

MEMBER'S MANUAL

The Law Society
of British Columbia



AMENDMENT PAGES

2008: No. 3 October

Highlights

Legal Profession Act: Amendments to the *Provincial Court Act* establishing the position of “part time judicial justice” (JJP) have resulted in two new sections to the *Legal Profession Act*. Section 1.1 clarifies that the Act does not apply to a person who is both a lawyer and a JJP while sitting as a JJP (p. 6). Section 26.1 requires the Law Society to send written notification to the Chief Judge under the *Provincial Court Act* if the Society investigates a lawyer who is also a JJP (p. 18). **Law Society Rules:** Starting January 1, 2009, practising members must take 12 hours of continuing professional development each year (Rules 2-2, 3-18.1, 3-18.11, 3-18.2(1), 3-18.3 to 3-18.5, 5-11(1) and Schedule 1(K); pp. 31, 69, 70, 70.01, 115 and 130); the Executive Director or designate is the head of the Law Society for the purposes of the *Freedom of Information and Protection of Privacy Act* (Rule 1-45; p. 29); Rule 10-3 is rescinded (p. 128).

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

Manual section	Existing pages to be removed	Amendment pages to be inserted
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After filing, insert this sheet at the front of the *Manual* for reference.

Updates: This amendment package updates the *Member's Manual* to **September 25, 2008**. The previous amendment package was 2008: No. 2 May.

To check that your copy of the *Manual* is up to date, please consult the contents checklist on the back of this filing sheet. If you have further questions about updating your *Manual*, contact Robin Pollak in the Law Society Communications Department: telephone 604-697-5821 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 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 September 25, 2008

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DEFINITIONS

- (b) drawing, revising or settling
 - (i) a petition, memorandum, notice of articles or articles under the *Business Corporations Act*, or an application, statement, affidavit, minute, resolution, bylaw or other document relating to the incorporation, registration, organization, reorganization, dissolution or winding up of a corporate body,
 - (ii) a document for use in a proceeding, judicial or extrajudicial,
 - (iii) a will, deed of settlement, trust deed, power of attorney or a document relating to a probate or letters of administration or the estate of a deceased person,
 - (iv) a document relating in any way to a proceeding under a statute of Canada or British Columbia, or
 - (v) an instrument relating to real or personal estate that is intended, permitted or required to be registered, recorded or filed in a registry or other public office,
 - (c) doing an act or negotiating in any way for the settlement of, or settling, a claim or demand for damages,
 - (d) agreeing to place at the disposal of another person the services of a lawyer,
 - (e) giving legal advice,
 - (f) making an offer to do anything referred to in paragraphs (a) to (e), and
 - (g) making a representation by a person that he or she is qualified or entitled to do anything referred to in paragraphs (a) to (e),
- but does not include
- (h) any of those acts if not performed for or in the expectation of a fee, gain or reward, direct or indirect, from the person for whom the acts are performed,
 - (i) the drawing, revising or settling of an instrument by a public officer in the course of the officer's duty,
 - (j) the lawful practice of a notary public,
 - (k) the usual business carried on by an insurance adjuster who is licensed under Division 2 of Part 6 of the *Financial Institutions Act*, or
 - (l) agreeing to do something referred to in paragraph (d), if the agreement is made under a prepaid legal services plan or other liability insurance program;

“practising lawyer” means a member in good standing who holds or is entitled to hold a practising certificate;

“president” means the chief elected official of the society;

“resolution” means a motion passed by a majority of those voting at a meeting;

“respondent” means a person whose conduct or competence is the subject of a hearing or an appeal under this Act;

“rules” means rules enacted by the benchers under this Act;

“society” means the Law Society of British Columbia continued under section 2;

LEGAL PROFESSION ACT

“suspension” means temporary disqualification from the practice of law;

“written” or **“in writing”** includes written messages communicated electronically.

(2) In Parts 1 to 5, **“costs”** means costs assessed under a rule made under section 27 (2) (e) or 46.

[2003-70-209; 2007-14-216]

Application

1.1 This Act does not apply to a person who is both a lawyer and a part time judicial justice, as that term is defined in section 1 of the *Provincial Court Act*, in the person’s capacity as a part time judicial justice under that Act.

[2008-42-33]

- (7) The benchers may make rules to do any of the following:
- (a) set the date by which the annual fee is payable, subject to rules made under section 30 (4) (a);
 - (b) permit late payment of the annual fee or a special assessment;
 - (c) set a fee for late payment of fees and assessments;
 - (d) determine the circumstances in which a full or partial refund of a fee or assessment may be made;
 - (e) deem a lawyer to have been a practising lawyer during a period in which the lawyer was in default of payment of fees or an assessment on conditions that the benchers consider appropriate.

Fees and assessments

- 24 (1) The benchers may
- (a) set fees, other than the practice fee referred to in section 23 (1) (a),
 - (b) set special assessments to be paid by lawyers and applicants for the purposes of the society and set the date by which they must be paid, and
 - (c) authorize the society to act as agent of the Canadian Bar Association for the purpose of collecting fees of that association from lawyers who are members of it.
- (2) Fees collected under subsection (1) (c) form part of the practice fee referred to in section 23 (1) (a).
- (3) If the benchers set a special assessment for a stated purpose and do not require all of the money collected for that stated purpose, they must return the excess to the members.
- (4) On or before the date established by the benchers, each lawyer and applicant must pay to the society any special assessments set under subsection (1) (b), unless the benchers otherwise direct.

Failure to pay fee or penalty

- 25 (1) If a lawyer fails to pay the annual fee or a special assessment as required under this Act by the time that it is required to be paid, the lawyer ceases to be a member, unless the benchers otherwise direct, subject to rules made under section 23 (7).
- (2) The benchers may make rules providing for the suspension of a lawyer who fails to pay a fine, costs or a penalty by the time payment is required.

[2007-14-145]

PART 3 – PROTECTION OF THE PUBLIC

Complaints from the public

- 26 (1) A person who believes that a lawyer, former lawyer or articled student has practised law incompetently or been guilty of professional misconduct, conduct unbecoming a lawyer or a breach of this Act or the rules may make a complaint to the society.
- (2) The benchers may make rules authorizing an investigation into the conduct or competence of a lawyer, former lawyer or articled student, whether or not a complaint has been received under subsection (1).

Written notification to chief judge

- 26.1 If an investigation is conducted in accordance with the rules established under section 26 (2) of this Act respecting a lawyer or former lawyer who is also a “part time judicial justice”, as that term is defined in section 1 of the *Provincial Court Act*, the society must, as soon as practicable, provide a written notification to the chief judge designated under section 10 of the *Provincial Court Act* that includes the following information:

- (a) the name of the lawyer or former lawyer;
- (b) confirmation that an investigation is being conducted with respect to that lawyer or former lawyer.

[2008-42-34]

Practice standards

- 27 (1) The benchers may
- (a) set standards of practice for lawyers,
 - (b) establish and maintain a program to assist lawyers in handling or avoiding personal, emotional, medical or substance abuse problems, and
 - (c) establish and maintain a program to assist lawyers on issues arising from the practice of law.
- (2) The benchers may make rules to do any of the following:
- (a) establish a practice standards committee and delegate any or all authority and responsibility under this section, other than rule-making authority, to that committee;
 - (b) permit an investigation into a lawyer’s competence to practise law if
 - (i) there are reasonable grounds to believe that the lawyer is practising law in an incompetent manner, or
 - (ii) the lawyer consents;

PART 3 – PROTECTION OF THE PUBLIC

- (c) require a lawyer whose competence to practise law is under investigation to answer questions and provide access to information, files or records in the lawyer's possession or control;
- (d) provide for a report to the benchers of the findings of an investigation into the competence of a lawyer to practise law;
- (d.1) permit the practice standards committee established under paragraph (a) to make orders imposing conditions and limitations on lawyers' practices, and to require lawyers whose competence to practise law has been investigated to comply with those orders;
- (e) permit the benchers to order that a lawyer pay to the society the costs of an investigation or remedial program under this Part and set and extend the time for payment;
- (f) permit the discipline committee established under section 36 (a) to consider
 - (i) the findings of an investigation into a lawyer's competence to practise law,
 - (ii) any remedial program undertaken or recommended,
 - (iii) any order that imposes conditions or limitations on the practice of a lawyer, and
 - (iv) any failure to comply with an order that imposes conditions or limitations on the practice of a lawyer.
- (3) The amount of costs ordered to be paid by a lawyer under the rules made under subsection (2) (e) may be recovered as a debt owing to the society and, when collected, the amount is the property of the society.
- (4) Rules made under subsection (2) (d.1)
 - (a) may include rules respecting
 - (i) the making of orders by the practice standards committee, and
 - (ii) the conditions and limitations that may be imposed on the practice of a lawyer, and
 - (b) must not permit the imposition of conditions or limitations on the practice of a lawyer before the lawyer has been notified of the reasons for the proposed order and given a reasonable opportunity to make representations respecting those reasons.

[2007-14-38]

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PART 1 – ORGANIZATION

Laying of information

- 1-44** Any information alleging an offence against the Act may be laid in the name of the Society on oath of an officer of the Society or a member of the Executive Committee.

Freedom of Information and Protection of Privacy Act

- 1-45** The Executive Director is designated as the head of the Society for the purposes of the *Freedom of Information and Protection of Privacy Act*.

[amended 09/08]

Appointment of Law Society counsel

- 1-46** (1) Subject to Rule 1-49(a), the Executive Director may appoint an employee of the Society or retain another lawyer to advise or represent the Society in any legal matter.
- (2) When Rule 1-49(a) applies and it is not practicable to call a meeting of the Executive Committee before the advice of counsel is required, the Executive Director may appoint counsel on an interim basis.

Division 2 – Committees

Committees of the Benchers

- 1-47** Subject to these Rules, the President may
- (a) appoint any person as a member of a committee of the Benchers, and
 - (b) terminate the appointment.

Executive Committee

- 1-48** The Executive Committee consists of the following Benchers:
- (a) the President;
 - (b) the First and Second Vice-Presidents;
 - (c) the Second Vice-President-elect, if not elected under paragraph (d);
 - (d) 3 other Benchers elected under Rule 1-39(1);
 - (e) one lay Bencher elected under Rule 1-39(8).

Powers and duties

- 1-49** The powers and duties of the Executive Committee are as follows:
- (a) authorizing appointment of counsel to advise or represent the Society when the Society is a plaintiff, petitioner or intervenor in an action or proceeding;
 - (b) authorizing the execution of documents relating to the business of the Society;
 - (c) approving the remuneration and benefits paid to the Executive Director;
 - (d) assisting the President and Executive Director in establishing the agenda for Bencher meetings and the annual general meeting;
 - (e) planning of Bencher meetings or retreats held to consider a policy development schedule for the Benchers;

LAW SOCIETY RULES

- (f) assisting the Benchers and the Executive Director on establishing relative priorities for the assignment of Society financial, staff and volunteer resources;
- (g) recommending to the appointing bodies on Law Society appointments to outside bodies;
- (h) approving the termination of the appointment of a panel under Rule 5-2(8);
- (i) appointing members of the Board of Governors of the Foundation under section 59 of the Act;
- (j) other functions authorized or assigned by these Rules or the Benchers.

Division 3 – Law Society Rules

Act, Rules and Handbook

- 1-50** The Executive Director must provide each lawyer and each articulated student with a copy of the *Legal Profession Act*, all Rules made by the Benchers, and the *Professional Conduct Handbook*.

PART 2 – MEMBERSHIP AND AUTHORITY TO PRACTISE LAW

Division 1 – Practice of Law

Members

Categories of membership

2-1 The following are the categories of members of the Society:

- (a) practising lawyers, as defined in section 1 of the Act;
- (b) retired members;
- (c) non-practising members.

Member in good standing

2-2 A member of the Society is a member in good standing unless suspended under section 38(5)(d) of the Act or under Rules 2-77(2), 3-18.5, 3-46(4), 3-74.1, 3-79.1, 4-17 or 4-40.

[amended 10/06; 07/08]

Non-practising members

2-3 (1) Any member of the Society in good standing may become a non-practising member by

- (a) undertaking in writing to the Executive Director not to engage in the practice of law until released from the undertaking, and
- (b) paying the application fee specified in Schedule 1 and a prorated annual fee for non-practising members as provided in Schedule 3.

(2) Non-practising members must pay the annual fee specified in Schedule 1 by the preceding November 30.

[(2) amended 07/04]

Retired members

2-4 (1) A member of the Society in good standing who has done one of the following qualifies to become a retired member:

- (a) reached the age of 55 years;
- (b) been a member of the Society in good standing for 20 of the previous 25 years;
- (c) engaged in the full-time active practice of law for 20 of the previous 25 years.

(2) A lawyer who qualifies under subrule (1) may become a retired member by

- (a) undertaking in writing to the Executive Director not to engage in the practice of law until released from the undertaking, and
- (b) paying the application fee specified in Schedule 1 and the prorated annual fee for retired members as provided in Schedule 3.

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- (3) Retired members must pay the annual fee specified in Schedule 1 by the preceding November 30.
- (4) The Benchers may, by resolution, waive payment of the annual fee by a retired member or group of retired members.

[(1) and (3) amended, (4) added 07/04]

Release from undertaking

- 2-4.1 (1) A retired or non-practising member may apply for release from an undertaking given under Rule 2-3 or 2-4 by delivering to the Executive Director an application in a form approved by the Credentials Committee, including written consent for the release of relevant information to the Society.
- (2) The Executive Director must not grant a release from undertaking under this Rule unless satisfied that the lawyer is not prohibited from practising law under Rule 2-57.

[added 06/06]

Certificates and permits

- 2-5 The Executive Director may approve the form of
 - (a) practising certificate issued under section 23 of the Act,
 - (b) retired membership certificate issued under Rule 2-4,
 - (c) non-practising membership certificate issued under Rule 2-3,
 - (d) practitioner of foreign law permit issued under Rule 2-18, and
 - (e) inter-jurisdictional practice permit issued under Rule 2-12.

[amended 11/99]

Member information

Annual practice declaration

- 2-6 (1) In this Rule, “**declaration**” means the Annual Practice Declaration in a form approved by the Executive Committee.
- (2) A practising lawyer must complete and deliver a declaration to the Executive Director in each calendar year.
- (2.1) A declaration is not delivered under this Rule unless it is
 - (a) complete to the satisfaction of the Executive Director,
 - (b) received by the Executive Director by the date set by the Executive Director, and
 - (c) signed by the practising lawyer.
- (3) The Executive Director must not issue a practising certificate to a lawyer who fails to deliver a declaration as required under this Rule, unless the Credentials Committee directs otherwise.

[(2) and (3) amended, (2.1) added 09/03]

Division 2.1 – Education

Definitions

3-18.1 In this Division

“required professional development” means a minimum number of hours of continuing education determined by the Benchers under Rule 3-18.3(1);

“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.

[added effective 01/07; (2) and (3) amended 10/07; heading and (1) amended, (2) and (3) rescinded 07/08 – see Rule 3-18.11]

Application

3-18.11 (1) Rule 3-18.2 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.

(2) Despite subrule (1), Rule 3-18.2 applies to a lawyer when the Practice Standards Committee, by resolution, so orders.

[added 07/08]

Small firm course

3-18.2 (1) Within 6 months after and not more than 12 months before the date on which this Rule 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; (1) amended 07/08]

Professional development

3-18.3 (1) Before the commencement of each calendar year, the Benchers must determine the minimum number of hours of continuing education that is required of a practising lawyer in the following calendar year.

- (2) When making the determination required under subrule (1), the Benchers may prescribe circumstances in which a class of practising lawyer may be excused from completing all or part of the required professional development.

- (3) In each calendar year, a practising lawyer must

- (a) complete the required professional development, and
- (b) certify to the Executive Director in a form approved by the Executive Director that the lawyer has completed the required professional development.

- (4) Despite subrule (3), a practising lawyer need not complete the required professional development in a calendar year in which the lawyer has successfully completed the admission program or the equivalent in another Canadian jurisdiction.

- (5) On written application by a practising lawyer who has refrained from the practice of law for a minimum of 60 consecutive days in a calendar year, the Executive Director may reduce the required professional development for that lawyer.

- (6) The Executive Director must not reduce the amount of required professional development under subrule (5)

- (a) by an amount greater than that proportionate to the part of the calendar year in which the lawyer refrained from the practice of law, or
- (b) by any amount if the lawyer refrained from the practice of law as a result of suspension, disbarment or other disciplinary proceedings.

- (7) A practising lawyer who is in breach of subrule (3) 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 07/08]

Late completion of professional development

3-18.4 (1) A practising lawyer who fails to comply with Rule 3-18.3 by December 31 is deemed to have been in compliance with the Rules during the calendar year if the lawyer does all of the following before April 1 of the following year:

- (a) completes the remainder of the required professional development;

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- (b) certifies the completion of the required professional development as required in Rule 3-18.3(3)(b);
 - (c) pays the late fee specified in Schedule 1.
- (2) Required professional development completed before April 1 that is applied to the requirement for the previous year cannot be applied to the requirement for the calendar year in which it is completed.

[added 07/08]

Failure to complete professional development

- 3-18.5** (1) Subject to subrules (2) and (3), a practising lawyer who fails to comply with Rule 3-18.3 by April 1 of the following year is suspended until all required professional development is completed and completion is certified to the Executive Director as required by Rule 3-18.3.
- (2) When there are special circumstances, the Practice Standards Committee may, in its discretion, order that
 - (a) the lawyer not be suspended under subrule (1), or
 - (b) a suspension under subrule (1) be delayed for a specified period of time.
 - (3) At least 60 days before a suspension under subrule (1) can take effect, the Executive Director must deliver to the lawyer notice of the following:
 - (a) the date on which the suspension will take effect;
 - (b) the reasons for the suspension;
 - (c) the means by which the lawyer may apply to the Practice Standards Committee for an order under subrule (2) and the deadline for making such an application before the suspension is to take effect.

[added 07/08]

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]

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 money owed to the Society

- 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) a fee or assessment under Rule 3-18.4 or 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; 07/08]

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).

- (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.

10-3 [rescinded 07/08]

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. Late filing fees	
1. Trust report (Rule 3-74(2))	200.00
2. Professional development (Rule 3-18.4(1)(c))	200.00

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