

Practice Standards Committee

Terms of Reference

Updated: December 2016

Mandate

The Practice Standards Committee has a statutory responsibility to investigate the competence of lawyers brought to its attention, and to recommend to those lawyers the steps they should take to improve their knowledge, attitude or skill in practising law. The Committee deals with those lawyers who appear to have fallen below appropriate standards of competence. The Committee also approves programs and activities directed to lawyers requiring remediation, and to all practicing lawyers to assist lawyers to become and remain competent in their chosen fields of practice.

Composition

1. Under Rule 1-47, the President may appoint any person as a member of a committee of the Benchers and may terminate the appointment.
2. The Committee generally consists of eight to ten members.
3. The Chair and Vice-Chair of the Committee are Benchers or appointed Benchers.

Meeting Practices

1. The Committee operates in a manner that is consistent with the Benchers' Governance Policies.
2. The Committee shall meet as required.
3. Quorum consists of at least half of the members of the Committee (Rule 1-16(1)).

Accountability

The Committee is accountable to the Benchers.

Duties and Responsibilities

The Law Society operates a program of Practice Review and Remediation. Carried out under the specific authority of Section 27 of the Legal Profession Act 1998, and Rules 3-15 to 3-25, this program entails identifying members with potential competency problems, authorizing an assessment of their practice to see if there are general problems, and then having the lawyer fix any problems which are identified.

In fulfilling this mandate, the Committee:

1. Provides input into the setting of proposed budget requirements of the Committee for the ensuing year so that the goals of the programs might be better achieved.
2. Reviews information about lawyers who have been identified by Law Society staff as possibly having competency related problems (Rule 3-16(c)).
3. If needed, orders investigations respecting those members to determine competence (Rule 3-17(1)).
4. Recommends ways to help those members become competent or recommends restricting them from practising in areas of law in order to protect the public interest (Rule 3-19(1)(b)).
5. In the process of reviewing members, recommends standards of practice (Rules 3-16(a) and 3-19(1)(b)).
6. Assists the Finance and Audit Committee and Benchers in monitoring the extent to which the competency-related policy has been achieved.
7. Selects and evaluates programs and specifically ensures that programs are based on information and analysis about:
 - a. the extent to which legal services are provided competently;
 - b. how lawyers maintain their own competence; and
 - c. how lawyers can best be assisted to practise more competently (Rules 3-16(b) and 3-22).