

MEMBER'S MANUAL

The Law Society
of British Columbia



AMENDMENT PAGES

2007: No. 5 December

Highlights

Law Society Rules:

- **Small Firm Practice Course:** A lawyer otherwise required to take the Small Firm Practice Course is excused if he or she has practised in a small firm and been a signatory on a trust account for a total of two years in the previous five (Rule 3-18.1(2)-(3): p. 69); in order to prepare for work in a small firm, a lawyer may take the course up to 12 months before required to do so (Rule 3-18.2(1): p. 69).
- **Bencher reviews:** Either party in a Bencher review of a credentials or discipline panel's decision may apply for dismissal of an inactive review (Rule 5-12(1) and (3) and new Rule 5-21: pp. 116 and 116.3); the time for requesting a review begins when the respondent is notified of the penalty decision in a discipline case or the applicant is notified of the panel's decision in a credentials case (Rules 5-13 and 5-15: pp. 116-116.1); more precise language is used in Rules 5-16(1), 5-17(1) and 5-19(1) to (3) and (5) and 10-1(4) (pp. 116.1, 116.3 and 128).
- **Miscellaneous:** The three at-large members of the Executive Committee are to be elected at the end of the preceding year, rather than in January (Rule 1-39(2) to (5), (8) and (11): p. 27); a lawyer suspended for disciplinary reasons must notify clients or prospective clients of the suspension if they may be affected by it, unless the panel relieves the lawyer of the obligation (Rule 4-37(3) and (4): p. 110.1); 2008 fees and assessments are set out in Schedules 1, 2 and 3 (pp. 129-132); minor housekeeping amendments are made to Rules 2-65(2), 3-7(1), 3-9(6), 3-17, 4-9(8), 4-21(4), 4-22(5) and 4-29(2) and (3) (pp. 60, 65, 66, 68.3, 98.1, 103 and 107).

Filing: Please file the enclosed sheet in your *Member's Manual* as follows:

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After filing, insert this sheet at the front of the *Manual* for reference.

[continued over]

Updates: This amendment package updates the *Member's Manual* to **November 26, 2007**. The previous amendment package was 2007: No. 4 October.

To check that your copy of the *Manual* is up to date, please consult the contents checklist on the next page. If you have further questions about updating your *Manual*, contact Donna Kokot in the Law Society Communications Department: telephone 604-443-5768 or toll-free in BC 1-800-903-5300, by telefax 604-646-5913 or by email to communications@lsbc.org.

Website: The *Legal Profession Act*, Law Society Rules and *Professional Conduct Handbook* can be accessed in the Publications & Forms section of the Law Society website at www.lawsociety.bc.ca in both HTML (for online use) and in PDF (for printout, including printout of *Member's Manual* replacement pages).

MEMBER'S MANUAL CONTENTS CHECKLIST

Updated to November 26, 2007

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PART 1 – ORGANIZATION

- (2) The Rules respecting the election of Benchers apply, with the necessary changes and so far as they are applicable, to a referendum under this Rule, except that the voting paper envelopes need not be separated by districts.

Appointment of Bencher to represent a district

- 1-38** (1) The Benchers may fill a vacancy by appointment in the following circumstances:
- (a) an elected Bencher ceases to hold office on or after July 1 of an odd-numbered year;
 - (b) an electoral district fails to nominate enough candidates at an election to elect the required number of Benchers;
 - (c) an amendment to Rule 1-20 increases the number of Benchers to be elected from a district.
- (2) A Bencher appointed under subrule (1) takes office on appointment and continues in office until the end of the current term.
 - (3) The Benchers may appoint any member of the Society in good standing eligible to be a candidate for Bencher in the district concerned.
 - (4) When the Benchers appoint a Bencher under this Rule, they may conduct a non-binding plebiscite of the members of the Society in the district concerned.

[(2) amended 10/01]

Election of Executive Committee

- 1-39** (1) The Benchers must elect 3 Benchers to serve as members of the Executive Committee for each calendar year.
- (2) All persons elected as a Bencher for a term that includes the calendar year for which members of the Executive Committee are to be elected are eligible for election under subrule (1).
 - (3) Nominations for election to the Executive Committee must be made by November 22.
 - (4) If more than 3 Benchers are nominated under subrule (3), the Executive Director must conduct a ballot.
 - (5) The Executive Director must specify a date no later than December 6 for the return of the ballots, and a ballot returned after that date is not valid.
 - (6) All Benchers in office on the date specified under subrule (5) are eligible to vote for the Executive Committee.
 - (7) If, because of a tie vote or for any other reason, the Benchers fail to elect 3 members of the Executive Committee under subrules (4) and (5), or if a vacancy occurs, the Benchers must hold an election to fill all resulting vacancies at the next regular meeting of the Benchers.
 - (8) At the first regular meeting of the Benchers in each calendar year, the lay Benchers must elect one lay Bencher to serve as a member of the Executive Committee for that calendar year and until a new member of the Committee is elected under this subrule in the following calendar year.

LAW SOCIETY RULES

- (9) All lay Benchers are eligible for election to the Executive Committee under subrule (8).
- (10) All lay Benchers present are entitled to vote for lay member of the Executive Committee under subrule (8).
- (11) If a vote is required for an election under this Rule,
 - (a) it must be conducted by secret ballot,
 - (b) a ballot must be rejected unless it contains votes for the same number of candidates as there are positions to be filled, and
 - (c) when more than one Bencher is to be elected, the candidates with the most votes, up to the number of positions to be filled, are elected.

[(2) to (5), (8) and (11) amended 11/07]

Date falling on Saturday, Sunday or other holiday

- 1-40** If the time for doing an act in this Division falls or expires on a day when the Society office is not open during regular business hours, the time is extended to the next day that the office is open.

Interruption of postal service

- 1-41** If an interruption of postal service makes it impracticable to conduct an election according to the schedule set by this Part, the Executive Committee may
- (a) postpone the election,
 - (b) extend the time for the doing of an act, or
 - (c) make special arrangements for the delivery and receipt of notices and ballots.

Extension of dates

- 1-42** The Executive Committee may, on application by the Executive Director, extend any date stated in Rule 1-18 to 1-42.

General

Seal

- 1-43** (1) Subject to subrule (2), the seal of the Society may be affixed to a document in the presence of
- (a) 2 persons, one of whom must be the President or a Vice-President, and the other of whom must be an officer of the Society, or
 - (b) one or more persons appointed by resolution of the Executive Committee.
- (2) The seal may be affixed in the presence of any one of the persons referred to in subrule (1) in the case of
- (a) a certificate, or
 - (b) a document that certifies true copies of any document or resolution.
- (3) The person or persons in whose presence the seal is affixed must sign the certificate or document of certification.

[(1) amended 07/04]

Law Society counsel

- 2-63** The Executive Director must appoint an employee of the Society or retain another lawyer to represent the Society when
- (a) a hearing is ordered under this Division,
 - (b) an applicant appeals a decision to the Court of Appeal under section 48 of the Act, or
 - (c) the Society is a respondent in any other action involving an application relating to sections 19 to 22 of the Act or this Division.

Pre-hearing conference

- 2-63.1** (1) The President may order a pre-hearing conference at any time before a hearing ordered under this Division commences, at the request of the applicant or counsel for the Society, or on the President's own initiative.
- (2) When a conference has been ordered under subrule (1), the President must
- (a) set the date, time and place of the conference, and
 - (b) designate a Bencher to preside at the conference.
- (3) Counsel for the Society, and the applicant or applicant's counsel or both, must be present at the conference.
- (4) Any person may participate in a conference by telephone or by any other means of communication that allows all persons participating to hear each other, and a person so participating is present under subrule (3).
- (5) The conference must consider
- (a) the possibility of agreement on facts in order to facilitate the hearing,
 - (b) the discovery and production of documents,
 - (c) the possibility that privilege or confidentiality might require that all or part of the hearing be closed to the public, or that exhibits and other evidence be excluded from public access,
 - (d) setting a date for the hearing,
 - (e) any application by counsel for the Society to withhold the identity or locating particulars of a witness, and
 - (f) any other matters that may aid in the disposition of the application.
- (6) The Bencher presiding at a pre-hearing conference may
- (a) adjourn the conference to a specified date, time and place,
 - (b) order discovery and production of documents,
 - (c) set a date for the hearing, and
 - (d) allow or dismiss an application under subrule (5)(f).

[added 02/04]

Appointment of panel

2-64 When a hearing is ordered under this Division, the President must appoint a panel in accordance with Rule 5-2.

Adjournment of hearing

2-65 (1) Before a hearing commences, the applicant or counsel for the Society may request that the hearing be adjourned by delivering to the Executive Director a notice in writing that sets out the reasons for the request.

(2) The Executive Director must promptly notify the following of a request under subrule (1) and the reasons for it:

- (a) the party not making the request;
- (b) a person given written notice of the application under Rule 2-52(10);
- (c) the President;
- (d) anyone else who, in the Executive Director's opinion, should be notified.

(3) Before a hearing commences, the President must decide whether to grant the adjournment, with or without conditions, and advise the parties accordingly.

(4) The President may designate another Benchler to make a determination under subrule (3).

(5) After a hearing has commenced, the chair of the panel may adjourn the hearing, with or without conditions, to a specified date, time and place.

[(2) amended 10/07]

Attendance at the hearing

2-66 Unless the chair of the panel otherwise orders, the applicant must personally attend the entire hearing.

Onus and burden of proof

2-67 (1) At a hearing under this Division, the onus is on the applicant to satisfy the panel on the balance of probabilities that the applicant has met the requirements of section 19(1) of the Act and this Division.

(2) A panel must reject an application for enrolment if it considers that the applicant's qualifications referred to in Rule 2-27(4) are deficient.

Procedure

2-68 (1) Following completion of the evidence, the panel must invite the applicant and counsel for the Society to make submissions on the issues to be decided by the panel.

(2) If the circumstances of the applicant have changed so as to make the outcome of the hearing moot, the panel may do one of the following after hearing submissions on behalf of the Society and the applicant:

- (a) adjourn the hearing generally;
- (b) reject the application;
- (c) commence or continue with the hearing.

PART 3 – PROTECTION OF THE PUBLIC

- (4) Despite subrule (3), if the Executive Director considers it necessary for the effective investigation of the complaint, the Executive Director may delay notification of the lawyer.
- (5) When acting under subrule (3), the Executive Director may decline to identify the complainant or the source of the complaint.
- (6) The Executive Director may require the lawyer to whom a copy or summary of the complaint has been delivered under subrule (3) to respond to the substance of the complaint.
- (7) The lawyer's response under subrule (6) must be
 - (a) in writing and, unless the Executive Director permits otherwise, signed by
 - (i) the lawyer personally,
 - (ii) a director of the law corporation, if the complaint is about a law corporation, or
 - (iii) counsel for the lawyer or law corporation, and
 - (b) delivered to the Executive Director as soon as practicable and, in any event, by the date set by the Executive Director.
- (8) After receiving a response from the lawyer, the Executive Director may deliver to the complainant a copy of the response or a summary of it, subject to solicitor and client privilege and confidentiality.
- (9) The Executive Director may, at any time, attempt to resolve a complaint through mediation or other informal means.

Action after investigation

- 3-6** (1) After investigating a complaint, the Executive Director must take no further action if the Executive Director is satisfied that the complaint
- (a) is not valid or its validity cannot be proved, or
 - (b) does not disclose conduct serious enough to warrant further action.
- (2) The Executive Director may take no further action on a complaint if the Executive Director is satisfied that the matter giving rise to the complaint has been resolved.
- (3) Unless subrule (1) applies or the Executive Director takes no further action under subrule (2), the Executive Director must refer the complaint to the Practice Standards Committee or to the Discipline Committee.
- (4) Despite subrule (3), the Executive Director may refer a complaint to the Chair of the Discipline Committee if the complaint concerns only allegations that the lawyer has done one or more of the following:
- (a) breached a Rule;
 - (b) breached an undertaking given to the Society;
 - (c) failed to respond to a communication from the Society.

[(4) added 07/07]

Notifying the parties

- 3-7** (1) When a decision has been made under Rule 3-6, the Executive Director must notify the complainant and the lawyer in writing of the disposition.

- (2) When the Executive Director takes no further action on a complaint under Rule 3-6(1), notice to the complainant under subrule (1) must include
 - (a) the reason for the decision, and
 - (b) instructions on how to apply for a review of the decision under Rule 3-9.

[(1) amended 10/07]

Appointment of Complainants' Review Committee

- 3-8** (1) For each calendar year, the President must appoint a Complainants' Review Committee.
- (2) If one or more lay Benchers have been appointed under section 5 of the Act, the President must appoint at least one of the lay Benchers to the Complainants' Review Committee.

Review by Complainants' Review Committee

- 3-9** (1) A complainant may apply to the Complainants' Review Committee for a review of a decision by the Executive Director under Rule 3-6 to take no further action after investigating a complaint.
- (2) To initiate a review under subrule (1), the complainant must apply to the Complainants' Review Committee within 30 days after the decision is communicated to the complainant.
- (3) The chair of the Complainants' Review Committee may extend the time for applying for a review under subrule (2) in extraordinary circumstances beyond the control of the complainant.
- (4) The Complainants' Review Committee must
 - (a) review the documents obtained, collected or produced by the Executive Director under Rules 3-4 to 3-7, and
 - (b) on the direction of a lay Bencher member of the Committee, make enquiries of the complainant, the lawyer or any other person.
- (5) After its review and enquiries, the Complainants' Review Committee must do one of the following:
 - (a) confirm the Executive Director's decision to take no further action;
 - (b) refer the complaint to the Practice Standards Committee or to the Discipline Committee with or without recommendation.
- (6) The chair of the Complainants' Review Committee must notify the complainant, the lawyer and the Executive Director, in writing, of the Committee's decision under subrule (5) and the reasons for that decision.
- (7) If the Complainants' Review Committee keeps minutes of its consideration of a complaint, the Executive Director may disclose all or part of the minutes to the complainant or lawyer concerned.

[(7) added 10/03; (6) amended 10/07]

Confidentiality of Practice Standards Committee deliberations

- 3-16** (1) Subject to subrules (2) to (4) and Rule 3-17, the following must be treated confidentially, and must not be disclosed except for the purpose of complying with the objects of the Act or, with the consent of the lawyer concerned, in responding to an enquiry made for the purpose of a potential judicial appointment:
- (a) all of the information and documents that form part of the Practice Standards Committee's consideration of a complaint;
 - (b) any action taken or decision made by the Committee;
 - (c) any report prepared for or on behalf of the Committee.
- (2) If a matter referred to or considered by the Practice Standards Committee has become known to the public, the Executive Director may disclose
- (a) the fact that the matter is or has been before the Committee,
 - (b) the status of the matter, including, if the matter is concluded, the general basis on which it was concluded, and
 - (c) any additional information necessary to correct inaccurate information.
- (3) With the consent of the Practice Standards Committee, the Executive Director may deliver to a law enforcement agency any information or documents that the Committee reasonably believes may be evidence of an offence.
- (3.1) Subrules (4) and (5) apply to
- (a) an undertaking under this division that restricts, limits or prohibits the lawyer's practice in one or more areas of law, and
 - (b) a condition or limitation of a lawyer's practice imposed under Rule 3-14.1.
- (4) The Executive Director may disclose the fact that a lawyer has given an undertaking or that the Practice Standards Committee has imposed a condition or limitation and the effect on the lawyer's practice.
- (5) If the Executive Director discloses the existence of an undertaking, condition or limitation under subrule (4) by means of the Society's website, the Executive Director must remove the information from the website within a reasonable time when the undertaking, condition or limitation is no longer in force.

[amended, (2) and (3) added 02/04; (1) amended, (4) and (5) added 06/05; (3.1) added, (4) and (5) amended 09/07]

Report to complainant

- 3-17** The Executive Director must notify the complainant in writing of the Practice Standards Committee's decision under Rule 3-12, but must not deliver to the complainant a copy of any report or the Committee's recommendations about the lawyer's practice.

[amended 10/07]

LAW SOCIETY RULES

Costs

- 3-18** (1) The Practice Standards Committee may order that a lawyer pay to the Society the cost of a practice review, action or remedial program ordered or allowed under this Division, and may set and extend the date for payment.
- (2) A lawyer who is ordered by the Practice Standards Committee, under subrule (1), to pay costs must pay those costs in full by the date set or extended by the Committee.
- (3) A lawyer who has not paid the amount owing under subrule (1) by the date set or extended by the Practice Standards Committee is in breach of these Rules, and if any part of the amount owing remains unpaid by the date set in Rule 2-70, must not engage in the practice of law unless the Benchers order otherwise.

Division 2.1 – Education

Definition and application

3-18.1 (1) In this Division

“**small firm**” includes

- (a) a firm in which not more than 4 lawyers practise law together, and
- (b) a lawyer in an arrangement to share expenses with other lawyers who otherwise practises as an independent practitioner, except when the lawyer relies on a firm that is not a small firm to maintain trust accounting and other financial records on the lawyer’s behalf,

but does not include

- (c) a public body such as government or a Crown corporation, or
- (d) a corporation that is not a law corporation, or other private body.

“**small firm course**” means a course of study designated as such and administered by the Society or its agents and includes any assignment, examinations and remedial work taken during or after the course of study.

- (2) This Division applies to a lawyer who begins practice in a small firm or, while practising in a small firm, becomes a signatory on a trust account, unless the lawyer has done both of the following in a Canadian jurisdiction for a total of 2 years or more in the preceding 5 years:
 - (a) engaged in the practice of law in a small firm;
 - (b) been a signatory on a trust account.
- (3) Despite subrule (2), this Division applies to a lawyer when the Practice Standards Committee, by resolution, so orders.

[added effective 01/07; (2) and (3) amended 10/07]

Small firm course

3-18.2 (1) Within 6 months after and not more than 12 months before the date on which this Division applies to a lawyer, the lawyer must

- (a) successfully complete the small firm course, and
- (b) certify to the Executive Director in a form approved by the Executive Director that the lawyer has successfully completed the small firm course.

- (2) A lawyer who is in breach of subrule (1) has failed to meet a minimum standard of practice, and the Executive Director may refer the matter to the Discipline Committee or the Chair of the Discipline Committee.

[added effective 01/07; (2) amended 07/07; (1) amended 10/07]

Division 3 – Specialization and Restricted Practice

Advertising

3-19 A lawyer must not advertise any specialization, restricted practice or preferred area of practice except as permitted in the *Professional Conduct Handbook*, Chapter 14, Rules 16 to 18.

Family law mediation

- 3-20** (1) A lawyer may act as a family law mediator only if the lawyer has
- (a) engaged in the full-time practice of law for at least 3 years or the equivalent in part-time practice, and
 - (b) completed a course of study in family law mediation approved by the Practice Standards Committee.
- (2) The Practice Standards Committee may allow a lawyer with special qualifications or experience to act as a family law mediator without qualifying under subrule (1)(a).

Division 4 – Professional Liability Insurance

Compulsory liability insurance

- 3-21** (1) A lawyer must maintain professional liability insurance on the terms and conditions offered by the Society through the Lawyers Insurance Fund and pay the insurance fee under Rule 3-22, unless the lawyer is exempt or ineligible under Rule 3-25.
- (2) A lawyer is bound by the terms and conditions of professional liability insurance maintained under subrule (1).
- (3) As soon as practicable, the Executive Director must notify all governing bodies of any change to compulsory professional liability insurance under this Division that affects the limits of liability or scope of coverage.

[(3) added 11/99]

PART 4 – DISCIPLINE

- (8) After making its decision under subrule (6), the Discipline Committee must
- (a) notify the lawyer and the complainant of its decision, and
 - (b) subject to Rule 4-10, deliver a copy or summary of the report to the complainant.

[(6) amended 07/05; (8) amended 10/07]

Privilege and confidentiality

- 4-10** In complying with Rule 4-9, the Discipline Committee and the Conduct Review Subcommittee must not disclose to the complainant information subject to the solicitor and client privilege of a client other than the complainant or other confidential information that the complainant is not entitled to receive.

[amended 07/05]

Publication and disclosure

- 4-11** (1) The Executive Director may publish and circulate to the profession a summary of the circumstances of a matter that has been the subject of a conduct review.
- (2) A summary published under subrule (1) must not identify the lawyer or complainant unless that person consents in writing to being identified.
- (3) If a complaint giving rise to a conduct review is known to the public or if a conduct review is ordered in a matter that was the subject of a citation that has been rescinded, the Executive Director may disclose
- (a) the fact that the lawyer is or was required to appear before the Conduct Review Subcommittee, and
 - (b) the decision of the Discipline Committee under Rule 4-9(6).
- (4) Subject to subrule (5), the Executive Director may disclose the report of a Conduct Review Subcommittee that has been considered by a hearing panel as part of a lawyer's professional conduct record under Rule 4-35(4).
- (5) This Rule must not be interpreted to permit the disclosure of any information subject to solicitor and client privilege or confidentiality.

[heading amended, (3) to (5) added 10/03]

Evidence of conduct review at the hearing of a citation

- 4-12** If a hearing is held on a citation issued following a conduct review,
- (a) the Conduct Review Subcommittee's written report is not admissible at the hearing, and
 - (b) no member of the Conduct Review Subcommittee is permitted to testify as to any statement made by the lawyer during the conduct review, unless the matter is put in issue by the respondent.

LAW SOCIETY RULES

Direction to issue or rescind citation

- 4-13** (1) The chair of the Discipline Committee or any 3 Benchers may order a hearing into the conduct or competence of a lawyer by directing that the Executive Director issue a citation against the lawyer.
- (2) The Discipline Committee may rescind a citation at any time before a panel makes a determination under Rule 4-35.

Contents of citation

- 4-14** (1) A citation may contain one or more allegations.
- (2) Each allegation in a citation must
- (a) be clear and specific enough to give the respondent notice of the misconduct alleged, and
 - (b) contain enough detail of the circumstances of the alleged misconduct to give the respondent reasonable information about the act or omission to be proved against the respondent and to identify the transaction referred to.

Service of citation

- 4-15** (1) A citation must be served on the respondent
- (a) personally, or by mailing it by registered mail to the respondent's last known address,
 - (b) not more than 90 days after the direction that it be issued, unless the Discipline Committee or the chair, vice-chair or another Bencher member of the Committee otherwise directs, and
 - (c) not less than 30 days before the date set for the hearing, unless the respondent consents in writing to a shorter period.

[1) amended 09/07]

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- (3) The Discipline Committee may, in its discretion,
 - (a) accept the conditional admission,
 - (b) accept the conditional admission subject to any undertaking that the Committee requires the respondent to give in order to protect the public interest, or
 - (c) reject the conditional admission.
- (4) If the Discipline Committee accepts a conditional admission tendered under this Rule,
 - (a) those parts of the citation to which the conditional admission applies are resolved,
 - (b) the Executive Director must
 - (i) record the respondent's admission on the respondent's professional conduct record, and
 - (ii) notify the respondent and the complainant of the disposition, and
 - (c) subject to solicitor and client privilege and confidentiality, the Executive Director may disclose the reasons for the Committee's decision.
- (5) A respondent who undertakes under this Rule not to practise law is a person who has ceased to be a member of the Society as a result of disciplinary proceedings under section 15(3) of the Act.

[(3) and (4) amended, (5) added 02/03; (4) amended 05/03; 10/07]

Consent to disciplinary action

- 4-22** (1) A respondent may, at least 14 days before the date set for a hearing under this Part, tender to the Discipline Committee a conditional admission of a discipline violation and the respondent's consent to a specified disciplinary action.
- (2) The chair of the Discipline Committee may waive the 14-day limit in subrule (1).
 - (3) The Discipline Committee may, in its discretion, accept or reject a conditional admission and proposed disciplinary action.
 - (4) If the Discipline Committee accepts the conditional admission and proposed disciplinary action, it must instruct discipline counsel to recommend its acceptance to the hearing panel.
 - (5) If the panel accepts the respondent's proposed disciplinary action it must
 - (a) instruct the Executive Director to record the lawyer's admission on the lawyer's professional conduct record,
 - (b) impose the disciplinary action that the respondent has proposed, and
 - (c) notify the respondent and the complainant of the disposition.

[(5) amended 10/07]

Rejection of admissions

- 4-23** (1) A conditional admission tendered under Rule 4-21 must not be used against the respondent in any proceeding under this Part or Part 5 unless the admission is accepted by the Discipline Committee.

- (2) A conditional admission tendered under Rule 4-22 must not be used against the respondent in any proceeding under this Part unless
 - (a) the admission is accepted by the Discipline Committee, and
 - (b) the admission and proposed disciplinary action is accepted by a hearing panel.
- (3) If a panel rejects the respondent's proposed disciplinary action tendered in accordance with Rule 4-22, it must advise the chair of the Discipline Committee of its decision and proceed no further with the hearing of the citation.
- (4) On receipt of a notification under subrule (3), the chair of the Discipline Committee must instruct discipline counsel to proceed to set a date for the hearing of the citation.
- (5) When a panel rejects a proposed disciplinary action tendered in accordance with Rule 4-22, no member of that panel is permitted sit on the panel that subsequently hears the citation.

[(1) amended 02/03]

Setting a date for the hearing

- 4-24** (1) The date, time and place for the hearing must be set
- (a) by agreement between discipline counsel and the respondent, or
 - (b) failing agreement, by the Executive Director.
- (2) The Executive Director must notify the following in writing of the date, time and place of the hearing:
- (a) the respondent, when the hearing has been scheduled under subrule (1)(b);
 - (b) the complainant.

Summary hearing

- 4-24.1** (1) This Rule may be applied in respect of the hearing of a citation comprising only allegations that the respondent has done one or more of the following:
- (a) breached a Rule;
 - (b) breached an undertaking given to the Society;
 - (c) failed to respond to a communication from the Society.
- (2) Despite Rule 4-27(5), the Bencher presiding at a pre-hearing conference may order that the conference not consider any or all of the matters referred to in that subrule.
- (3) Unless the panel rules otherwise, the respondent and discipline counsel may adduce evidence by
- (a) affidavit, or
 - (b) statement of facts agreed between the parties.
- (4) Despite Rules 4-34 and 4-35, the panel may consider facts, verdict, penalty and costs and make one decision respecting all aspects of the proceeding.

[added 07/07]

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- (2) The Executive Director must promptly notify the following of a request under subrule (1) and the reasons for it:
 - (a) the party not making the request;
 - (b) the complainant;
 - (c) the President;
 - (d) anyone else who, in the Executive Director's opinion, should be notified.
- (3) Before the hearing commences, the President must decide whether to grant the adjournment, with or without conditions, and must notify the parties accordingly.
- (4) The President may designate another Bencher to make a determination under subrule (3).
- (5) After a hearing has commenced, the chair of the panel may adjourn the hearing, with or without conditions, to a specified date, time and place.

[(1) amended 09/99; 10/06; (2) and (3) amended 10/07]

Preliminary procedures

- 4-30** (1) Before hearing any evidence on the allegations set out in the citation, the panel must determine whether
- (a) the citation was served in accordance with Rule 4-15, or
 - (b) the respondent waives any of the requirements of Rule 4-15.
- (2) If the requirements of Rule 4-15 have been met, or have been waived by the respondent, the citation or a copy of it must be filed as an exhibit at the hearing, and the hearing may proceed.

Citation

- 4-31** (1) A panel may consider at one hearing a citation that contains one or more allegations.
- (2) A citation may be amended by
- (a) discipline counsel before the hearing begins, and
 - (b) the panel after the hearing has begun.

Evidence at the hearing

- 4-32** (1) Discipline counsel must give reasonable notice to the respondent of an application for an order that the respondent give evidence at the hearing.
- (2) Unless the panel orders otherwise, witnesses called by discipline counsel testify first, followed by witnesses called by the respondent.

Communication with Ombudsperson

- 4-33** (1) This Rule is to be interpreted in a way that will facilitate the Ombudsperson assisting in the resolution of disputes through communication without prejudice to the rights of any person.

- (2) Communication between the Ombudsperson acting in that capacity and any person receiving or seeking assistance from the Ombudsperson is confidential and must remain confidential in order to foster an effective relationship between the Ombudsperson and that individual.
- (3) The Ombudsperson must hold in strict confidence all information acquired in that capacity from participants.
- (4) In a proceeding under this Part or Part 2
 - (a) no one is permitted to give evidence about any discussion or other communication with the Ombudsperson in that capacity, and
 - (b) no record can be admitted in evidence or disclosed under Rule 4-25 or 4-26 if it was produced
 - (i) by or under the direction of the Ombudsperson in that capacity, or
 - (ii) by another person while receiving or seeking assistance from the Ombudsperson, unless the record would otherwise be admissible or subject to disclosure under Rule 4-25 or 4-26.

Submissions and verdict

- 4-34** (1) Following completion of the evidence, the panel must invite submissions from discipline counsel and the respondent on the facts and verdict on each allegation in the citation.
- (2) After submissions under subrule (1), the panel must
 - (a) determine the facts and a verdict on each allegation, and
 - (b) prepare written reasons for its findings on each allegation.
 - (3) The Executive Director must promptly deliver a copy of the panel's reasons prepared under subrule (2)(b) to each party.

[(2) amended 07/07]

Penalty

- 4-35** (1) Following a verdict under Rule 4-34 adverse to the respondent, the panel must
 - (a) invite the respondent and discipline counsel to make submissions as to penalty,
 - (b) take one or more of the actions referred to in section 38(5) or (6) of the Act,
 - (c) include in its order under this Rule any order under Rule 5-9 on the costs of the hearing, including any order respecting time to pay,
 - (d) prepare a written record, with reasons, of its action taken under subrule (b) and its order for costs, if any, under subrule (c),
 - (e) if it imposes a fine, set the date by which payment to the Society must be completed, and
 - (f) if it imposes conditions on the respondent's practice, set the date by which the conditions must be fulfilled.
- (1.1) If a panel gives reasons orally for its decision under Rule 4-34(2)(a), the panel may proceed under subrule (1) before written reasons are prepared under Rule 4-34(2)(b).

Public notice of suspension or disbarment

- 4-37** (1) When a person is suspended under this Part or Part 5 or becomes a disbarred lawyer, the Executive Director must immediately give effective public notice of the suspension, disbarment or resignation by means including but not limited to the following:
- (a) publication of a notice in
 - (i) the *British Columbia Gazette*,
 - (ii) a newspaper of general circulation in each municipality and each district referred to in Rule 1-20, in which the person maintained a law office, and
 - (iii) the Society website;
 - (b) notifying the following:
 - (i) the Registrar of the Supreme Court;
 - (ii) the Public Guardian and Trustee.
- (2) When a person is suspended under Part 2 or 3, the Executive Director may take any of the steps referred to in subrule (1).
- (3) A lawyer who is suspended under this Part or Part 5 must inform all clients who reasonably expect the lawyer to attend to their affairs during the period of the suspension and clients or prospective clients who inquire about the availability of the lawyer's services during the suspension period of the following:
- (a) the period the lawyer will not be practising;
 - (b) the arrangements the lawyer has put in place to protect the clients' interests during the time the lawyer will not be practising;
 - (c) the fact that the lawyer is not practising during the relevant period because of the suspension.
- (4) A panel that suspends a lawyer may relieve the lawyer of any of the obligations set out in subrule (3) if the panel is satisfied that it is consistent with the public interest and imposing the obligation would be unreasonable in the circumstances.

[amended 03/99; amended effective February 28, 2000; amended 10/06;
(1) amended, (2) added 04/07; (3) and (4) added 11/07]

Publication of disciplinary action

- 4-38** (1) Subject to Rule 4-38.1, the Executive Director must publish and circulate to the profession a summary of the circumstances and of any decision, reasons and action taken
- (a) at the conclusion of the facts and verdict portion of a hearing on a citation,
 - (a.1) at the conclusion of the penalty portion of a hearing on a citation,
 - (a.2) at the conclusion of a hearing on a citation under Rule 4-24.1.
 - (b) at the conclusion of a hearing before the Benchers under section 47 of the Act,

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- (c) at the conclusion of an appeal to the Court of Appeal under section 48 of the Act,
 - (d) when an order is made or refused under Rule 4-19(13) or (14),
 - (e) when a lawyer or former lawyer is suspended or disbarred under Rule 4-40, or
 - (f) when an admission is accepted under Rule 4-21 or 4-22.
- (2) Subject to Rule 4-38.1, the Executive Director may publish and circulate to the profession a summary of any decision, reasons and action taken not enumerated in subrule (1), other than
- (a) a decision not to accept a conditional admission under Rule 4-21 or 4-22, or
 - (b) any decision under Rule 4-17(1).
- (3) When a publication is required under subrule (1), the Executive Director may also publish generally
- (a) a summary of the circumstances of the decision, reasons and action taken,
 - (b) all or part of the report of the hearing panel, or
 - (c) in the case of a conditional admission that is accepted under Rule 4-21, all or part of an agreed statement of facts.
- (4) When the Executive Director publishes a document under this Rule by means of the Society's website, the Executive Director must remove the publication from the part of the website for current decisions and may relocate it to an archive part of the website when
- (a) 6 months have elapsed from the decision of the hearing panel, and
 - (b) all aspects of the penalty imposed have been completed.
- (5) This Rule must not be interpreted to permit the disclosure of any information subject to solicitor and client privilege or confidentiality.

[heading and (1) amended, (2) and (3) rescinded and replaced, (4) and (5) added 05/03;
(1) and (2) amended 10/06; (1) amended 07/07]

Anonymous publication

- 4-38.1** (1) Except as allowed under this Rule, a publication under Rule 4-38 must identify the respondent.
- (2) If all counts of the citation are dismissed by a panel, the publication must not identify the respondent unless the respondent consents in writing.
- (3) The panel may order that publication not identify the respondent if
- (a) the panel has imposed a penalty that does not include a suspension or disbarment, and
 - (b) publication will cause grievous harm to the respondent or another identifiable individual that outweighs the interest of the public and the Society in full publication.

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- (4) A respondent may apply to the panel for an order under subrule (3)
 - (a) in writing or on the record in the course of a hearing, and
 - (b) no later than 7 days after the written report on findings of fact and verdict is issued or oral reasons delivered.
- (5) The Executive Director must not publish under Rule 4-38 until
 - (a) 7 days after a report is issued unless
 - (i) a penalty of suspension or disbarment is imposed, or
 - (ii) the respondent waives the right to apply under subrule (4), or
 - (b) an application under subrule (4) is resolved or withdrawn.
- (6) If a panel orders that a respondent's identity not be disclosed under subrule (3), the panel must state in writing the specific reasons for that decision.
- (7) If, on a review of a panel decision dismissing all counts of a citation, the Benchers make a finding that upholds one or more counts, the respondent may apply to the Benchers under subrule (4), and subrules (3) to (6) apply as if the Benchers were a panel.
- (8) When an order is made or refused under Rule 4-19(13) or (14), the respondent may apply to the panel under subrule (4) as if the reasons for the order or refusal were a report on findings of fact and verdict, and subrules (3) to (6) apply.

[added 05/03; (4) amended 02/04; (8) added 10/06]

Disclosure of practice restrictions

- 4-38.2** (1) When, under this Part or Part 4 of the Act, a condition is imposed on the practice of a lawyer or a lawyer is suspended from the practice of law in one or more fields of law, the Executive Director may disclose the fact that the condition or suspension applies and the nature of the condition or suspension.
- (2) If a lawyer gives an undertaking that restricts, limits or prohibits the lawyer's practice in one or more areas of law, the Executive Director may disclose the fact that the undertaking was given and its effect on the lawyer's practice.
- (3) If the Executive Director discloses the existence of a condition or suspension under subrule (1) or an undertaking under subrule (2) by means of the Society's website, the Executive Director must remove the information from the website within a reasonable time after the condition or suspension ceases to be in force.

[added 06/05]

Disbarment

- 4-39** If a lawyer is disbarred, the Executive Director must strike the lawyer's name from the barristers and solicitors' roll.

Conviction

- 4-40** (1) On proof that a lawyer or former lawyer has been convicted of an offence that can only be prosecuted by way of indictment, the Benchers may, without following the procedure provided for in the Act or these Rules, summarily suspend or disbar the lawyer or former lawyer.

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- (2) If the Discipline Committee is satisfied that a lawyer or former lawyer has been convicted of an offence that can only be prosecuted by way of indictment, the Committee may refer the matter to the Benchers under subrule (1).

Notice

- 4-41** (1) Before the Benchers proceed under Rule 4-40, the Executive Director must notify the lawyer or former lawyer in writing that
- (a) proceedings will be taken under that Rule, and
 - (b) the lawyer or former lawyer may, by a specified date, make written submissions to the Benchers.
- (2) The notice referred to in subrule (1) may be served by mailing it by registered mail to the last known address of the lawyer or former lawyer.
- (3) In extraordinary circumstances, the Benchers may proceed without notice to the lawyer or former lawyer under subrule (1).

Summary procedure

- 4-42** (1) This Rule applies to summary proceedings before the Benchers under Rule 4-40.
- (2) The Benchers may, in their discretion, hear oral submissions from the lawyer or former lawyer.
- (3) Subject to the Act and these Rules, the Benchers may determine practice and procedure.

Investigation of books and accounts

- 4-43** (1) If the chair, vice chair or another Bencher member of the Discipline Committee believes that a lawyer or former lawyer may have committed a discipline violation, that Bencher may order that an investigation be made of the books, records and accounts of the lawyer or former lawyer.
- (2) When an order is made under subrule (1),
- (a) the Executive Director must designate one or more persons to conduct the investigation, and
 - (b) the lawyer or former lawyer concerned must immediately produce and permit the copying of all files, vouchers, records, accounts, books and any other evidence and must provide any explanations that the persons designated by the Executive Director under paragraph (a) require for the purpose of the investigation.

Time to pay a fine or costs, or to fulfil a practice condition

- 5-10** (1) An applicant or respondent may apply for
- (a) an extension of time
 - (i) to pay a fine or the amount owing under Rule 5-9, or
 - (ii) to fulfil a condition imposed under section 21, 22, 27, 32 or 38 of the Act or accepted under section 19 of the Act, or
 - (b) a variation of a condition referred to in paragraph (a)(ii).
- (2) An application under subrule (1) must be made to the President who must refer the application to one of the following, as may in the President’s discretion appear appropriate:
- (a) the same panel that made the order;
 - (b) a new panel;
 - (c) the Discipline Committee;
 - (d) the Credentials Committee.
- (3) The panel or Committee that hears an application under subrule (1) must
- (a) dismiss it,
 - (b) extend to a specified date the time for payment, or
 - (c) vary the conditions imposed, or extend to a specified date the fulfilment of the conditions.
- (4) An applicant or respondent must do the following by the date set by the hearing panel or the Benchers or extended under this Rule:
- (a) pay in full a fine or the amount owing under Rule 5-9;
 - (b) fulfil a practice condition as established under section 21, 22, 27, 32 or 38 of the Act or accepted under section 19 of the Act, or varied under subrule (3)(c).
- (5) If, on December 31, an applicant or respondent is in breach of subrule (4), the Executive Director must not issue to the applicant or respondent a practising certificate or a non-practising or retired membership certificate, and the applicant or respondent is not permitted to engage in the practice of law.

[(1) and (4) amended, (5) added 06/07; (1) and (4) amended 09/07]

Recovery of investigation or audit costs, trust report penalty and Special Compensation Fund payments

- 5-11** (1) A lawyer or former lawyer who is liable to pay money under the following provisions must pay to the Society the full amount owing by the date set by the Discipline Committee:
- (a) costs of an audit or investigation ordered under Part 2 or Rule 4-43;
 - (b) an assessment under Rule 3-74;
 - (c) recovery under Rule 3-42 of part or all of the amount paid out by the Society on that lawyer’s behalf under section 31 of the Act.

- (2) A lawyer who has not paid the full amount owing under subrule (1) by the date set or extended by the Discipline Committee is in breach of these Rules and, if any part of the amount owing remains unpaid by December 31 following the making of the order, the Executive Director must not issue a practising certificate to the lawyer unless the Benchers order otherwise.

[heading and (1) amended 12/03]

Reviews and appeals

Review by Benchers

- 5-12** (1) In Rules 5-12 to 5-21, “**review**” means a review of a hearing panel decision by the Benchers under section 47 of the Act.
- (2) Subject to the Act and these Rules, the Benchers may determine the practice and procedure to be followed at a review.
 - (3) Delivery of documents to a respondent or applicant under Rules 5-12 to 5-21 may be effected by delivery to counsel representing the respondent or the applicant.

[amended, (3) added 05/02; (1) and (3) amended 07/07; 10/07]

Initiating a review

- 5-13** (1) An applicant may initiate a review by delivering a Notice of Review under Rule 5-15 to the Executive Director within 30 days after the applicant is notified of the decision of the panel.
- (1.1) A respondent may initiate a review by delivering a Notice of Review under Rule 5-15 to the Executive Director within 30 days after the respondent is notified of the decision of the panel with respect to penalty.
 - (2) The Credentials Committee may initiate a review by adopting a resolution within 30 days of a decision to refer the decision to the Benchers for a review.
 - (3) The Discipline Committee may initiate a review by adopting a resolution within 30 days of a decision to refer the decision to the Benchers for a review.
 - (4) When a review is initiated under subrule (2) or (3), the Executive Director must promptly deliver a Notice of Review under Rule 5-15 to the applicant or respondent concerned.

[(2.1) added, (4) and (5) amended 09/99; rescinded and replaced 05/02; (1) amended 07/07; (1) to (4) amended, (1.1) added 10/07]

Stay of order pending review

- 5-14** (1) When a review is initiated under Rule 5-13, the order of the panel with respect to costs is stayed.
- (2) When the Credentials Committee initiates a review under Rule 5-13(2), an order of the hearing panel to call and admit or reinstate the applicant is stayed.
 - (3) A person or Committee initiating a review under Rule 5-13 may apply to the President for a stay of any order not referred to in subrule (1) or (2).

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- (4) On an application under subrule (3), the President may designate another Benchers to make a determination.

[(5) amended 06/99; (2.1) added, (4) and (5) amended 09/99; rescinded and replaced 05/02]

Notice of review

5-15 A Notice of Review must contain the following in summary form:

- (a) a clear indication of the decision to be reviewed by the Benchers;
- (b) the nature of the order sought;
- (c) the issues to be considered on the review.

[added 05/02; amended 10/07]

Record of credentials hearing

5-16 (1) Unless counsel for the applicant and for the Society agree otherwise, the record for a review of a credentials decision consists of the following:

- (a) the application;
- (b) a transcript of the proceedings before the panel;
- (c) exhibits admitted in evidence by the panel;
- (d) the panel's written reasons for any decision;
- (e) the Notice of Review under Rule 5-15.

- (2) If, in the opinion of the Benchers, there are special circumstances, the Benchers may admit evidence that is not part of the record.

[added 05/02; (1) amended 07/07; 10/07]

Record of discipline hearing

5-17 (1) Unless counsel for the respondent and for the Society agree otherwise, the record for a review of a discipline decision consists of the following:

- (a) the citation;
- (b) a transcript of the proceedings before the panel;
- (c) exhibits admitted in evidence by the panel;
- (d) the panel's written reasons for any decision;
- (e) the Notice of Review under Rule 5-15.

- (2) If, in the opinion of the Benchers, there are special circumstances, the Benchers may admit evidence that is not part of the record.

[added 05/02; (1) amended 07/07; 10/07]

Pre-review conference

5-18 (1) The President may order a pre-review conference at any time before the hearing on a review, at the request of the applicant, respondent or counsel for the Law Society, or on the President's own initiative.

(2) When a conference has been ordered under subrule (1), the President must

- (a) set the date, time and place of the conference, and
- (b) designate a Bencher to preside at the conference.

(3) The following must be present at the conference:

- (a) the applicant or respondent, with or without counsel;
- (b) counsel representing the Law Society.

(4) If the Bencher presiding at a pre-review conference considers it appropriate, he or she may allow any person to participate in the conference by telephone or by any other means of communication that allows all persons participating to hear each other, and a person so participating is present under subrule (3).

(5) The conference must consider

- (a) the simplification of the issues,
- (b) any issues concerning the record to be reviewed,
- (c) the possibility of agreement on any issues in the review,
- (d) the exchange of written arguments or outlines of argument and of authorities,
- (d.1) the possibility that privilege or confidentiality might require that all or part of the hearing be closed to the public or that exhibits and other evidence be excluded from public access,
- (e) setting a date for the review, and
- (f) any other matters that may aid in the disposition of the review.

(6) The Bencher presiding at a pre-review conference may

- (a) adjourn the conference to a specified date, time and place,
- (b) order the exchange of written arguments or outlines of argument and of authorities, and set deadlines for that exchange, and
- (c) set a date for the review.

[added 05/02; (5) amended 05/03]

Adjournment

- 5-19** (1) Before the hearing on a review commences, the applicant, respondent or counsel for the Society may request that the hearing be adjourned by delivering to the Executive Director a notice in writing that sets out the reasons for the request.
- (2) The Executive Director must promptly notify the following of a request under subrule (1) and the reasons for it:
- (a) the party not making the request;
 - (b) the President;
 - (c) anyone else who, in the Executive Director’s opinion, should be notified.
- (3) Before the hearing commences, the President must decide whether to grant the adjournment, with or without conditions, and must notify the parties accordingly.
- (4) The President may designate another Bencher to make a determination under subrule (3).
- (5) After a hearing has commenced, the President or other Bencher presiding may adjourn the hearing, with or without conditions, to a specified date, time and place.

[added 05/02; (1) to (3) and (5) amended 10/07]

Decision on review

- 5-20** (1) The decision of the Benchers on a review is made by majority vote.
- (2) The Benchers must prepare written reasons for their decision on a review.
- (3) On request, the Executive Director must disclose the Benchers’ written reasons for their decision, subject to the protection of solicitor and client privilege and confidentiality.
- (4) When the Benchers give written reasons for their decision, they must not disclose in those reasons any information that is confidential or subject to solicitor and client privilege.
- (5) The Executive Director must promptly deliver a copy of the Benchers’ written reasons prepared under subrule (2) to the applicant or respondent and counsel for the Society.

[added 07/07]

Inactive reviews

- 5-21** (1) If no steps have been taken for 6 months or more, a party may apply for an order dismissing a review by delivering to the Executive Director a notice in writing that sets out the basis for the application.
- (2) The Executive Director must promptly notify the following of an application under subrule (1):
- (a) the party not making the application;
 - (b) the President;
 - (c) anyone else who, in the Executive Director’s opinion, should be notified.

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- (3) If it is in the public interest and not unfair to the respondent or applicant, the President may dismiss the review.
- (4) The President may designate another Bencher to make a determination under subrule (3).

[added 10/07]

- (6) The notice required under subrule (2) or (4) may be
- (a) mailed by regular or registered mail to the client at the client's last known address,
 - (b) delivered personally to the client,
 - (c) transmitted by electronic facsimile to the client at the client's last known electronic facsimile number,
 - (d) transmitted by electronic mail to the client at the client's last known electronic mail address, or
 - (e) published in a newspaper distributed in the area in which the client resides or carries on business.

[added 09/04, effective January 17, 2005; (3) amended 12/04]

Change in LLP information and annual reports

9-18 A limited liability partnership must deliver to the Executive Director copies of the following at the same time that they are filed under Part 6 of the *Partnership Act*:

- (a) an annual report;
- (b) an amendment to the registration statement.

[added 09/04, effective January 17, 2005]

Disclosure of LLP information

9-19 (1) All information and documents received by the Society under this Division are confidential, and no person is permitted to disclose them to any person.

- (2) As an exception to subrule (1), the Society may
- (a) use information and documents for a purpose consistent with the Act and these Rules,
 - (b) disclose information and documents to a governing body, and
 - (c) disclose to any person on request the name and place of business of a limited liability partnership.

[added 09/04, effective January 17, 2005]

Notification of non-compliance

9-20 With the consent of the Credentials Committee, the Executive Director may notify the Registrar of Companies if the Executive Director becomes aware of the failure of a limited liability partnership or one or more of its partners to maintain compliance with the requirements of Part 6 of the *Partnership Act*.

[added 09/04, effective January 17, 2005]

PART 10 – GENERAL

Service and notice

- 10-1** (1) A lawyer, former lawyer, articled student or applicant may be served with a notice or other document personally or by
- (a) mailing it by registered mail to his or her last known address, or
 - (b) serving it as directed by the Supreme Court.
- (2) A document may be served on the Society or on the Benchers by
- (a) leaving it at or mailing it by registered mail to the principal offices of the Society, or
 - (b) personally serving it on an officer of the Society.
- (3) A document served by registered mail is deemed to be served 7 days after it is mailed.
- (4) A complainant or other person may be notified of any matter by ordinary mail to the person's last known address.

[heading amended, (4) added 10/07]

Duty not to disclose

- 10-2** A person performing any duty or fulfilling any function under the Act or these Rules who receives or becomes privy to any confidential information, including privileged information,
- (a) has the same duty that a lawyer has to a client not to disclose that information, and
 - (b) must not disclose and cannot be required to disclose that information except as authorized by the Act, these Rules or an order of a court.

Legal Services Society audit

- 10-3** An employee of the Legal Services Society of British Columbia may disclose application and financial records in the custody of the Legal Services Society to an auditor who is required to certify the accuracy of provincial legal aid expenditures under legislation or the terms of federal/provincial cost-sharing agreements, if the auditor provides a written assurance to the employee that the auditor will
- (a) limit the scope of the auditor's review to financial data and systems directly related to the certification of amounts claimed,
 - (b) preserve the confidentiality of any information obtained, and
 - (c) ensure that no data that would identify a person applying for legal aid or the nature of legal services sought will be removed from the Legal Services Society's premises or otherwise be recorded or noted in the audit file.

SCHEDULE 1 – 2008 LAW SOCIETY FEES AND ASSESSMENTS

A. Annual fee	\$
1. Practice fee set by members (Rule 2-70)	1,554.00
2. Special Compensation Fund assessment (Rule 2-70)	350.00
3. Liability insurance base assessment (which may be increased or decreased in individual cases in accordance with Rule 3-22(1)):	
(a) member in full-time practice	1,400.00
(b) member in part-time practice	700.00
4. Liability insurance surcharge (Rule 3-26(2))	1,000.00
5. Late payment fee for practising members (Rule 2-72(3))	100.00
6. Retired member fee (Rule 2-4(3))	75.00
7. Late payment fee for retired members (Rule 2-72(4)).....	nil
8. Non-practising member fee (Rule 2-3(2))	300.00
9. Late payment fee for non-practising members (Rule 2-72(5)).....	25.00
10. Administration fee (Rule 2-75(3))	50.00
 A.1 Trust administration fee	
1. Each client matter subject to fee (Rule 2-72.2(1))	10.00
 B. Special assessments	
 C. Articled student fees	
1. Enrolment in admission program (Rules 2-27(3)(e) and 2-33(1)(b))	250.00
2. Temporary articles fee (Rule 2-42(1)(c))	125.00
3. Temporary articles (legal clinic) fee (Rule 2-42(1)(c))	25.00
4. Training course registration (Rule 2-44(4)(a))	2,250.00
5. Remedial work (Rule 2-45(7)):	
(a) for each piece of work	50.00
(b) for repeating the training course	3,500.00
 D. Investigation and examination fees	
1. Transfer from another Canadian province or territory – investigation fee (Rule 2-49(1)(f))	1,125.00
2. Transfer or qualification examination (Rules 2-49(6) and 2-58(2))	300.00
 E. Call and admission fees	
1. After enrolment in admission program (Rule 2-48(1)(d))	200.00
2. After transfer from another Canadian province or territory (Rule 2-49(1)(f))...	200.00
 F. Reinstatement fees	
1. Following disbarment, resignation or other cessation of membership as a result of disciplinary proceedings (Rule 2-52(1)(b))	600.00
1.1 Following 3 years or more as a former member (Rule 2-52(1)(b))	500.00
2. All other cases (Rule 2-52(1)(b))	415.00

LAW SOCIETY RULES

G. Application fees	\$
1. Application to become retired member (Rule 2-4(2)(b))	30.00
2. Application to become non-practising member (Rule 2-3(1)(b))	60.00
3. Non-practising or retired member applying for practising certificate (Rule 2-56(b))	60.00
H. Inter-jurisdictional practice fees	
1. Original application for permit (Rule 2-11(2)(b))	500.00
2. Renewal of permit (Rule 2-11(2)(b))	100.00
I. Corporation and limited liability partnership fees	
1. Permit fee for law corporation (Rule 9-4(c))	300.00
2. New permit on change of name fee (Rule 9-6(4)(c))	75.00
3. LLP registration fee (Rule 9-15(1))	300.00
J. Practitioners of foreign law	
1. Permit fee for practitioners of foreign law (Rule 2-18(1)(b))	600.00
2. Permit renewal fee for practitioners of foreign law (Rule 2-22(2)(c))	125.00
3. Late payment fee (Rule 2-22(6))	100.00
K. Trust Report	
1. Late filing fee (Rule 3-74(2))	200.00

Note: The federal goods and services tax applies to Law Society fees and assessments.

SCHEDULES – LAW SOCIETY FEES AND ASSESSMENTS

**SCHEDULE 2 – 2008 PRORATED FEES AND ASSESSMENTS
FOR PRACTISING MEMBERS**

	Law Society fee	Special Compensation Fund	Liability insurance fee	
			Payable prior to call	Payable by June 30
Full-time insurance				
January	1,554.00	350.00	700.00	700.00
February	1,422.21	320.83	583.33	700.00
March	1,295.00	291.67	466.67	700.00
April	1,163.21	262.50	350.00	700.00
May	1,036.00	233.33	233.33	700.00
June	904.21	204.17	116.67	700.00
July	777.00	175.00	700.00	0.00
August	645.21	145.83	583.33	0.00
September	518.00	116.67	466.67	0.00
October	386.21	87.50	350.00	0.00
November	259.00	58.33	233.33	0.00
December	127.21	29.17	116.67	0.00
Part-time insurance				
January	1,554.00	350.00	350.00	350.00
February	1,422.21	320.83	291.67	350.00
March	1,295.00	291.67	233.33	350.00
April	1,163.21	262.50	175.00	350.00
May	1,036.00	233.33	116.67	350.00
June	904.21	204.17	100.00	350.00
July	777.00	175.00	350.00	0.00
August	645.21	145.83	291.67	0.00
September	518.00	116.67	233.33	0.00
October	386.21	87.50	175.00	0.00
November	259.00	58.33	116.67	0.00
December	127.21	29.17	100.00	0.00

Note: The federal goods and services tax applies to Law Society fees and assessments.

**SCHEDULE 3 – 2008 PRORATED FEES
FOR NON-PRACTISING AND RETIRED MEMBERS**

	Non-practising members	Retired members
	Fee	Fee
January	300.00	75.00
February	275.00	68.75
March	250.00	62.50
April	225.00	56.25
May	200.00	50.00
June	175.00	43.75
July	150.00	37.50
August	125.00	31.25
September	100.00	25.00
October	75.00	18.75
November	50.00	12.50
December	25.00	6.25

Note: The federal goods and services tax applies to Law Society fees and assessments.