

Protocol for Tribunals

This protocol sets out the process by which tribunal adjudicators may refer conduct of concern by licensees or suspected unauthorised practise/provision of legal services (UAP) to the Law Society of Ontario.

Where a tribunal wishes to develop a standard process for making complaints to the Law Society, complaints may be referred by tribunal adjudicators or staff to the Executive Chair or Chair of the Tribunal, or such other person as he or she may designate for this purpose. Where such a referral has been made, the primary point of contact between the tribunal and the Law Society will be the Chair or other designated person.

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 or the alleged UAP,
 2. Extracts of the relevant portions of the transcript reflecting the conduct of concern and the tribunal's comments thereon,
 3. Any reasons by the tribunal adjudicator touching on the conduct of concern,
 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).

Please note: Complainants are encouraged to use the Law Society's complaint form (<https://lawsocietyontario.azureedge.net/media/lso/media/protecting-the-public/complaint-form-en.pdf>).

- The Law Society will open a case file and send correspondence to the referring Chair or designate 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 the allegations.
- The Law Society will consider whether, in the context of a licensee's regulatory history, mentoring might be an appropriate outcome.
- Where a 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 Tribunal:

- The Law Society will provide the referring Chair or designate with periodic status reports.
- The Law Society may contact the referring Chair or designate to obtain any necessary additional information that may be required to proceed.
- The referring Chair or designate 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 Chair or designate will be advised of the time and date of the hearing / regulatory meeting in the event that a representative of the tribunal wishes to attend.

Mentoring

The referring Chair or designate may suggest 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 Chair or designate will be advised that the matter was referred for mentoring and the matter will then be considered closed.