



INTRODUCTION

This is a general information sheet for lawyers who are suspended and are therefore prohibited from practicing law. This information sheet is meant as a general guide only and by no means replaces the *Legal Profession Act* or the Law Society Rules. It is recommended that the suspended lawyer refer to the *Legal Profession Act and Law Society Rules*.

PROHIBITED ACTIVITIES

Pursuant to section 15 of the *Legal Profession Act*, a suspended lawyer is prohibited from doing any of the following acts, which are set out in the definition of “practice of law” in section 1(1):

- (a) appearing as counsel or advocate;
- (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).

This prohibition applies *regardless of whether the act is performed for or in expectation of a fee, gain, or reward, direct or indirect, from the person for whom the act is performed.*

Examples of Prohibited Activities

In essence, this prohibition means that a suspended lawyer may not perform any services for or provide any advice to clients. A suspended lawyer **MUST NOT**:

- speak to or meet with clients about their files
- perform any work on client matters *(A suspended lawyer may advise another lawyer of the status of the file (that is, what has been done prior to the suspension), but may not advise or suggest the steps to be taken on the file)*
- sign any correspondence on letterhead or under the designation of “Barrister & Solicitor”
- supervise staff during the period of suspension. *(It is recommended that a suspended lawyer not attend the office during business hours in order to avoid the perception that he or she is practising law.)*
- infer that he or she is qualified or entitled to practice law in any type of communication *(A suspended lawyer is permitted to attend to certain aspects of the **business** of the practice of law, provided that in doing so he or she does not infer himself or herself as qualified or entitled to practise law.)*

PERMITTED ACTIVITIES

A suspended lawyer may,

- close client files;
- sign cheques from the general account to pay practice debts *(but **MAY NOT** sign any trust cheques pursuant to Rule 3-64(5)(c));*
- prepare and issue bills *(provided that the bill and cover letter do not state or infer that the suspended lawyer is qualified or entitled to practice law);*



- enter into contracts with suppliers for non-legal business services (for example, a photocopier);
- prepare or maintain books and records of the law firm; or
- act as executor for family or friends or sign an affidavit as executor, provided the suspended lawyer does not draw, revise or settle any applications or related legal documentation.

RESPONSIBILITIES & FYIs

- A suspended lawyer is not entitled to a refund of any part of the annual fee or any special assessment for the period of suspension, pursuant to Rule 2-118. Furthermore, a suspended lawyer is required to pay the annual fee or special assessment when it is due, regardless of the suspension.
- A suspended lawyer must also comply with Rule 4-47(3), which provides as follows:

A lawyer who is suspended under this part or Part 5 [*Hearings and Appeals*] 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 during which the lawyer will not be practising;
- (b) the arrangements the lawyer has put in place to protect the clients' interests while the lawyer will not be practising;
- (c) the fact that the lawyer is not practising during the relevant period because of the suspension.

Please retain a copy of such notification in all client files.

CONTACT

If you have further questions regarding the permissible scope of activity during your suspension, please contact Ms. Sandra Sukstorf, Manager of Investigations, Monitoring & Enforcement directly.

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