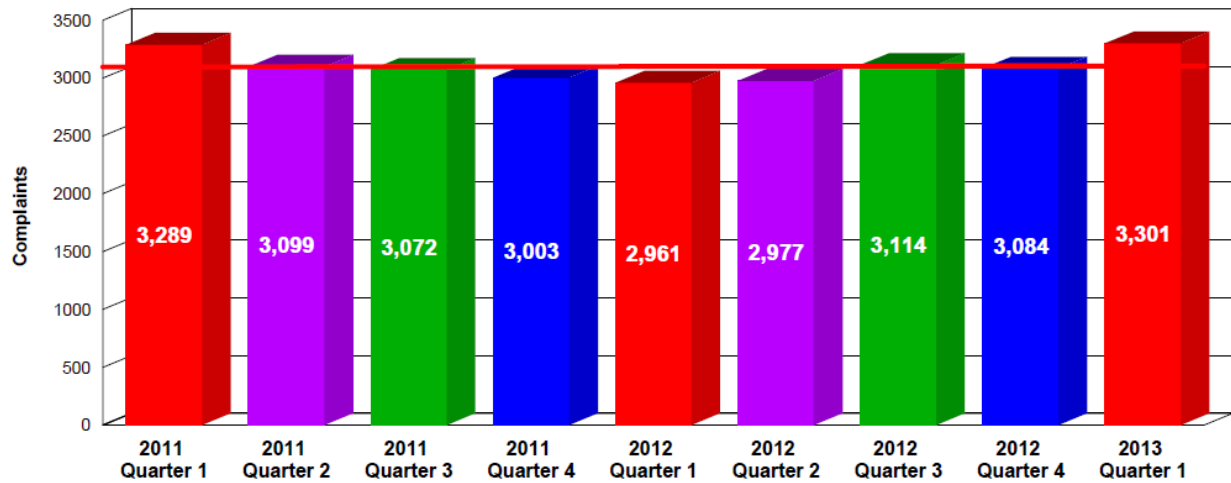
	Q1 2012	Q2 2012	Q3 2012	Q4 2012	Q1 2013
Complaints against Lawyers	1109	1015	827	981	946
Lawyer Applicant Cases ★	5	56	16	11	13
Complaints against Licensed Paralegals	118	113	139	116	105
Paralegal Applicant Cases ★	36	56	39	32	37
Complaints against Non-Licensees/Non-Applicants*	58	80	59	62	76
TOTAL	1326	1320	1080	1202	1177

★ Applicant cases include good character cases and UAP complaints

* For a complete analysis of UAP complaints see section 3.4.

² This graph includes all complaints closed in Intake, Complaints Resolution, Investigations and Discipline.

Graph 2C: Total Inventory³



The value in each bar represents the Inventory at the end of the period

The inventory in the Division at the end of Q1 2013 was approximately 7% higher than at the end of 2012 but comparable to the inventory in the Division at the end of Q1 2011. The breakdown of the inventory in the chart below demonstrates that increases have occurred in the inventory of complaints against lawyers, licensed paralegals and cases involving lawyer applicants.

Detailed Analysis of Division Inventory

	Q1 2012	Q2 2012	Q3 2012	Q4 2012	Q1 2013
Complaints against Lawyers	2419	2400	2571	2546	2711
Lawyer Applicant Cases★	18	21	34	31	37
Complaints against Licensed Paralegals	303	337	331	322	378
Paralegal Applicant Cases★	64	86	66	60	55
Complaints against Non-Licensees/Non-Applicants*	157	133	112	125	120
TOTAL	2961	2977	3114	3084	3301

★ Applicant cases include good character cases and UAP complaints

* For a complete analysis of UAP complaints see section 3.4.

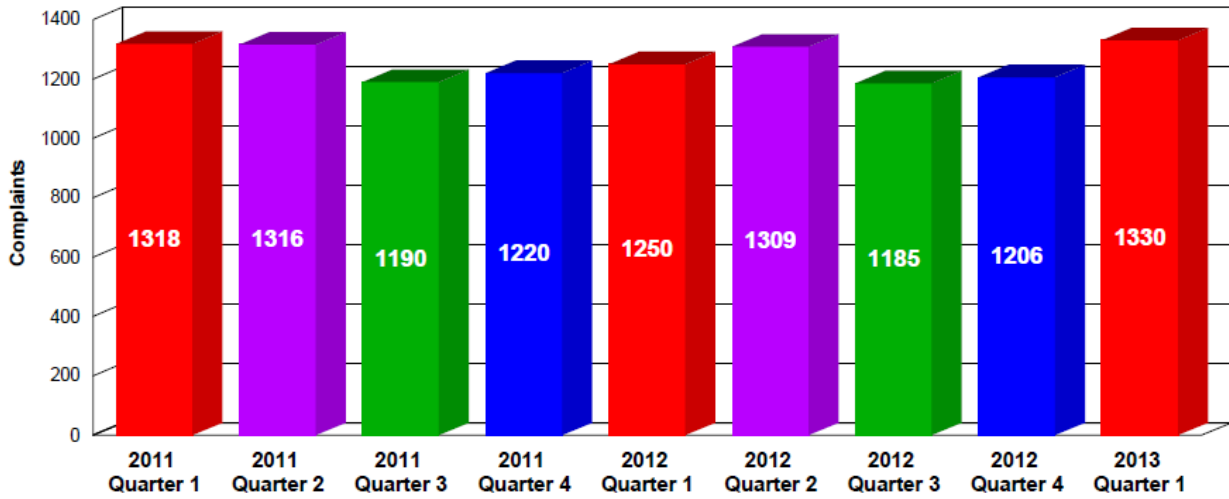
³ This graph does not include active complaints in the Monitoring & Enforcement Department.

SECTION 3

DEPARTMENTAL PERFORMANCE DURING THE QUARTER

3.1 – Intake

Graph 3.1A: Intake - Input⁴

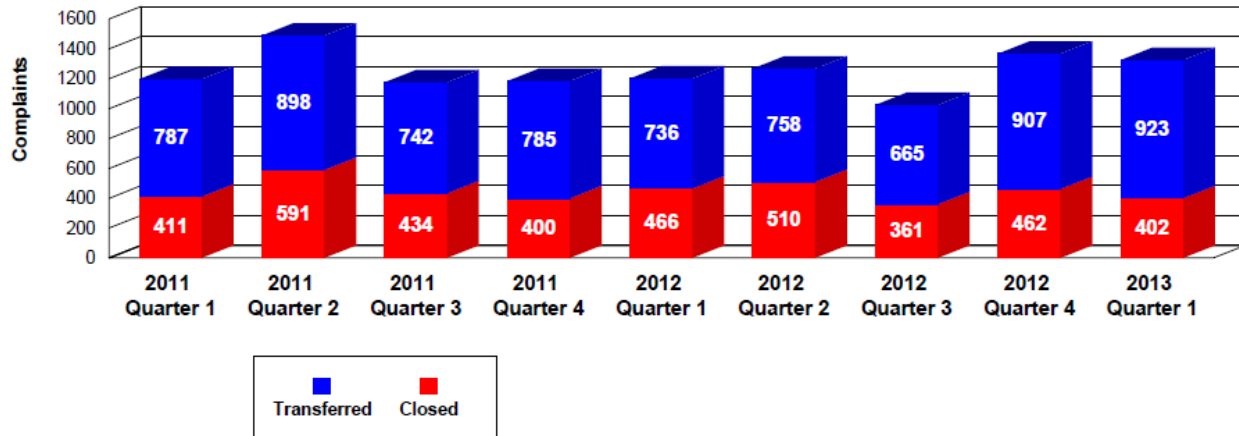


The Intake department processes all new regulatory complaints. In Q1 2013, in addition to the 1287 new cases, Intake re-opened 43 complaints which met the threshold for re-opening a closed matter.

⁴ Includes new complaints received and re-opened complaints

3.1 – Intake

Graph 3.1B: Intake - Complaints Closed and Transferred Out



In Q1 2013, Intake completed 1325 cases, which represents a 3% decrease over the number of cases completed by the department in Q4 2012 (1369).

Detailed Analysis of Complaints Closed and Transferred From Intake

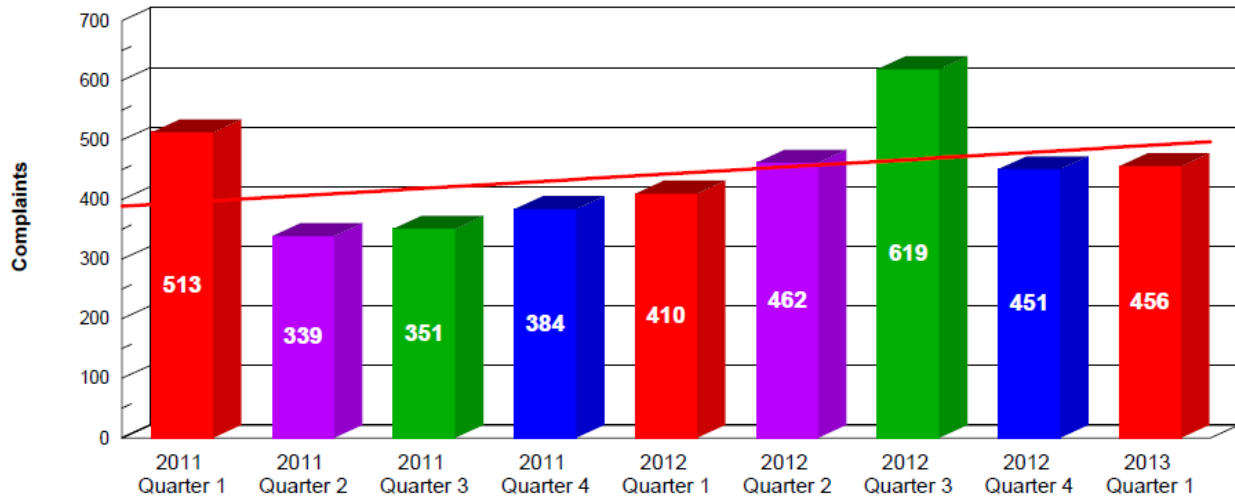
		Q1 2012	Q2 2012	Q3 2012	Q4 2012	Q1 2013
Complaints against Lawyers	Closed	407	360	278	386	327
	Transferred	598	583	549	734	737
Lawyer Applicant Cases★	Closed	1	47	10	3	2
	Transferred	3	11	19	4	17
Complaints against Licensed Paralegals	Closed	26	38	42	32	28
	Transferred	70	97	62	116	108
Paralegal Applicant Cases★	Closed	18	40	14	8	13
	Transferred	11	29	19	18	15
Complaints against Non-Licensees/Non-Applicants*	Closed	14	25	17	33	32
	Transferred	54	38	16	35	46
TOTAL	Closed	466	510	361	462	402
	Transferred	736	758	665	907	923

★ Applicant cases include good character cases and UAP complaints

* For a complete analysis of UAP complaints see section 3.4.

3.1 – Intake

Graph 3.1 C: Intake - Department Inventory



The value in each bar represents the Inventory at the end of the period

While the department’s inventory remained stable over the past quarter, the graph demonstrates an increase in inventory over the past two years. As noted in the chart below, Intake’s inventory at the end of the quarter consisted mostly of complaints against lawyers.

Detailed Analysis of Intake Inventory

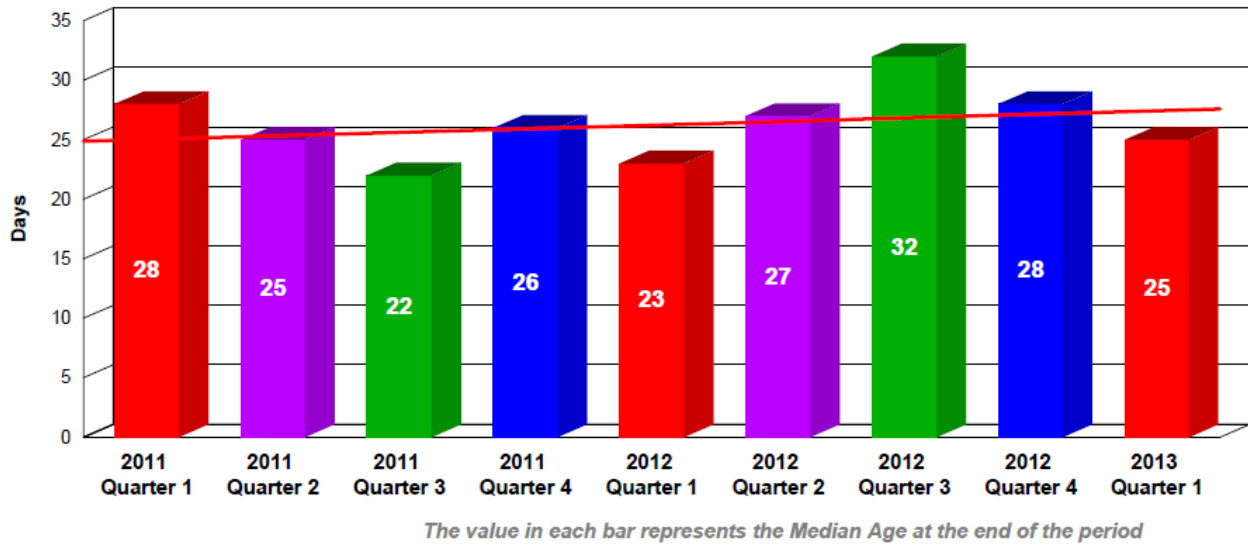
	Q1 2012	Q2 2012	Q3 2012	Q4 2012	Q1 2013
Complaints against Lawyers	347	389	541	399	387
Lawyer Applicant Cases ★	1	2	1	2	1
Complaints against Licensed Paralegals	40	52	66	32	56
Paralegal Applicant Cases ★	2	13	0	0	1
Complaints against Non-Licensees/Non-Applicants*	20	6	11	18	11
TOTAL	410	462	619	451	456

★ Applicant cases include good character cases and UAP complaints

* For a complete analysis of UAP complaints see section 3.4.

3.1 – Intake

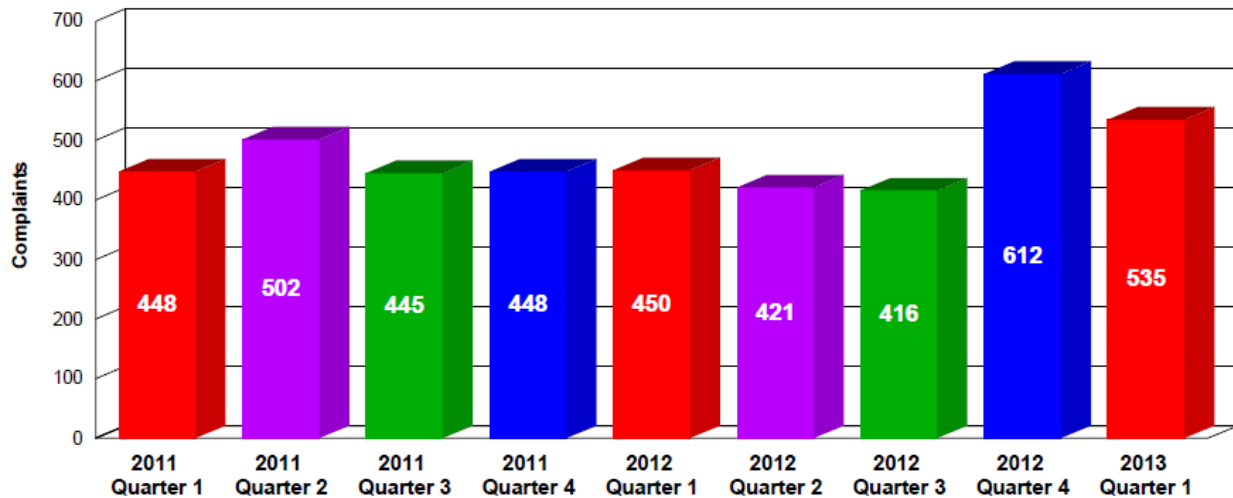
Graph 3.1D: Intake - Median Age of Complaints



Intake's median age is below the department's 30-day target, indicating a timely case process.

3.2 – Complaints Resolution

Graph 3.2A: Complaints Resolution – Input⁵



The input of cases into Complaints Resolution in Q1 2013 decreased by approximately 13% from the number received in Q4 2012 (612) however, it increased by 19% from the number received in the same period last year (450 in Q1 2012).

Detailed Analysis of New and Re-opened Complaints in Complaints Resolution

	Q1 2012	Q2 2012	Q3 2012	Q4 2012	Q1 2013
Complaints against Lawyers	418	393	377	548	492
Lawyer Applicant Cases ★	0	0	0	0	0
Complaints against Licensed Paralegals	32	28	39	64	43
Paralegal Applicant Cases ★	0	0	0	0	0
Complaints against Non-Licensees/Non-Applicants*	0	0	0	0	0
TOTAL	450	421	416	612	535

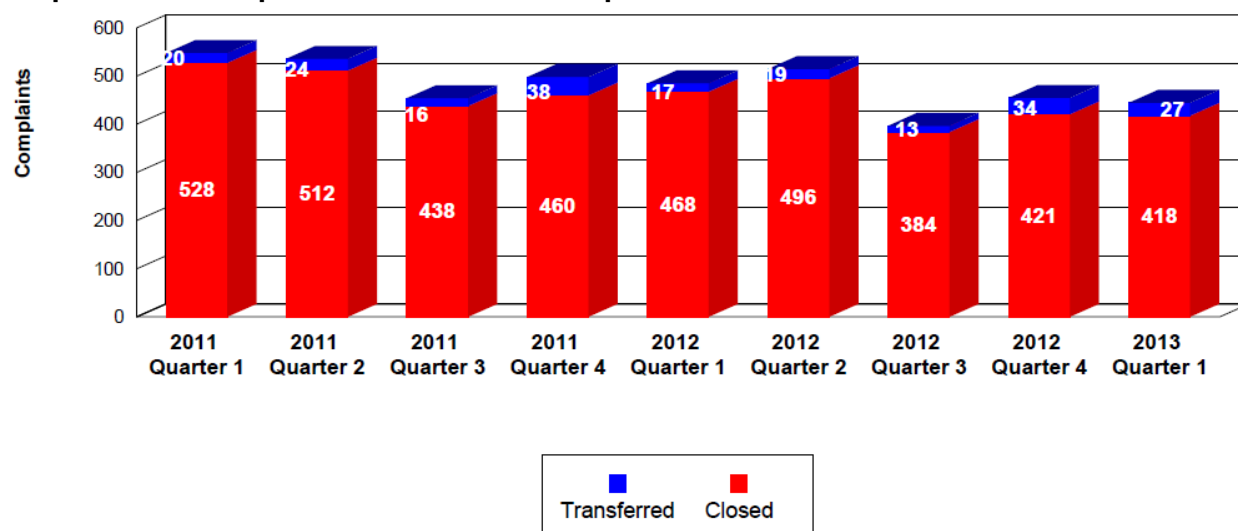
★ Applicant cases include good character cases and UAP complaints

* For a complete analysis of UAP complaints see section 3.4.

⁵ Includes new complaints received into the department as well as complaints re-opened during the Quarter.

3.2 – Complaints Resolution

Graph 3.2B: Complaints Resolution - Complaints Closed and Transferred Out



The number of cases completed in Q1 2013 by Complaints Resolution (445) decreased by 2% over the number of cases completed in Q4 2012 (455).

Detailed Analysis of Complaints Closed and Transferred From Complaints Resolution

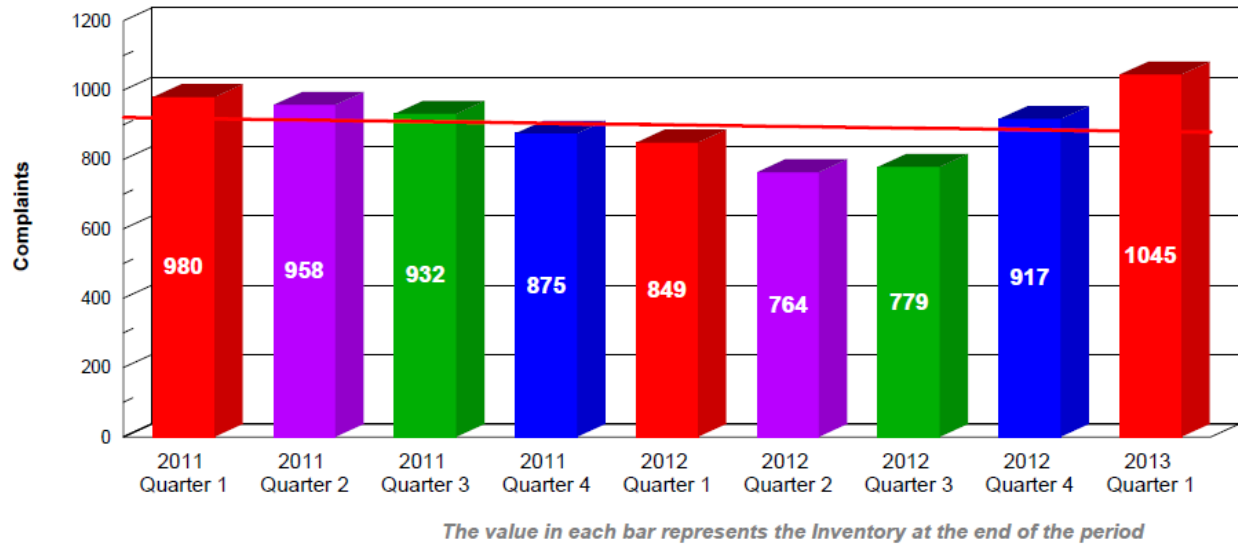
		Q1 2012	Q2 2012	Q3 2012	Q4 2012	Q1 2013
Complaints against Lawyers	Closed	423	465	357	378	379
	Transferred	16	15	13	31	24
Lawyer Applicant Cases ★	Closed	0	0	0	0	0
	Transferred	0	0	0	0	0
Complaints against Licensed Paralegals	Closed	45	31	27	43	39
	Transferred	1	4	0	3	3
Paralegal Applicant Cases ★	Closed	0	0	0	0	0
	Transferred	0	0	0	0	0
Complaints against Non-Licensees/Non-Applicants*	Closed	0	0	0	0	0
	Transferred	0	0	0	0	0
TOTAL	Closed	468	496	384	421	418
	Transferred	17	19	13	34	27

★ Applicant cases include good character cases and UAP complaints

* For a complete analysis of UAP complaints see section 3.4.

3.2 – Complaints Resolution

Graph 3.2C: Complaints Resolution – Department Inventory



At the end of Q1 2013, the department’s inventory was 14% higher than at the end of Q4 2012. The inventory continues to consist mostly of complaints against lawyers.

Detailed Analysis of Complaint Resolution’s Inventory

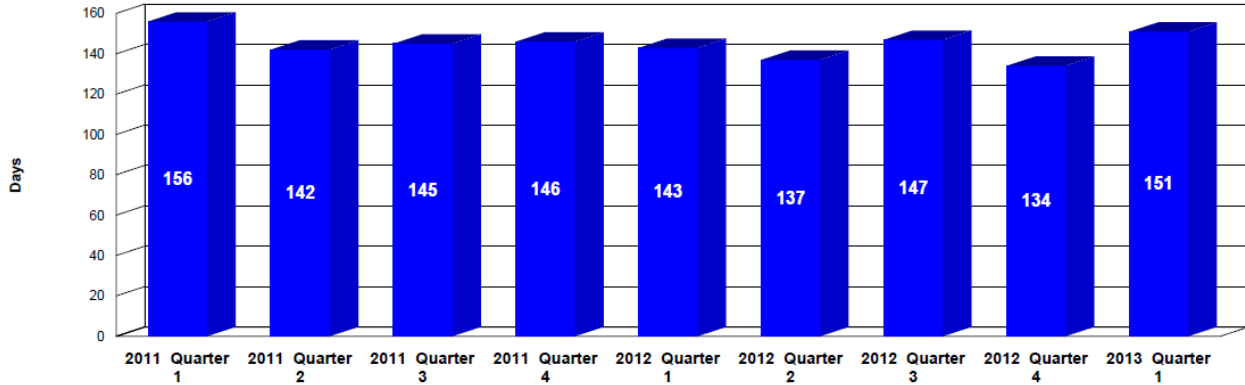
	Q1 2012	Q2 2012	Q3 2012	Q4 2012	Q1 2013
Complaints against Lawyers	786	708	709	830	957
Lawyer Applicant Cases ★	0	0	0	0	0
Complaints against Licensed Paralegals	63	56	70	87	88
Paralegal Applicant Cases ★	0	0	0	0	0
Complaints against Non-Licensees/Non-Applicants*	0	0	0	0	0
TOTAL	849	764	779	917	1045

★ Applicant cases include good character cases and UAP complaints

* For a complete analysis of UAP complaints see section 3.4.

3.2 – Complaints Resolution

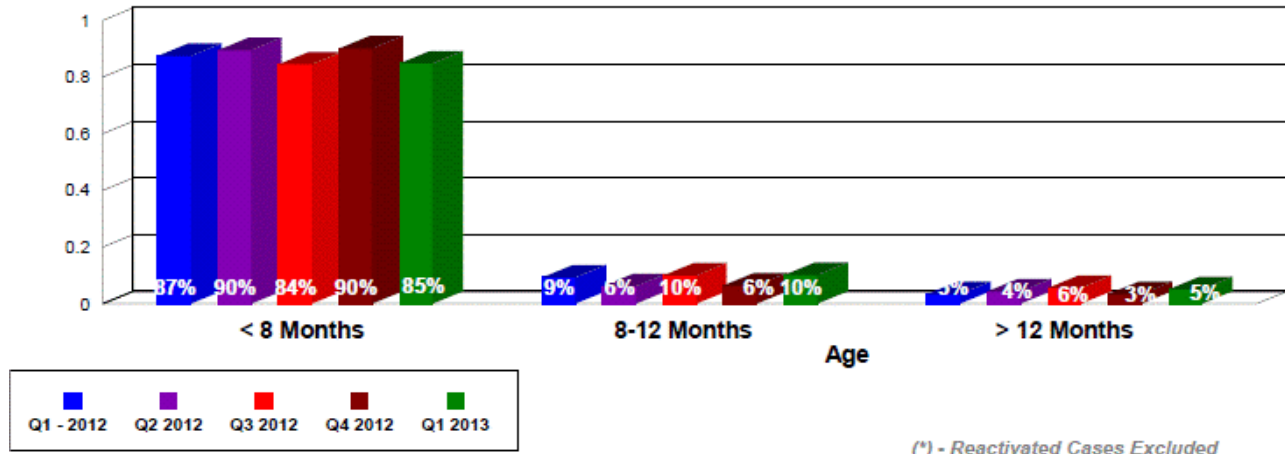
Graph 3.2D: Complaints Resolution - Median Age of Complaints



While the department's median age increased from the previous quarter, it remains within the department's target range of 150-170 days.

3.2 – Complaints Resolution

Graph 3.2E: Complaints Resolution – Aging of Complaints



The above graph sets out the spectrum of aging in the department’s inventory (excluding reactivated cases) at the end of each of the 5 quarters displayed. Excluding reactivated cases, Complaints Resolution’s department inventory was 959 cases involving 834 subjects. The age distribution of those cases was:

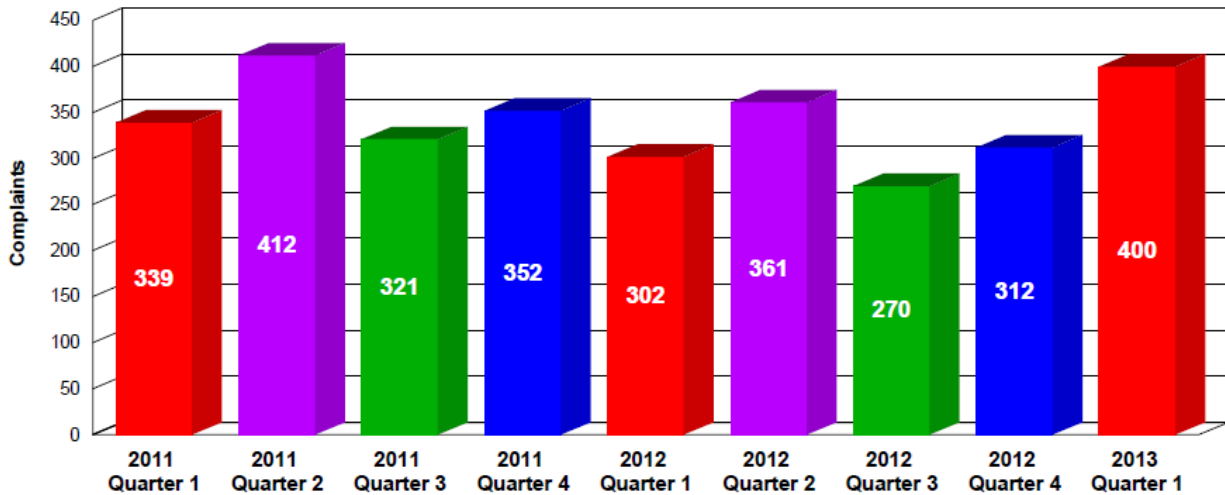
Less than 8 months	813 cases involving 723 subjects
8 to 12 months	97 cases involving 86 subjects
More than 12 months	49 cases involving 25 subjects

The goal is to reduce the proportion of cases in the older time frames and increase the proportion of cases in the youngest time frame. However, it is recognized that there will always be cases that are older than 12 months in Complaints Resolution for the following reasons:

- Newer complaints against the lawyer/paralegal are received. In some cases existing cases await the completion of younger cases relating to the same licensee;
- Delays on the part of licensees in providing representations and in responding to the investigators’ requests. In a number of instances, the Summary Hearing process is required;
- Delays on the part of complainants in responding to licensee’s representations and to investigators’ requests for additional information; and
- New issues raised by the complainant requiring additional investigation

3.3 –Investigations

Graph 3.3A: Investigations - Input



The input of cases into the Investigations department in Q1 2013 increased by 28% from the input in the last quarter (Q4 2012) and by 32% from the input received in the same period last year (i.e. Q1 2012).

Detailed Analysis of New and Re-opened Complaints Received in Investigations

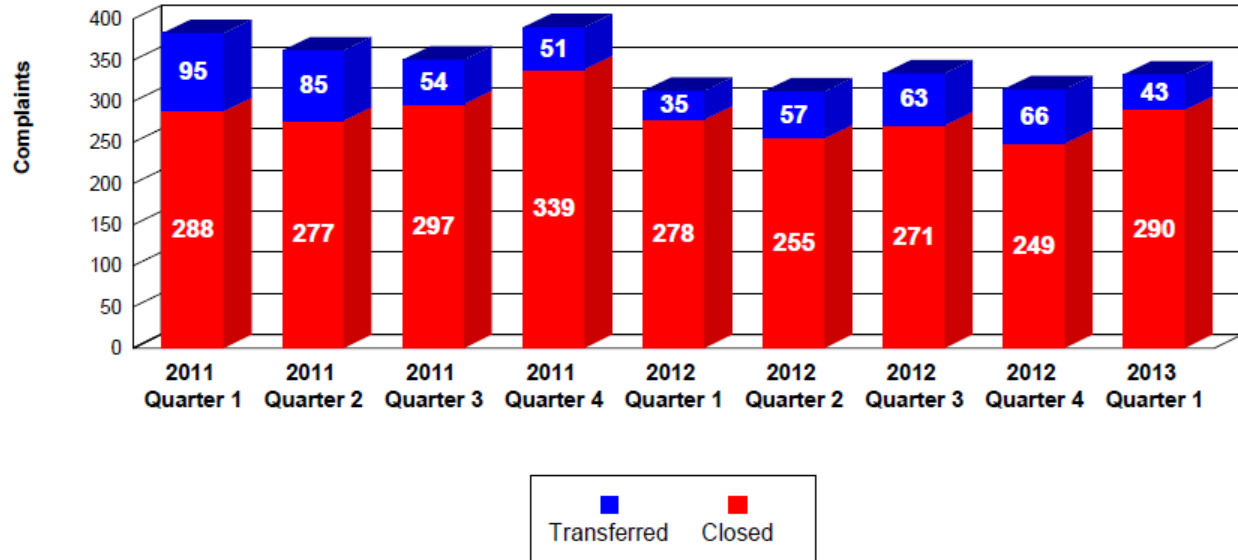
	Q1 2012	Q2 2012	Q3 2012	Q4 2012	Q1 2013
Complaints against Lawyers	195	209	192	200	254
Lawyer Applicant Cases ★	3	11	19	4	18
Complaints against Licensed Paralegals	40	71	25	54	67
Paralegal Applicant Cases ★	11	31	19	19	15
Complaints against Non-Licensees/Non-Applicants*	53	39	15	35	46
TOTAL	302	361	270	312	400

★ Applicant cases include good character cases and UAP complaints

* For a complete analysis of UAP complaints see section 3.4.

3.3 –Investigations

Graph 3.3B Investigations - Complaints Closed and Transferred Out



The number of cases closed/transferred out of the department in Q1 2013 (333 cases) increased by 6% from the number completed in Q4 2012 (315 cases) and by 6% from the number completed in the same period in 2012 (i.e. 313 cases in Q1 2012).

Detailed Analysis of Complaints Closed and Transferred Out of Investigations

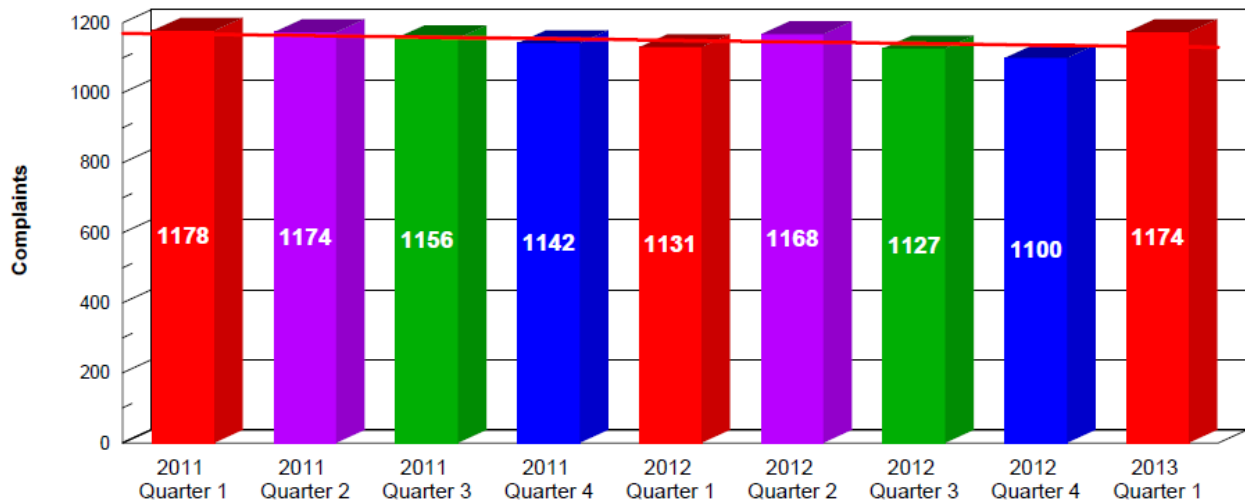
		Q1 2012	Q2 2012	Q3 2012	Q4 2012	Q1 2013
Complaints against Lawyers	Closed	189	162	146	160	181
	Transferred	24	27	47	60	23
Lawyer Applicant Cases★	Closed	3	8	5	8	11
	Transferred	2	1	0	0	1
Complaints against Licensed Paralegals	Closed	40	23	62	38	32
	Transferred	6	21	10	6	7
Paralegal Applicant Cases★	Closed	15	15	22	17	23
	Transferred	0	0	0	0	4
Complaints against Non-Licensees/Non-Applicants*	Closed	31	47	36	26	43
	Transferred	3	8	6	0	8
TOTAL	Closed	278	255	271	249	290
	Transferred	35	57	63	66	43

★ Applicant cases include good character cases and UAP complaints

* For a complete analysis of UAP complaints see section 3.4.

3.3 – Investigations

Graph 3.3C: Investigations – Department Inventory



The value in each bar represents the Inventory at the end of the period

The number of cases received by the department in Q1 2013 (400) exceeded the number of cases completed in the department (333). Consequently, Investigations' inventory increased by 6.7% during the first quarter of 2013.

Detailed Analysis of Investigations Inventory

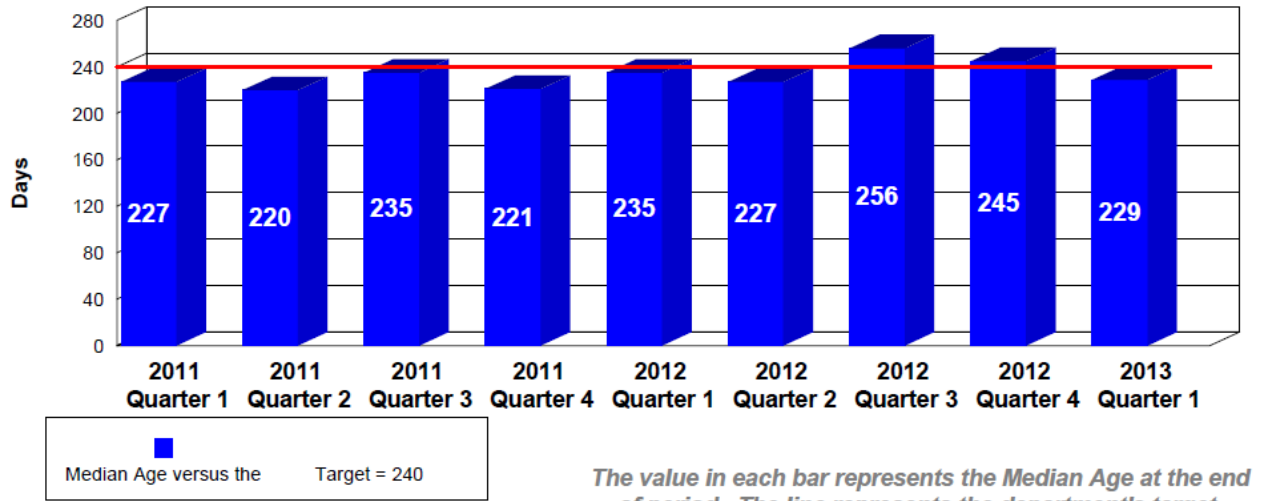
	Q1 2012	Q2 2012	Q3 2012	Q4 2012	Q1 2013
Complaints against Lawyers	802	816	831	796	851
Lawyer Applicant Cases ★	12	14	29	25	31
Complaints against Licensed Paralegals	159	182	142	145	174
Paralegal Applicant Cases ★	32	47	43	43	32
Complaints against Non-Licensees/Non-Applicants*	126	109	82	91	86
TOTAL	1131	1168	1127	1100	1174

★ Applicant cases include good character cases and UAP complaints

* For a complete analysis of UAP complaints see section 3.4.

3.3 – Investigations

Graph 3.3D: Investigations - Median Age of All Complaints

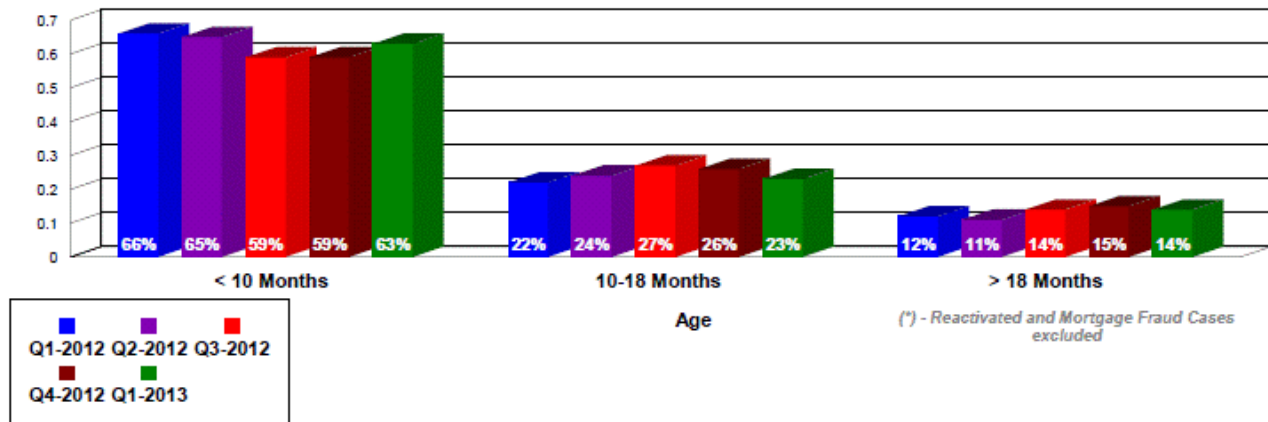


The department's median age decreased in the past quarter to 229 days which is below the target of 240 days.

3.3 – Investigations

Graph 3.3E: Investigations – Aging of Complaints

(a) Core Cases



The above graph sets out the spectrum of aging in the department’s inventory (excluding reactivated and mortgage fraud cases) at the end of each of the 5 quarters displayed. The inventory of Investigations at the end of Q1 2013, excluding reactivated and mortgage fraud cases, was 979 cases involving 784 subjects. The distribution of those cases was:

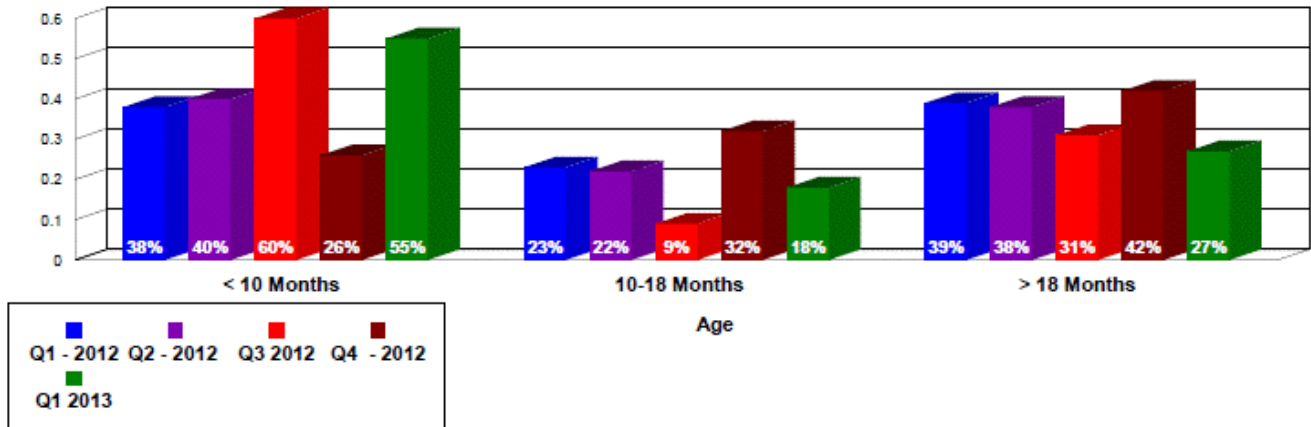
Less than 10 months	616 cases involving 476 subjects
10 to 18 months	225 cases involving 198 subjects
More than 18 months	138 cases involving 110 subjects

While the department strives to reduce the proportion of cases in the older time frame and to increase the proportion of cases in the youngest time frame, it is recognized that there are cases that are older than 18 months in Investigations for the following reasons:

- The investigator has to wait for evidence from a third party (i.e. not the complainant or the licensee/subject), for example psychiatric evaluation, court transcripts, or a key witness;
- Newer complaints are received against the licensee/subject. In order to move forward together to the Proceedings Authorization Committee, the older cases await the completion of younger cases;
- A need to coordinate investigations between different licensees/subject where the issues arise out of the same set of circumstances (e.g. a complainant complains about 2 lawyers in relation to the same matter);
- Multiple cases involve one lawyer. These investigations are complex and time consuming;
- Where capacity issues are raised during a conduct investigation.

3.3 – Investigations

(b) Mortgage Fraud Cases



The above graph sets out the spectrum of aging in the department’s mortgage fraud case inventory at the end of each of the 5 quarters displayed. The inventory of mortgage fraud cases at the end of Q1 2013 was 88 cases involving 76 subjects. The distribution of those cases was:

Less than 10 months	48 cases involving 41 subjects
10 to 18 months	16 cases involving 16 subjects
More than 18 months	24 cases involving 19 subjects

As noted above, the department strives to reduce the proportion of mortgage fraud cases in the older time frame and to increase the proportion of cases in the youngest time frame. However, it is recognized that there will always be mortgage fraud cases that are older than 18 months in Investigations for the reasons cited above, particularly:

- When newer complaints against the licensee/subject are received, existing investigations may have to await their completion in order that all the cases can be taken to Proceedings Authorization Committee together.
- There is a need to coordinate investigations between different licensees/subject where the issues arise out of the same set of circumstances (e.g. a complainant complains about 2 lawyers in relation to the same matter).
- There are multiple cases involve one lawyer resulting in greater complexity.

3.4 – Unauthorized Practice (UAP)

Graph 3.4A: Unauthorized Practice Complaints in Intake

Quarter	New	Closed/Transferred			Active at end of Quarter
		Closed	Transfer to CR	Transfer to Inv	
Totals: 2008	337	122	50	168	
Totals: 2009	445	165	86	192	
Q1 2010	94	42	0	76	36
Q2 2010	89	32	0	69	32
Q3 2010	67	32	1	50	29
Q4 2010	80	45	0	54	18
Totals - 2010 (+ POL)	330* (398)	151	1	249	
Q1 2011 (+ POL)	61 (74)	24	0	41	20
Q2 2011 (+ POL)	61 (84)	20	1	54	12
Q3 2011 (+ POL)	70 (80)	27	0	49	28
Q4 2011 (+ POL)	63 (83)	16	1	62	15
Totals – 2011 (+POL)	255 (321)	87	2	206	
Q1 2012 (+ POL)	77(91)	16	0	61	17
Q2 2012 (+POL)	58 (80)	22	0	49	6
Q3 2012 (+POL)	41 (44)	16	0	27	11
Q4 2012 (+POL)	80 (84)	32	0	45	19
Totals – 2012 (+POL)	256 (299)	86	0	182	
Q1 2013 (+POL)	71(93)	29	0	59	11

* UAP complaints not including allegations of “Practising Outside the Scope of Licence” (“POL”). Prior to Q1 2010, these allegations were included in the UAP figures.

As noted in the chart above, the Division received 9 fewer UAP complaints in Q1 2013 than in Q4 2012 (71 vs. 80).

3.4 – Unauthorized Practice (UAP)

Graph 3.4B: Unauthorized Practice investigations (in Complaints Resolution and Investigations)

	New		Closed ⁶		Inventory	
	CR	Inv	CR	Inv	CR	Inv
Totals: 2008	52	171	64	126	106	
Totals: 2009	77	187	48	138	168	
Q1 2010	0	76	12	73	17	79
Q2 2010	0	69	6	54	10	90
Q3 2010	1	50	2	31	8	108
Q4 2010	0	54	8	32	0	124
Totals: 2010	1	249	28	190	124	
Q1 2011	0	41	0	61	0	104
Q2 2011	1	54	0	56	1	102
Q3 2011	0	49	0	45	1	106
Q4 2011	1	62	0	26	1	139
Totals: 2011	2	206	0	188	140	
Q1 2012	0	61	1	45	0	156
Q2 2012	0	49	0	65	0	140
Q3 2012	0	27	0	41	0	120
Q4 2012	0	45	0	34	0	131
Totals: 2012	0	182	1	185	131	
Q1 2013	0	59	0	62	0	128

As more UAP investigations were completed in Q1 2013 (62) than were received (59), the inventory of UAP cases in Investigations was reduced from 131 cases at the end of Q4 2012 to 128 cases at the end of Q1 2013.

Graph 3.4C: UAP Enforcement Actions

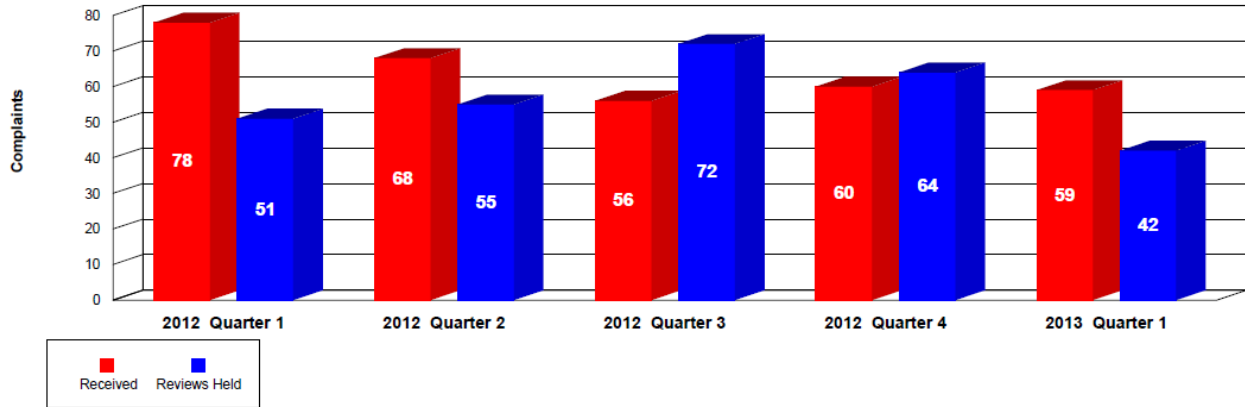
In the first quarter of 2013, orders were obtained prohibiting the respondents from further contravening the provisions of s. 26.1 of the *Law Society Act* in 2 matters.

As at March 31, 2013, there were 2 open UAP matters in which permanent injunctions are being sought.

⁶ “Closed” refers to completed investigations and therefore consists of both those investigations that were closed by the Law Society and those that were referred for prosecution/injunctive relief.

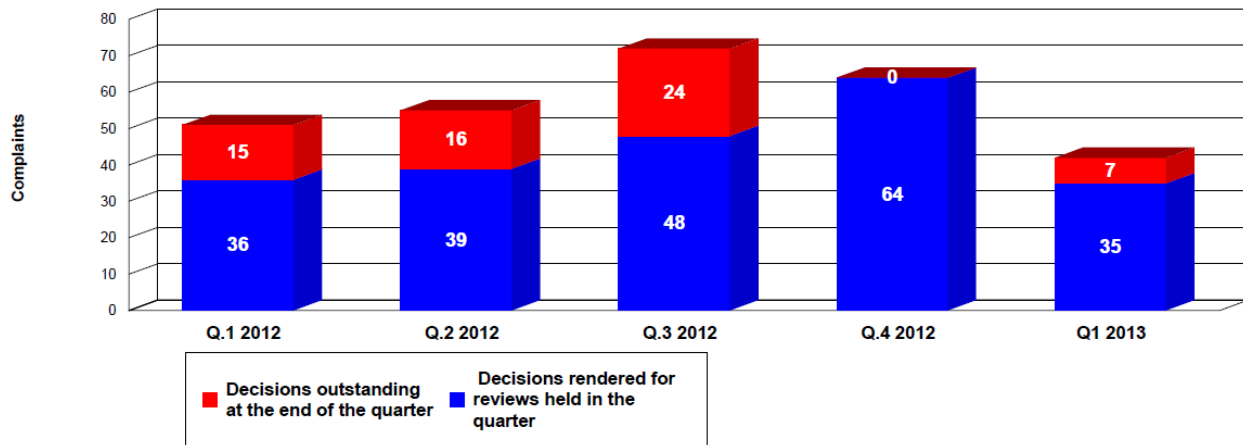
3.5 – Complaints Resolution Commissioner

Graph 3.5A: Reviews Requested and Files Reviewed (by Quarter)



In the first quarter of 2013, the Complaints Resolution Commissioner received 59 requests for reviews of cases closed in either Complaints Resolution or Investigations and reviewed 42 cases. Fifteen of the cases reviewed were conducted in writing.

Graph 3.5B: Status of Files Reviewed in each Quarter



While the files may be reviewed in one quarter, the final decision by the Commissioner may not be rendered in the same quarter. In the first quarter of 2013, the Commissioner rendered decisions in 35 of the 42 cases reviewed in that quarter. As at March 31, 2013, there were 7 decisions outstanding.

3.5 – Complaints Resolution Commissioner

Graph 3.5C: Decisions Rendered, by Quarter

Quarter	Decisions Rendered (# of decisions where review in previous quarter(s))	Files to Remain Closed	Files Referred Back to PRD
Total 2009	194	174 (90%)	20 (10%)
Total 2010	193	160 (83%)	33 (17%)
Q1 2011	85	79 (93%)	6 (7%)
Q2 2011	60	58 (96%)	2 (4%)
Q3 2011	53	50 (94%)	3 (6%)
Q4 2011	62	61 (98%)	1 (2%)
Total 2011	260	248 (95%)	12 (5%)
Q1 2012	36	32 (89%)	4 (11%)
Q2 2012	50	48 (96%)	2 (4%)
Q3 2012	67	63 (94%)	4 (6%)
Q4 2012	89	81 (91%)	8(9%)
Total 2012	242	224 (93%)	18 (7%)
Q1 2013	35	33 (94 %)	2 (6 %)

Of the 35 decisions rendered in Q1 2013, the Commissioner sent 2 files back to Professional Regulation.

- In one case, the Commissioner found the Law Society’s decision to close the case to be reasonable but referred the case back for other considerations (e.g. to consider new information provided by the Complainant during the review; to consider an investigation of another licensee; practice issues, etc.).
- In the other case, the Commissioner was not satisfied that the decision to close was reasonable and referred the cases back with a recommendation for further investigation. As of the date of this Quarterly Report, the Director’s decision concerning the Commissioner’s recommendation remains outstanding.

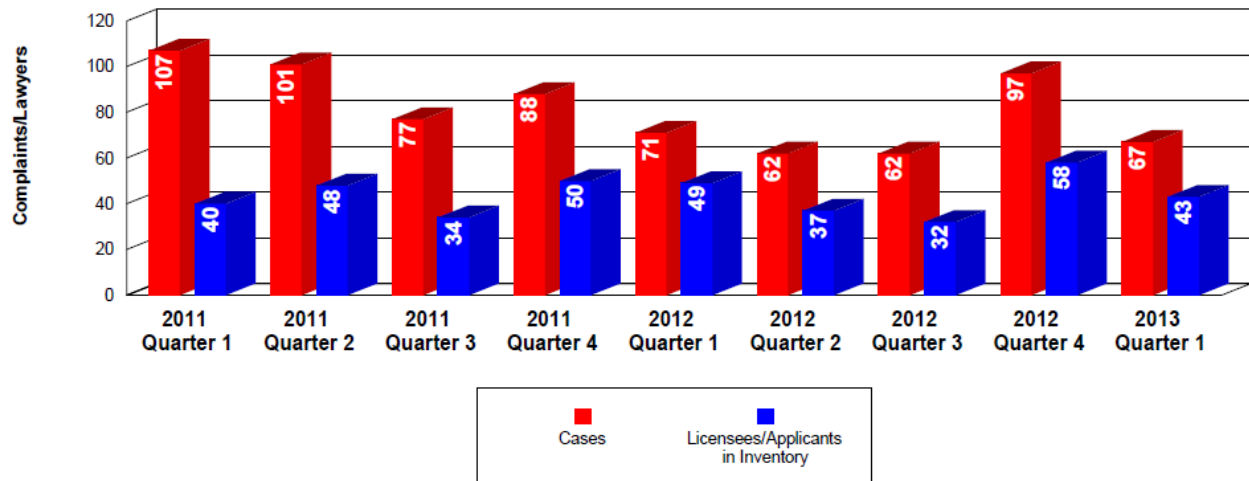
Active Inventory

As at March 31, 2013, the Office of the Complaints Resolution Commissioner had an inventory of 143 files:

Request received; awaiting preparation of CRC materials	87 files
Ready for Scheduling	10 files
Review Meeting Scheduled	29 files
Files Ready to be reviewed in Writing	1 file
Review Completed Awaiting decision	7 files
Cases in Abeyance	9 Files

3.6 – Discipline

Graph 3.6A: Discipline - Input⁷



As noted in the chart below, in Q1 2013, the department received complaints from various departments involving 29 lawyers (relating to 47 cases), 7 licensed paralegals (relating to 9 cases), 1 lawyer applicant and 6 paralegal applicants.

Detailed Analysis of New Cases Received in Discipline

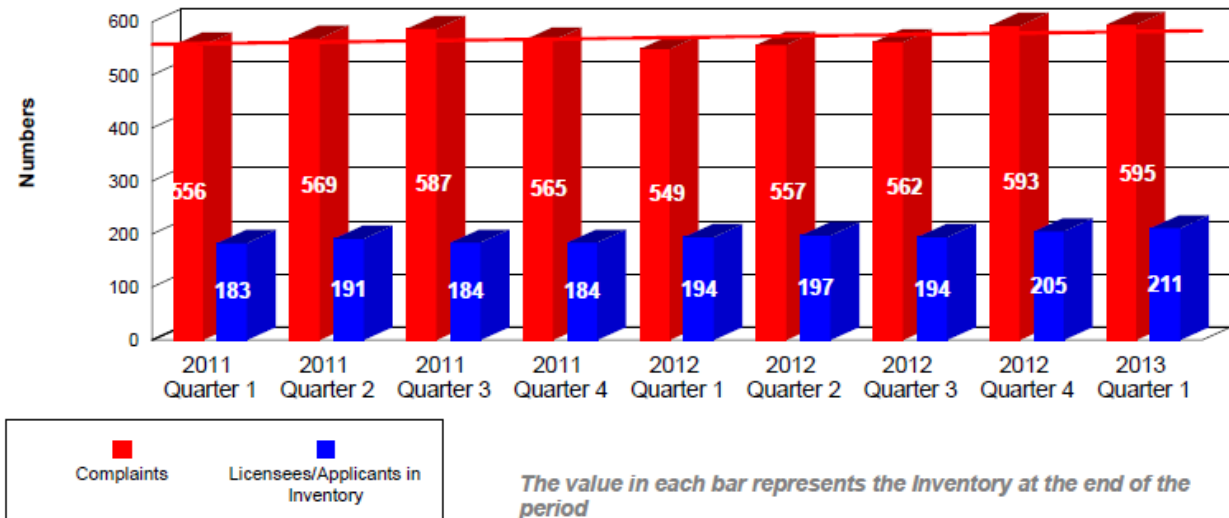
		Q1 2012	Q2 2012	Q3 2012	Q4 2012	Q1 2013
Lawyers	Cases	60	31	48	89	47
	Lawyers	39*	26*	27*	51*	29*
Lawyer Applicants	Cases	2	1	0	1	1
	Lawyer Applicants	2*	1*	0*	1*	1*
Licensed Paralegals	Cases	7	27	14	8	9
	Licensed Paralegals	7*	9*	5*	5*	7*
Paralegal Applicants	Cases	2	3	5	1	10
	Paralegal Applicants	1*	1*	1*	1*	6*
TOTAL	Cases	71	62	62	99	67
	Licensees & Applicants	49*	37*	32*	58*	43*

* The number of new Lawyers and Paralegals cited represents the number coming into the department each quarter. However, there may, in fact, already be cases involving the licensee/applicant in the department.

⁷ “Input” refers to complaints that were transferred into Discipline from various other departments during the specific quarter. Includes new complaints/cases received in Discipline and the lawyers/applicants to which the new complaints relate.

3.6 – Discipline

Graph 3.6B: Discipline – Department Inventory⁸



This graph shows the total number of licensees/applicants and related complaints that are in the Discipline process at the end of each of the last 9 quarters. At the end of Q1 2013, the department’s inventory of licensee/applicants (211) was approximately 9% higher than at the end of Q1 2012 (194) and 15% higher than at the end of Q1 2011 (183).

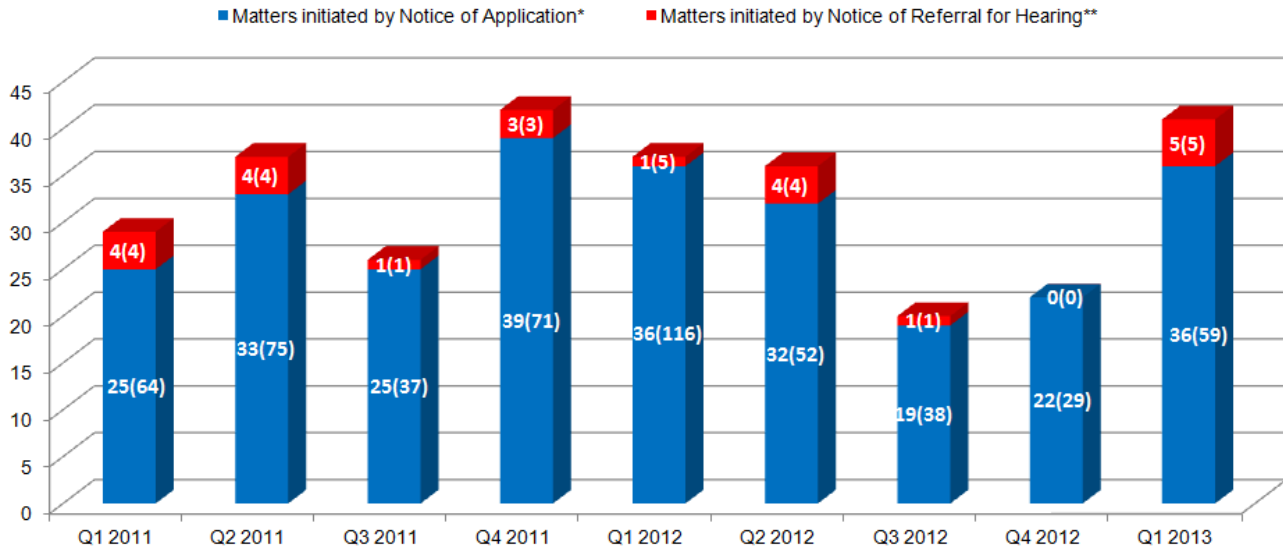
Detailed Analysis of Discipline’s Inventory

		Q1 2012	Q2 2012	Q3 2012	Q4 2012	Q1 2013
Lawyers	Cases	476	479	482	514	508
	Lawyers	159	162	162	171	176
Lawyer Applicants	Cases	5	5	4	4	5
	Lawyer Applicants	5	5	4	4	5
Licensed Paralegals	Cases	41	47	53	58	60
	Licensed Paralegals	18	19	18	21	20
Paralegal Applicants	Cases	27	23	23	17	22
	Paralegal Applicants	12	11	10	9	10
TOTAL	Cases	549	557	562	593	595
	Licensees & Applicants	194	197	194	205	211

⁸ Consists primarily of complaints and lawyers/applicants that are in scheduling and are with the Hearing Panel or on appeal.

3.6 – Discipline

Graph 3.6C: Discipline - Notices Issued



* Matters which are initiated by Notice of Application include conduct, capacity, non-compliance and competency matters. Also included in this category are interlocutory suspension/restriction motions.

** Matters which are initiated by Notice of Referral for Hearing (formerly Notice of Hearing) include licensing (including readmission matters), reinstatement and restoration matters.

The above graph shows the number of notices issued by the Discipline department in the past 9 quarters. The numbers in each bar indicate the number of notices issued and, in brackets, the number of cases relating to those notices. One notice may relate to more than one case. For example, in Q1 2013, 36 Notices of Application were issued (relating to 59 cases) and 5 Notices of Referral for Hearing were issued (relating to 5 cases).

With respect to the 36 Notices of Application⁹/Notices of Motion for Interim Suspension Order which were issued in Q1 2013:

- 21 were issued less than 1 month after PAC authorization;
- 3 were issued between 1 and 2 months after PAC authorization; and
- 7 were issued between 2 and 3 months after PAC authorization; and
- 5 were issued more than 3 months after PAC authorization.

With respect to the 5 matters for which a Notice of Referral for Hearing were issued in Q1 2013, 4 were issued less than a month after PAC authorization. One matter did not require PAC authorization as it related to a reinstatement matter.

⁹ Notices of Application are issued with respect to conduct, competency, capacity and non-compliance matters and require authorization by the Proceedings Authorization Committee (PAC).

3.6 – Discipline

Graph 3.6D: Discipline – Completed Matters

		Q1 2012	Q2 2012	Q3 2012	Q4 2012	Q1 2013
Conduct Hearings	Lawyers	17	16	18	31	20
	Paralegal Licensees	6	6	5	3	4
Interlocutory Suspension Hearings/Orders	Lawyers	2	1	1	-	-
	Paralegal Licensees	-	1	-	-	-
Capacity Hearings	Lawyers	-	-	1	4	1
	Paralegal Licensees	-	-	-	-	-
Competency Hearings	Lawyers	-	-	-	-	-
	Paralegal Licensees	-	-	-	-	-
Non-Compliance Hearings	Lawyers	-	-	-	1	-
	Paralegal Licensees	-	-	-	-	-
Reinstatement Hearings (incl. Term Disputes)	Lawyers	2	1	-	-	1
	Paralegal Licensees	-	-	-	-	-
Restoration	Lawyers	-	-	-	-	-
	Paralegal Licensees	-	-	-	-	-
Licensing Hearings (including Readmission)	Lawyer Applicants	-	1	2	1	-
	Paralegal Applicants	3	1	1	-	1
TOTAL NUMBER OF HEARINGS	Lawyers*	21	19	22	37	22
	Paralegals*	9	8	6	3	5
	TOTAL	30	27	28	40	27

3.6 – Discipline

Graph 3.6E: Discipline – Appeals

The following chart sets out the number of appeals filed with the Appeal Panel, the Divisional Court or the Court of Appeal in the calendar years 2008, 2009, 2010, 2011, 2012 and the first quarter of 2013:

Quarter/Year	Appeal Panel	Divisional Court	Court of Appeal
2008	14	8 appeal	
2009	19	1 appeal	3 motions for leave; 2 appeals
2010	27	3 appeals; 2 judicial reviews	4 motions for leave
2011	18	6 appeals, 2 judicial reviews	2 motions for leave
2012	23	4 appeals; 5 judicial reviews	2 motions for leave
2013 1 st Quarter	7	1 judicial review	

As of March 31, 2013, there are 19 appeals pending before the Appeal Panel, 1 appeal in which the Appeal Panel has reserved on judgment, 1 appeal before the Appeal Panel that has been adjourned sine die, 1 appeal in which the Appeal Panel has rendered a decision but is still seized on the issue of penalty, 2 appeals in which the Appeal Panel has rendered a decision but is still seized on the issue of costs and 2 appeals in which reasons are outstanding.

With respect to matters before the Divisional Court, there are 3 appeals and 2 judicial review matters pending and 1 judicial review in which the Court has rendered a decision but is seized on the issue of costs. There are no matters pending in the Court of Appeal.

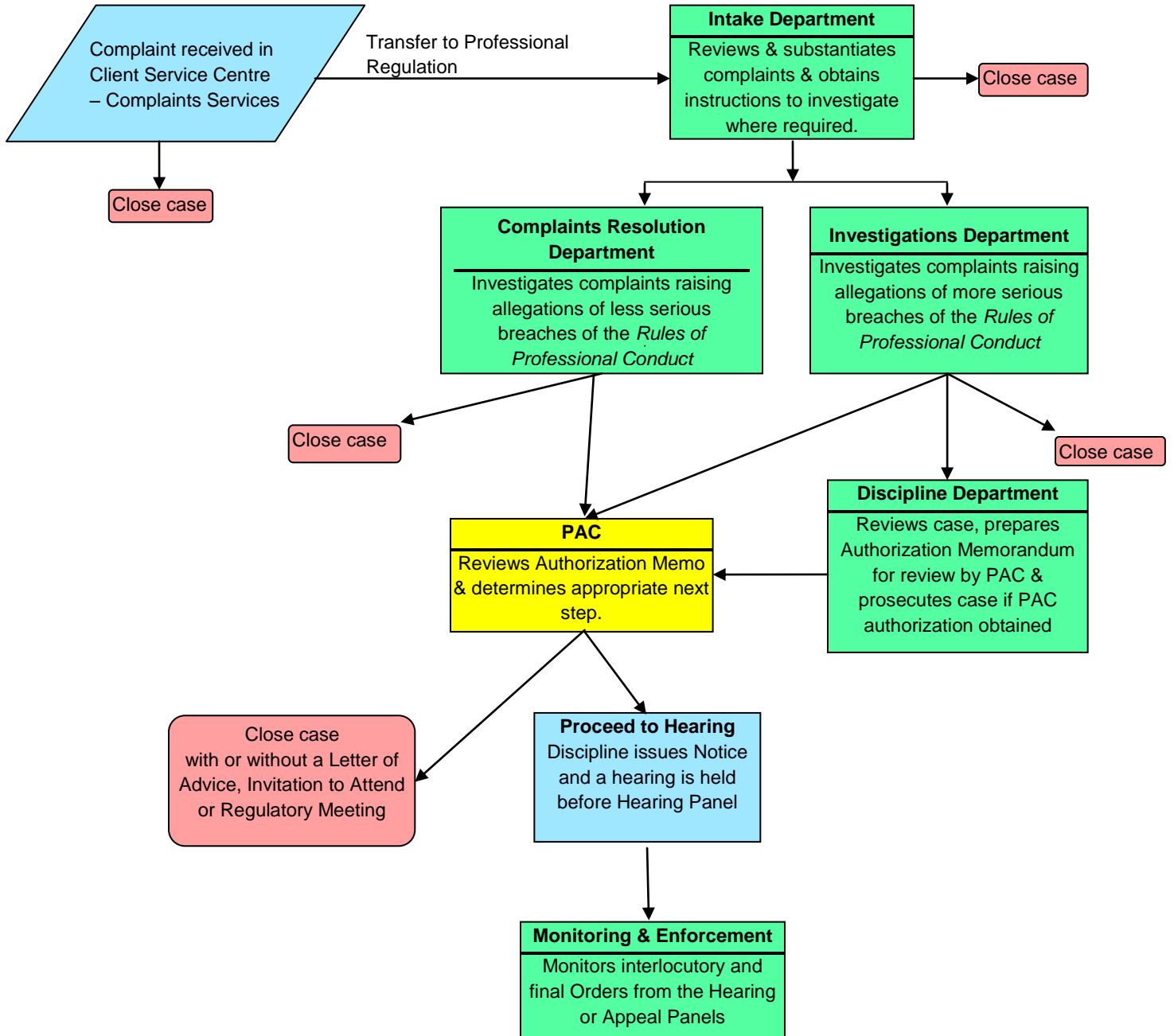
In the first quarter of 2013, decisions were rendered in 6 appeals before the Appeal Panel:

- In 2 appeals, the Law Society's motions to quash the appeals were allowed;
- One appeal, launched by a licensee, was dismissed;
- In 3 appeals, the Appeal Panel set aside the decisions and orders of the Hearing Panel and remitted the matters for a new hearing before a differently constituted Hearing Panel:
 - 1 of the appeals was launched by a paralegal applicant;
 - 1 of the appeals was launched by the Law Society. The Appeal Panel remains seized on the issue of costs of the appeal;
 - In the third appeal, the Appeal Panel allowed the licensee's cross-appeal and determined that, in light of the decision to remit the matter back for a new hearing, it was unnecessary to decide the Law Society's appeal of the penalty that was imposed. The Appeal Panel remains seized on the issue of costs of the appeal.

SECTION 4

APPENDICES

The Professional Regulation Complaint Process



PROFESSIONAL REGULATION ORGANIZATIONAL CHART

