

Complainants' Review Committee

TERMS OF REFERENCE

Updated: January 2019

MANDATE

The Complainants' Review Committee ("CRC") was established in 1988 "to give unhappy complainants a procedure to have their complaints reviewed by an impartial body". The CRC reviews complaints that have been closed under Law Society Rule 3-8 (not valid; cannot be proved; or not serious enough to warrant further action). The CRC cannot review complaints closed under Law Society Rule 3-5(2) (outside jurisdiction; frivolous, vexatious or abuse of process; or not disclosing discipline violation). In conducting a review, the CRC reviews the file materials to determine whether the decision to close the file was appropriate. An appointed Bench member of the CRC may make enquiries of the complainant, lawyer or any other person. If the CRC disagrees with the decision to close the file, it may refer the complaint to the Discipline Committee or the Practice Standards Committee. If the CRC concludes the complaint or an aspect of the complaint was not investigated to their satisfaction they can direct the Executive Director to conduct further investigation of the complaint to determine its validity.

COMPOSITION

Law Society Rule 3-13(2) requires that at least one appointed Bench member be a member of the CRC. Typically, there are two CRC Committees consisting of five members each and they sit in panels of three.

MEETING PRACTICES

The general meeting practices of the CRC include:

1. The CRC shall operate in a manner that is consistent with the Benchers' governance policies.
2. At least half of the members constitute a quorum for a review panel [Rule 1-17(1)].
3. At least one member of each review panel must be an appointed Bench member (Rule 3-13).
4. Generally, the CRC meets monthly via teleconference in panels of three.

Law Society of British Columbia

ACCOUNTABILITY

The CRC is accountable to the Benchers.

REPORTING REQUIREMENTS

1. The Chair must notify the complainant, the lawyer and the Executive Director, in writing, of its decision, with reasons [Rule 3-14(6)].
2. Staff keep minutes of each CRC meeting. The minutes may be disclosed, all or in part, to the complainant or lawyer [Rule 3-14(7)].
3. There is no formal reporting to the Benchers; however staff provide the Benchers with an annual report on the CRC.
4. The results of CRC reviews are reported as a part of the Key Performance Measures.

DUTIES AND RESPONSIBILITIES

The CRC's duties and responsibilities are set out in Rule 3-14 and are as follows:

1. If the request for review is received more than 30 days after the decision was communicated to the complainant, the Chair may extend the time for applying for a review, if satisfied that the delay was caused by "extraordinary circumstances beyond the control of the complainant".
2. The CRC must only consider review requests for complaints closed under Rule 3-8.
3. In conducting the review, the CRC must review all file materials.
4. Only an appointed Bencher member of the CRC may make enquiries of the complainant, the lawyer or any other person.
5. After its review and enquiries, the CRC must do one of the following:
 - a. Confirm the decision to take no further action; or
 - b. Refer the complaint to the Practice Standards Committee or the Discipline Committee, with or without a recommendation.

Law Society *of British Columbia*

- c. Direct the Executive Director to conduct further investigation of the complaint to determine its validity.
6. The Chair must notify the complainant, the lawyer and the Executive Director, in writing, of the CRC's decision, with reasons.