



TAB 6

Report to Convocation April 25, 2013

Professional Regulation Committee

Committee Members

William C. McDowell (Chair)
Malcolm Mercer (Vice-Chair)
Susan Richer (Vice-Chair)
Paul Schabas (Vice-Chair)
John Campion
Robert Evans
Julian Falconer
Janet Leiper
Kenneth Mitchell
Daniel Murphy
Ross Murray
Jan Richardson
Linda Rothstein
Peter Wardle
Roger Yachetti

Purpose of Report: Decision and Information

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COMMITTEE PROCESS

1. The Professional Regulation Committee (“the Committee”) met on April 11, 2013. In attendance were William C. McDowell (Chair), Susan Richer (Vice-Chair), Robert Evans (by telephone), Janet Leiper (by telephone), Kenneth Mitchell, Ross Murray, and Peter Wardle. Staff members attending were Zeynep Onen, Lesley Cameron, Naomi Bussin, and Margaret Drent.

FOR DECISION
NON-LICENSEE APPOINTEE ON THE PROCEEDINGS
AUTHORIZATION COMMITTEE

Motion

2. That Convocation approve amendments to By-Law 11 to expand the composition of the Proceedings Authorization Committee (PAC) to include a non-licensee, as set out in the motion at [TAB 6.1.1](#).

Introduction and Background

3. The Proceedings Authorization Committee (PAC) is established under the authority of section 49.20 of the *Law Society Act* and its composition is set out in sections 44 and 45 of By-Law 11. The By-Law provides that there are five members of PAC and all are benchers. Currently, there is no public representative.
4. The composition of PAC is relevant to the Federation of Law Societies' National Discipline Standards Project, in which the Law Society is a participant. The objective of the Project is to develop national performance standards for law societies against which regulatory work may be measured. The Law Society's representative for the pilot project is the Director, Professional Regulation.
5. Commencing April 1, 2012, Canadian law societies have entered into a two-year pilot project to test national standards in the areas of timeliness, public participation, transparency, accessibility, standardized charges, recidivism, and appeal outcomes. Many of the pilot project standards are currently in place at this Law Society. The issue of PAC composition relates to one of the draft standards, as follows:

There is public participation at every stage of discipline, i.e. on all hearing panels of three or more, at least one public representative; on the charging committee, at least one public representative.

6. This standard is currently being met by the Law Society in regard to hearings but not to PAC. Under section 49.21(2) of the *Law Society Act*, one member of the Hearing Panel must be a person who is not a licensee. A similar requirement is found in section 49.29(2) regarding the Appeal Panel. However, currently, the Law Society does not have a public representative on PAC.
7. Most of the other Canadian law societies have public representatives on their equivalent committees. The Committee is requesting a public representative be appointed to PAC in order to further harmonize national standards in this area as well as to ensure that the composition of PAC is consistent with current requirements regarding the Hearing and Appeal Panels.

The Proposed Amendment

8. The draft by-law reflects that:
 - a. the composition of PAC must include a non-licensee public representative;
 - b. the public representative need not be a bencher;
 - c. the number of PAC members increases from five to six members; and
 - d. the quorum remains at two members.
9. Currently, subsection 44(2) of By-Law 11 provides that PAC consists of five persons appointed by Convocation, one of whom is the Chair or Vice-Chair of the Professional Regulation Committee, one of whom is the Chair or Vice-Chair of the Professional Development and Competence Committee, and one who is a paralegal bencher. Under subsection 44(3), a person is not eligible to be appointed to PAC unless he or she is a bencher.
10. As indicated, the amendment would increase PAC with the addition of a non-licensee non-bencher. This flexibility is important given the need for the appointee to have an appropriate level of understanding of the Law Society and PAC processes, as well as the substantive issues for consideration.

11. The Committee's view is that it is preferable to add a non-licensee to PAC, rather than involving the current lay benchers in PAC. The workload of lay benchers is demanding and there are only eight of them. A person who is appointed to PAC does not participate in hearings or appeals. If one of the current lay benchers were appointed to PAC, there would be one less lay bencher available for Hearing or Appeal Panels.

12. The proposed amendments are at **TAB 6.1.1**.

Selection Process

13. If Convocation approves the By-law amendment is approved, the Committee proposes the following process for the appointment of a new member:
 - a. Staff would design criteria for appointment in consultation with the Committee and the members of PAC;
 - b. The Law Society would receive applications in response to a targeted recruitment, for example, contacting other regulators for suggested candidates based on their experience; and contacting former lay benchers and lay Hearing Panel members;
 - c. The applications would be reviewed first by staff and then a short list provided to a working group of the Committee and PAC;
 - d. The working group would refer a candidate or candidates for approval by the Committee;
 - e. The Committee would then refer a candidate to Convocation for approval.

THE LAW SOCIETY OF UPPER CANADA

**BY-LAWS MADE UNDER
SUBSECTION 62 (0.1) AND (1) OF THE *LAW SOCIETY ACT***

**BY-LAW 11
[REGULATION OF CONDUCT, CAPACITY AND PROFESSIONAL COMPETENCE]**

MOTION TO BE MOVED AT THE MEETING OF CONVOCATION ON APRIL 25, 2013

MOVED BY

SECONDED BY

THAT By-Law 11 [Regulation of Conduct, Capacity and Professional Competence], made by Convocation on May 1, 2007 and amended by Convocation on June 28, 2007, February 21, 2008, April 24, 2008, October 30, 2008, January 29, 2009 and October 28, 2010, be further amended as follows:

1. Subsection 44 (2) of the By-Law is revoked and the following substituted:

Composition

- (2) The Committee shall consist of six persons appointed by Convocation,
 - (a) at least one of whom shall be the chair or a vice-chair of the Professional Regulation Committee;
 - (b) at least one of whom shall be the chair or a vice-chair of the Professional Development and Competence Committee;
 - (c) at least one of whom shall be an elected bencher who is licensed to practise law in Ontario as a barrister and solicitor;
 - (d) at least one of whom shall be an elected bencher who is licensed to provide legal services in Ontario; and
 - (e) at least one of whom shall be a person who is not a licensee.

2. Subsection 44 (3) of the By-Law is revoked.

3. Subsection 47 (2) of the By-Law is revoked and the following substituted:

Temporary members

(2) If no two members of the Committee are able to constitute a quorum because five or more members of the Committee are unable for any reason to act, the chair of the Committee may appoint one or more persons as temporary members of the Committee for the purposes of constituting a quorum, and the temporary members shall be deemed, for the purposes of subsection (1), to be members of the Committee.

4. Subsection 47 (3) of the By-Law is revoked.

FOR DECISION

**AMENDMENT TO TARIFF REGARDING FEES TO BE
CONSIDERED UNDER RULE 25.01**

Motion

14. **That Convocation amend Tariff A - Fees for Services to be Considered under Rule 25.01, as set out in the Motion at [TAB 6.2.1](#).**
15. On February 28, 2013, Convocation approved the Tariff for the Calculation of Costs in Law Society Hearing and Appeal Proceedings and incorporated it into Rule 25 of the *Rules of Practice and Procedure*.
16. The Tariff that was approved provided that the amount which could be ordered in costs for a lawyer with 10/11 years of experience was up to \$310 per hour.
17. The Tariff should have provided that the fee for service for lawyers with 10/11 years of experience was \$300, as this is the amount specified in the Tariff approved by Convocation on June 28, 2012, and posted on the Law Society web site.
18. Convocation is asked to approve an amendment to the Tariff to specify that the hourly fee for service for a lawyer with 10/11 years of experience is \$300.

THE LAW SOCIETY OF UPPER CANADA
RULES OF PRACTICE AND PROCEDURE
(applicable to proceedings before the Law Society Hearing Panel)
MADE UNDER
SECTION 61.2 OF THE *LAW SOCIETY ACT*

MOTION TO BE MOVED AT THE MEETING OF CONVOCATION ON April 25, 2013

MOVED BY

SECONDED BY

THAT the rules of practice and procedure applicable to proceedings before the Law Society Hearing Panel, made by Convocation on February 26, 2009 and amended by Convocation on June 25, 2009, June 29, 2010, January 27, 2011, April 28, 2011 and February 28, 2013 (the "Rules") be amended as follows:

- 1. Tariff A of the English version of the Rules is amended by striking out "\$310" substituting "\$300".**

- 2. Tariff A of the French version of the Rules is amended by striking out "310 \$" and substituting "300 \$".**

FOR DECISION

AMENDMENT TO INSURANCE REQUIREMENT IN BY-LAW 7

Motion

19. That Convocation approve an amendment to section 30 of By-Law 7 to require lawyers who enter into partnerships with non-licensees, and lawyers who enter into partnership with both paralegals and non-licensees, to obtain insurance for the non-licensee partner from LawPRO, as set out at [Tab 6.3.1](#).

Introduction

20. At its February 2013 meeting, Convocation approved in principle an amendment to By-Law 7 as described above.
21. Following the February 2013 meeting, the Elliot Spears, Senior Legal Counsel, Legal Affairs, drafted a motion for Convocation's approval which is attached as [TAB 6.3.1](#).

Background

22. On June 28, 2012, Convocation passed amendments to various provisions in By-Law 7 under the *Law Society Act* ("Business Entities"). These amendments permit a licensee to form a multi-discipline practice with a non-licensee practising a profession, trade or occupation through a professional corporation.
23. Prior to its amendment, Section 30 of the By-Law specifically provided that lawyers who entered into partnerships with non-licensees (multi-disciplinary partnerships, or MDPs) were required to obtain insurance for the non-licensee partner from "the insurer of the Society's insurance plan", or LawPRO.
24. The June 28, 2012, amendments referred to above revoked the definition of "licensee" and "professional". The definition of "professional" in By-Law 7 now provides that in addition to an individual, the term includes a professional corporation established under

the Act of the Legislature, the services of which the licensee may provide to a client in connection with the licensee's activity. Since its amendment on June 28, 2012, section 30 provides

30. A licensee who, under subsection 18(1), has entered into a partnership with a professional shall maintain professional liability insurance coverage for the professional, in an amount equivalent to the total of the amount of coverage required for the licensee and the amount of coverage the licensee maintains for herself, himself or itself in excess of that required of the licensee.

25. There are three different types of MDP:
- a. a lawyer/non licensee MDP;
 - b. a paralegal/non licensee MDP; and
 - c. a lawyer/paralegal/non-licensee MDP.
26. Although at the time of the June 28, 2012 amendment the intention was not to suggest that lawyer partners in either category a or c, referred to above, would not be required to obtain insurance coverage for their non-licensee partner from LawPRO, it has been suggested that this provision could be interpreted in this manner.
27. The intent of the amendment is to clarify that lawyer partners in an MDP (both lawyer/non licensee MDPs and lawyer/paralegal/non-licensee MDPs) are required to obtain insurance for their non-licensee partner through LawPRO.

THE LAW SOCIETY OF UPPER CANADA
**BY-LAWS MADE UNDER
SUBSECTIONS 62 (0.1) AND (1) OF THE *LAW SOCIETY ACT***
**BY-LAW 7
[BUSINESS ENTITIES]**

MOTION TO BE MOVED AT THE MEETING OF CONVOCATION ON APRIL 25, 2013

MOVED BY

SECONDED BY

THAT By-Law 7 [Business Entities], made by Convocation on May 1, 2007 and amended by Convocation on June 28, 2007, February 21, 2008, October 30, 2008, November 27, 2008, April 30, 2009 and June 28, 2012, be amended as follows:

1. Section 30 of By-Law 7 is revoked and the following substituted:

Insurance requirements

30. (1) Subject to subsection (2), a licensee who, under subsection 18 (1), has entered into a partnership with a professional shall maintain professional liability insurance coverage for the professional, in an amount equal to the total of the amount of coverage that is required of the licensee and the amount of coverage that the licensee maintains for herself, himself or itself in excess of that required of the licensee.

Insurance to be maintained under policy issued by the Lawyers' Professional Indemnity Company

(2) If any services through a partnership entered into under subsection 18 (1) are to be provided by a licensee who holds a Class L1 licence, the licensee who has entered into the partnership shall maintain that portion of the professional liability insurance coverage for the professional that is equal to the amount of coverage that is required of the licensee through the Lawyers' Professional Indemnity Company.

FOR INFORMATION**NEW TRIBUNALS COMPLAINTS PROTOCOL**

28. A new protocol for complaints by administrative tribunals and adjudicative agencies protocol has been endorsed by representatives of two major agency clusters in Ontario. The protocol will shortly be disseminated to other provincial and federal tribunals as well.
29. The aim is to create a mechanism similar to that currently in place for complaints originating with the Ontario Court of Justice and Superior Court of Justice. As with judicial complaints, complaints about lawyers and paralegals (as well, in some instances, unauthorized practice / unauthorized provision legal services) from agencies and tribunals would, where feasible, emanate from a designated point of contact within each tribunal or cluster of tribunals. The actual source of the complaint, such as an adjudicator, would be kept apprised as well and might also be involved as a potential source of information to assist the Law Society in addressing the complaint.
30. The Tribunal Complaints Protocol is attached as **TAB 6.4.1**. Also included at **TAB 6.4.2** is a focused description of the Law Society's complaints process that will accompany the protocol as it is circulated to tribunal and agency adjudicators and staff.

Background and DescriptionJudicial Complaints Protocol

31. Since 2009, the Law Society has had a formal and publicized Judicial Complaints Protocol (JCP). This was developed at the behest of the former CEO and the then-chair of the Professional Regulation Committee in consultation with senior representatives of the Ontario judiciary. The JCP addressed the longstanding concern that individual judges, encountering incivility or other forms of misbehavior by licensees in court proceedings, lacked an appropriate vehicle for bringing such potential misconduct to the

attention of the Law Society.

32. The JCP ensures that such complaints can be made through designated contacts that will be considered the Complainant for the Law Society's purposes. It also facilitates evidence gathering, using the designated Complainant as a liaison between the Law Society and the judicial source of the complaint.

Need for a Tribunal Complaints Protocol

33. In late 2012, partly at the request of various agency representatives, the Law Society revisited the issue to determine whether a similar protocol might be appropriate for administrative tribunals and adjudicative agencies. In Ontario, administrative tribunals and agencies dispense what is sometimes described as "everyday justice" to tens of thousands of litigants each year.
34. Many, but by no means all, litigants are unrepresented. Where litigants are represented by lawyers or paralegals, the quality of representation may have an impact on the success of the tribunal and its ability to render appropriate, timely and fair decisions in a reasonably cost-effective manner.
35. Tribunal adjudicators confronted with incivility, inappropriate behaviour and other breaches of the rules of professional conduct for lawyers and paralegal rules of conduct face dilemmas comparable to those faced by judges. For example, how does an adjudicator complain about conduct by a licensee without risking an apprehension of bias in relation to the substantive issues in dispute especially in the midst of proceedings? How can a busy adjudicator focus simultaneously on the completion of a hearing and on an ongoing complaint to the Law Society?

Meeting the challenge of multiple, distinct tribunals

36. The solution is to use a system of designated contacts, as the Law Society has done with the courts in the JCP. The challenge is that whereas in the province of Ontario there are essentially two levels of trial court, albeit with a multiplicity of locations, there are more than 100 administrative tribunals and some of these, such as the Landlord and Tenant

Board, have regional offices as well. Each tribunal has its own administrative structure and culture, to suit its statutory mandate. Each has its own leadership, typically appointed for a fixed term by Order-in-Council, as are most adjudicators.

37. However, the Ontario government has in recent years grouped many of its larger and most active tribunals and agencies into so-called clusters. There are three large clusters, each headed by an Executive Chair:
 - a. The *Social Justice Tribunals Ontario* cluster consists of the Human Rights Tribunal of Ontario, the Child and Family Services Review Board, the Custody Review Board, the Social Benefits Tribunal/Social Assistance Review Board, Special Education Tribunals (English and French) and the Landlord and Tenant Board.
 - b. The *Environment and Land Tribunals Ontario* cluster includes the Assessment Review Board, Board of Negotiation, Conservation Review Board, Environmental Review Tribunal, and Ontario Municipal Board.
 - c. As of April 1, 2013, the newest cluster, *Licensing Appeals and Standards Tribunals Ontario*, will include the Animal Care Review Board, Fire Safety Commission, Licence Appeal Tribunal, Ontario Civilian Police Commission and Ontario Parole Board
38. The existence of clustered tribunals, with a degree of centralized administration and certain common policies and procedures, clearly makes it easier to develop and promulgate a protocol for bringing complaints to the Law Society's attention.
39. Following consultations and revisions in late 2012 and early 2013, both the Executive Chair of the Social Justice Tribunals cluster and his counterpart at the Environment and Land Tribunals cluster have, following discussions with their constituent agencies, endorsed the Tribunal Complaints Protocol (TCP) that accompanies this report as **TAB 6.4.1.**

Next Steps

40. In addition to the cluster tribunals and agencies, there are also a number of larger adjudicative agencies that would also attract represented parties for a significant portion of their work.
41. There are also various federal tribunals that are potential sources of complaints regarding licensees. It is anticipated that once a TCP is in place with the major Ontario agency clusters, it can be modified to support the needs of other tribunals operating under either provincial or federal auspices. An outreach program will be implemented throughout 2013 to ensure that as many tribunals and agencies as possible are able to take advantage of the new TCP.
42. At the Law Society, complaints made under the TCP will be processed in the usual matter but, together with judicial complaints, will be tracked separately. This will ensure the Law Society's fulfillment of its obligations to regulate lawyers and paralegals in a way that promotes the administration of justice.

**PROTOCOL FOR TRIBUNALS REPORTING COMPLAINTS AGAINST LAWYERS
AND LICENSED PARALEGALS TO THE LAW SOCIETY OF UPPER CANADA**

December 2012

Introduction

1. Administrative tribunals have the statutory authority to control their own processes and to address the behaviour of lawyers and licensed paralegals that represent parties appearing before them. Some may even have powers to sanction conduct in a manner roughly analogous to the exercise of a judicial contempt power.
2. Lawyer or paralegal misconduct, such as incivility and unprofessionalism in the context of a tribunal proceeding, may also be the subject of a complaint best addressed by the Law Society as regulator of the legal professions. The Law Society also receives and addresses complaints about unauthorized practice / unauthorized provision of legal services.
3. The intention of this protocol is to create a coordinated process for bringing complaints to the attention of the Law Society, for tribunals that wish to adopt such a process. It is expected that the protocol will also improve communications between the Law Society and Tribunals.

The Protocol

4. Any person may make a complaint to the Law Society about misconduct or conduct unbecoming involving a lawyer or licensed paralegal, or about unauthorized practice or unauthorized provision of legal services (UAP) by a non-licensee. This protocol addresses situations in which a tribunal prefers to develop a standard process for making complaints to the Law Society. In such situations, complaints about lawyer or paralegal misconduct or UAP from a tribunal may be referred by tribunal adjudicators and staff to the Executive Chair or Chair of the Tribunal, or such other person as he or she may designate for this purpose (e.g., an Associate Chair, a tribunal's General Counsel, Registrar, Chief Executive Officer, etc.).

5. The tribunal shall notify the Law Society of the name and title of the individual responsible for dealing with the Law Society on regulatory complaint matters. This will enable the Law Society to maintain an active contact list, when addressing complaints involving tribunals.
6. The Tribunal Chair or other person designated for this purpose shall advise the Law Society of the complaint regarding the alleged misconduct or UAP and shall be considered the Complainant.
7. The Complainant provides a description of the lawyer or paralegal's conduct or alleged UAP together with any relevant materials from the record including extracts of the relevant portions of any transcript. In addition, the Complainant may supply other relevant information, including reasons by a tribunal adjudicator touching on the misconduct, copies of any written submissions or other relevant documents and the names of any witnesses who may be of assistance should be provided.
8. Depending on the nature of the complaint, the Law Society may seek additional information and documentation regarding the complaint from the Complainant.
9. In some circumstances, it may be necessary for the Law Society to seek to interview a tribunal adjudicator or staff member regarding a complaint of which he or she has knowledge. In such circumstances, the Law Society will request an interview by contacting the Complainant.
10. The Law Society encourages all Complainants to use the Complaints Help Form, which is available at www.lsuc.on.ca and may also be obtained from Complaints Services. A Tribunal complaint is identified as an adjudicative complaint and managed pursuant to this protocol.

11. Where a complaint from any source is considered to be of a regulatory nature, it will be assigned to Complaints Resolution or Investigations depending on the nature of the allegations, the licensee's past history and any other current opened files.

12. The Law Society will provide the Complainant and the tribunal adjudicator or other source of a complaint with periodic status reports as to the progress of the matter and its eventual disposition. Not all regulatory matters have a public disposition. Where a complaint is resolved without a public disposition, the Complainant and the tribunal adjudicator or other source of a complaint will nonetheless be advised as to the basis on which the matter has been closed. Where a matter is authorized for formal discipline or a regulatory meeting, the Complainant and the tribunal adjudicator or other source of a complaint will be advised as to the time and date of the hearing or regulatory meeting in the event a representative of the tribunal wishes to be in attendance.

APPENDIX TO THE TRIBUNAL COMPLAINTS PROTOCOL

How the Law Society Handles Complaints

The Mandate: Regardless of source, the Law Society opens files on all issues of professional misconduct, conduct unbecoming or licensee incapacity that come to its attention. In assessing and dealing with complaints the Law Society must determine what is in the public interest and also what serves the administration of justice. Complainants are not parties per se, but they are important stakeholders and vital sources of information to assist the Law Society in carrying out its regulatory mandate.

Screening for Jurisdiction: Complaints are initially screened to determine if they are within the Law Society's jurisdiction. For instance, the Law Society generally does not deal with issues involving professional negligence or disputes regarding fees.

Intake and Substantiation: Complaints within jurisdiction are assigned to the Law Society's Intake Department. Intake attempts to substantiate complaints, usually by obtaining additional information from the complainant or other source of information. Once a complaint has been substantiated, the Director of Professional Regulation or her designate will be asked to instruct a formal investigation. This instruction enables the Law Society to use specific investigative powers that are given to it under the *Law Society Act*.

Mentoring: Occasionally, either at the suggestion of a complainant (such as a member of the judiciary or a Tribunal) or on the Law Society's own initiative, a licensee may be referred for mentoring. Mentoring is considered a diversion from the Law Society's regulatory stream. Both the mentor and the licensee must consent to the referral. Mentoring is only available as an alternative to regulatory processes when it serves the public interest and does not place the public, including clients of the licensee, at risk.

Complaints Resolution: Apart from those that qualify for mentoring, complaints that raise less serious regulatory issues (for instance, failure to serve or to follow a client's instructions) will be

streamed to the Complaints Resolution department for investigation and possible resolution. This may require staff to obtain additional information from the complainant and other individuals with knowledge of the case, as well as the licensee. Provided the licensee is cooperative, available outcomes include closure of the file, closure with a staff letter of advice, transfer to the Investigations department or possibly an Invitation to Attend (which is entirely private) or Regulatory Meeting (which is private but with a published summary). These are informal and non-disciplinary corrective measures authorized and conducted by Law Society benchers. Where the licensee is not cooperative, the Law Society may seek permission from the benchers to initiate a summary hearing to address the failure to cooperate.

Investigations: Complaints that raise more serious regulatory issues (for instance, misappropriation or fraud) will be streamed or transferred to the Investigations Department. Investigators will use various means to gather oral and written evidence that will be evaluated and may be used in subsequent discipline proceedings. Files in Investigations may be closed if the evidence does not warrant further proceedings, or they may result in letters of advice, or they may be subject to Invitations to Attend or Regulatory Meetings, as discussed above.

Discipline: Where an Investigation has revealed sufficient evidence of serious misconduct, staff will recommend to a committee of benchers that formal discipline proceedings be authorized. Discipline is then initiated by Notice of Application and formal hearings are conducted, usually in public, before a three-member panel composed of benchers or a combination of benchers and non-bencher adjudicators. Hearings are conducted pursuant to the Statutory Powers Procedures Act and the Rules of Practice and Procedure adopted by the Law Society. Approximately 150 new hearings are commenced each year, in comparison to about 5000 complaints.

Discipline Outcomes: If a licensee is found guilty of professional misconduct or conduct unbecoming, the Discipline Hearing Panel may impose a penalty ranging from a reprimand, to a suspension, to revocation (formerly disbarment) or permission to surrender a licence (formerly permission to resign). The Panel may also order restitution, fines and/or payment of the Law Society's costs, pursuant to the Act.

The Discipline process is also used to address issues of incapacity, and to ensure that lawyers or paralegals with mental health or substance abuse issues affecting their ability to provide legal

services or practise law receive appropriate treatment, while not placing clients or other members of the public at risk. In some instances, this will require voluntary or involuntary withdrawal from, or restrictions on, practice until the risk is fully addressed.

Confidentiality: Under the Law Society Act, most Law Society regulatory activity is required to be kept strictly confidential and private, in part because it may involve privileged and/or confidential client information. Once a regulatory matter is authorized for a Discipline prosecution, however, it becomes public, subject to whatever safeguards are necessary and appropriate to protect the privacy of clients and others.

Unauthorized Practice / Unauthorized Provision of Legal Services: The Law Society has the statutory mandate to help ensure that only those who are qualified practise law or provide legal services. Complaints about alleged UAP are addressed at first instance by staff. The aim is to stop behaviour that places the public at risk. Under the Law Society Act, someone who has engaged in UAP may be prosecuted in Provincial Offences Court or may be the subject of an application for an injunction, with the possibility of future contempt proceedings if the UAP persists or recurs.