



Unauthorized Practice Committee

Terms of Reference

Updated: January 2020

Mandate

The Unauthorized Practice Committee considers and makes policy decisions with respect to the unauthorized practice of law and the relevant provisions of the Legal Profession Act. From time to time, staff consults with the Committee on policy matters that arise regarding the interpretation and application of sections 1, 15 and 85 of the Act and informs the Committee on current litigation. In appropriate situations, the Committee may refer issues to other Committees or the Benchers as a whole for review, comment and determination.

Composition

1. Under Rule 1-49, 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 three or more Benchers, one or more Appointed Benchers, and one or more non-Bencher lawyers.

Meeting Practices

1. The Committee operates in a manner that is consistent with the Benchers' governance policies.
2. The Committee meets as required, generally on a quarterly basis, with the option to meet more frequently or by telephone, as required.
3. Prior to each meeting, the Committee will receive an agenda and materials to review. Generally, the materials are less than 300 pages in length.
4. Quorum consists of at least half of the members of the Committee (Rule 1-17(1)).

Accountability

The Committee is accountable to the Benchers.

Duties and Responsibilities

1. From time to time, staff consults with the Committee on policy matters that arise regarding the Law Society's application and interpretation of the unauthorized practice provisions found in sections 1 and 15 of the Act. Staff informs the Committee with respect to the enforcement of those provisions pursuant to section 85 of the Act.
2. When making policy decisions on if, when and how the Law Society should interpret and apply the unauthorized practice provisions of the Act, the Committee reviews matters pursuant to Law Society's mandate to protect the public as found in section 3.
3. The Committee may refer matters and issues to other Law Society committees (i.e. the Ethics Committee) if such consideration is warranted. Further, the Committee may refer matters to the Benchers as a whole for consideration.