



MEMBER'S MANUAL

AMENDMENT PAGES

2011: No. 2 June

Highlights

Law Society Rules: Rule 1-16 is amended to give effect to the member referendum, when BC lawyers voted in favour of allowing distribution of the audited financial statements electronically rather than by traditional mail (p. 15); effective September 1, 2011, an articled student who is not enrolled in temporary articles may provide all the legal services that a lawyer does, if certain conditions are met and with a few stated exceptions (Rules 2-32.01 and 2-43(1) and (2): pp. 46 and 50.1); Rule 3-57(3) is updated to allow lawyers to make a bill available to a client by any means that would allow the client to review the bill and save a paper or electronic copy or by other means agreed to by the client (p. 85).

Note: You may wish to retain pages 45-48 and 50.1-50.2 for reference until September 1, 2011, when new Rule 2-32.01 and amendments to Rule 2-43 take effect. You can also refer to the Law Society website for both the current and amended versions of the rules.

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

Manual section	Existing pages to be removed	Amendment pages to be inserted
Law Society Rules	14.5 – 14.6, 15 – 16 45 – 48 50.1 – 50.2 85 – 86	14.5 – 14.6, 15 – 16 45 – 48 50.1 – 50.2 85 – 86

After filing, insert this sheet at the front of the *Manual* for reference.

Updates: This amendment package updates the *Member's Manual* to **May 16, 2011**. The previous amendment package was 2011: No. 1 March.

To check that your copy of the *Manual* is up to date, consult the contents checklist on the back of this filing page. If you have further questions about updating your *Manual*, contact Kari Chow in the Law Society Communications Department: telephone 604-697-5838 or toll-free in BC 1-800-903-5300 or email 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 May 16, 2011

The following list of pages and tabs can be used to verify that your *Member's Manual* is complete and up to date.

Section of Manual	Pages	Dated	Section of Manual	Pages	Dated
Divider tab: LEGAL PROFESSION ACT			Text (<i>continued</i>)	75 – 76	[04/05]
Title page	—	—		77 – 78	[03/2010]
Table of Contents	1 – 2	[03/2010]		79 – 80	[12/06]
Table of Contents / Definitions	3 – 4	[02/05]		80.1 – 80.2, 81 – 84	[12/2009]
Definitions	5 – 6	[10/08]		85 – 86	[06/2011]
Text	7 – 8	[03/2010]		87 – 88	[06/05]
	9 – 10	[03/08]		88.1 – 88.2	[04/06]
	11 – 12	[06/02]		89 – 92.2	[12/06]
	13 – 16	[12/98]		92.3 – 92.4, 93 – 94	[07/07]
	17 – 18, 18.1 – 18.2	[10/08]		94.1 – 94.8	[04/09]
	19 – 22	[12/98]		95 – 110.6	[12/2010]
	23 – 24	[04/00]		110.7 – 110.10	[03/2011]
	25 – 28	[12/98]		111 – 112	[12/2010]
	29 – 30	[07/2010]		113 – 116	[03/2011]
	31 – 32	[07/07]		116.1 – 116.4	[12/2010]
	33 – 34	[03/08]		117 – 118	[06/05]
	35 – 36, 36.1 – 36.2	[07/07]		119 – 120	[05/07]
	37 – 42	[12/98]		121 – 122	[12/2009]
	43 – 46	[07/2010]		123 – 124	[06/05]
	47 – 50	[12/98]		125 – 126	[03/2010]
	51 – 52	[02/05]		127 – 132	[12/2010]
	53 – 54	[12/05]			
	55 – 56	[12/98]	Divider tab: PROFESSIONAL CONDUCT HANDBOOK		
	57 – 58	[03/08]	Title page	—	—
	59 – 60	[04/00]	Table of Contents	i – iv	[03/2011]
Divider tab: LAW SOCIETY RULES			Text	1 – 4	[01/93]
Title page	—	—		5 – 6, 6.1 – 6.2	[12/08]
Table of Contents	1 – 2	[03/2010]		7 – 8	[04/03]
	3 – 8	[03/2011]		8.1 – 8.4	[07/2010]
	9 – 10	[03/2010]		9 – 10	[12/06]
Text	11 – 14, 14.1 – 14.4	[03/2010]		10.1 – 10.2	[07/2010]
	14.5 – 14.6, 15 – 16	[06/2011]		11 – 12	[12/99]
	17 – 18	[01/04]		13 – 14	[04/03]
	19 – 20	[12/98]		15 – 16	[07/01]
	21 – 22	[03/2010]		16.1 – 16.2	[03/2010]
	23 – 26	[10/2009]		16.3 – 16.6	[04/09]
	27 – 30	[03/2010]		16.7 – 16.8	[03/2010]
	31 – 32	[07/2010]		17 – 20	[04/03]
	32.1 – 32.2	[09/06]		20.1 – 20.2	[02/00]
	33 – 34	[03/2010]		21 – 24	[10/07]
	34.1 – 34.2	[12/06]		24.1 – 24.2	[07/09]
	35 – 38	[06/03]		25 – 26, 26.1 – 26.2	[03/2010]
	38.1 – 38.2	[10/03]		27 – 30	[12/2010]
	38.3 – 38.4	[06/03]		31 – 32	[10/07]
	39 – 42	[07/2010]		33 – 34	[07/2010]
	42.1 – 42.8	[03/2010]		35 – 38	[03/2010]
	43 – 44	[04/05]		39 – 40	[12/2010]
	45 – 48	[06/2011]		41 – 42	[07/09]
	49 – 50	[04/03]		43 – 44	[03/2010]
	50.1 – 50.2	[06/2011]		45 – 48	deleted
	50.3 – 50.4	[07/07]		49 – 52	[10/05]
	50.5 – 50.6	[12/2009]		53 – 54	[05/93]
	51 – 54	[07/2010]		55 – 56	[12/2009]
	55 – 56	[09/06]		57 – 58	[04/06]
	57 – 58.2	[12/2010]		59 – 60	[07/2010]
	59 – 60	[12/07]		61 – 66	[04/09]
	60.1 – 60.4	[10/07]		67 – 70	[12/2009]
	61 – 62	[12/04]	Divider tab: INSURANCE POLICIES		
	62.1 – 62.2	[09/06]	2011 Endorsement	1 – 2	[12/2010]
	63 – 66	[12/2010]	2010 Endorsement	1 – 4	[07/2010]
	66.1 – 66.2	[07/2010]	Policy No. LPL 10-01-01	1 – 22	[03/2010]
	67 – 68.2	[12/2010]			
	68.3 – 68.4	[12/2009]	Divider tab: ARTICLING		
	69 – 70	[03/2010]	Title page	—	—
	70.01 – 70.02	[07/09]	Text	1 – 2	[06/03]
	70.1 – 70.2	[07/2010]		3 – 4	[07/09]
	70.3 – 70.4	[12/06]		5 – 8	[06/03]
	71 – 72	[09/06]	Divider tabs: BENCHERS' BULLETIN; INSURANCE ISSUES; ALERT!; MISCELLANEOUS		
	73 – 74	[10/2009]			

PART 1 – ORGANIZATION

- (6) If a vacancy under subrule (5) occurs when there is no Bencher elected by the members to assume the office,
 - (a) the Benchers may elect a Bencher who is a member of the Society to act in the vacant office until a mail ballot of all members, the next general meeting or December 31, whichever comes first, and
 - (b) if the next general meeting or a mail ballot takes place before December 31, the members must elect a Bencher who is a member of the Society to the vacant office for the remainder of the year, and a Second Vice-President-elect.
- (7) If the First Vice-President assumes the office of President under subrule (5) on or after July 1, subrule (2) does not operate on January 1 of the following year and the President and the Vice-Presidents continue in office for an additional full year.
- (8) The powers of the President under Rules 2-64, 2-69, 4-2, 4-19, 4-28, 5-2 or 5-10 may be exercised by a Vice-President or the Executive Director.

[(8) amended 07/2007]

Removal of the President or a Vice-President

- 1-4** (1) On a resolution of a majority of the Benchers to remove the President or a Vice-President from office, the Executive Director must conduct a referendum of all members of the Society to determine if the President or Vice-President, as the case may be, should be removed from office.
- (2) If a 2/3 majority of the members voting in a referendum under this Rule vote to remove the President or a Vice-President from office, he or she ceases to hold that office and ceases to be a Bencher.
 - (3) Before conducting a referendum under subrule (1), the Executive Director must notify the President or Vice-President who is affected.
 - (4) Within 30 days after the Benchers pass a resolution under subrule (1), the Executive Director must mail to each member of the Society in good standing
 - (a) a notice stating
 - (i) that the Benchers have resolved to remove from office the President or a Vice-President, as the case may be,
 - (ii) the reasons for the Benchers' resolution,
 - (iii) that a referendum from among the membership is being conducted to determine if the President or Vice-President, as the case may be, should be removed from office, and
 - (iv) the date on which the referendum votes will be counted,
 - (b) a statement by the President or Vice-President, as the case may be, stating why he or she should not be removed from office, if that person wishes to have such a statement sent to each member, and
 - (c) voting materials as required in Rule 1-26.

LAW SOCIETY RULES

- (5) The President or Vice-President in respect of whom the referendum is conducted may attend personally or by agent during proceedings under this Rule.
- (6) After the counting of the voting papers is completed, the Executive Director must declare whether the President or Vice-President, as the case may be, ceases to hold office.

Bencher ceasing to be member

- 1-5** A Bencher, other than an appointed Bencher, must be a member of the Society in good standing to take or hold office as a Bencher.

[amended 09/2009]

Meetings

Annual general meeting

- 1-6** (1) The Benchers must hold an annual general meeting of the members of the Society each year.
- (2) Subject to subrule (3) and Rule 1-7, the Executive Committee may determine the place and time of the annual general meeting.
- (3) Unless the Benchers direct otherwise, the President must preside at the annual general meeting from a location in the City of Vancouver.
- (4) At the annual general meeting, the Benchers must present a report of their proceedings since the last annual general meeting.
- (5) At least 60 days before an annual general meeting, the Executive Director must distribute to members of the Society by mail a notice containing the following information:
- (a) the date and time of the meeting;
 - (b) the text of the resolution recommended by the Benchers to set the practice fee under section 23 of the Act.
- (6) In order to be considered at the annual general meeting, a resolution must be
- (a) signed by at least 2 members of the Society in good standing, and
 - (b) received by the Executive Director at least 40 days before the annual general meeting.
- (7) Subrule (6) applies to amendments to be moved at the annual general meeting that would have the effect of changing the practice fee recommended by the Benchers.
- (8) At least 21 days before an annual general meeting, the Executive Director must make available to members of the Society,
- (a) by mail, a notice containing the following information:
 - (i) the locations at which the meeting is to be held, and
 - (ii) each resolution and amendment received in accordance with subrules (6) and (7), and
 - (b) by electronic or other means, the audited financial statement of the Society for the previous calendar year.
- (9) The accidental failure to comply with any requirement under subrule (5) or (8) does not invalidate anything done at the annual general meeting.

[(5), (8) and (9) amended 03/2011]

Telephone connections

- 1-7** (1) The Benchers may conduct a general meeting by joining any number of locations by telephone or by any other means of communication that allows all persons participating in and entitled to vote at the meeting to hear each other.
- (2) The Executive Director may appoint a member of the Society in good standing to act as local chair of a location where the President is not present.

LAW SOCIETY RULES

- (3) The local chair must record the names of those in attendance and, unless the Executive Director directs otherwise, may dispense with registration and voting and student cards under Rule 1-11.
- (4) A person participating in a general meeting at any location connected under subrule (1) is present at the meeting for the purpose of Rule 1-11 and the calculation of a quorum.
- (5) The Executive Committee must designate locations to be joined to the annual general meeting, including at least the following locations:
 - (a) one in District No. 1, County of Vancouver, or District No. 4, County of Westminister;
 - (b) one in District No. 2, County of Victoria;
 - (c) one in District No. 3, County of Nanaimo;
 - (d) one in District No. 5, County of Kootenay;
 - (e) one in District No. 6, Okanagan;
 - (f) 2 in District No. 7, County of Cariboo;
 - (g) one in District No. 8, County of Prince Rupert;
 - (h) one in District No. 9, Kamloops.
- (6) As an exception to subrule (5), if, 7 days before an annual general meeting, fewer than 15 members of the Society have indicated to the Executive Director an intention to attend the meeting at any location announced under Rule 1-6(8), the Executive Committee may cancel that location.
- (7) A technical failure that prevents any member from participating in or voting at a general meeting does not invalidate anything done at the general meeting, and the meeting may continue if the members continuing to participate and vote adopt a resolution to that effect.

[(7) added 09/2009]

Auditors

- 1-8** (1) At each annual general meeting, the members of the Society must appoint an auditor.
- (2) The auditor appointed under subrule (1) must be a chartered accountant or a certified general accountant.
- (3) A Bencher, Life Bencher or an employee of the Society is not eligible to be appointed auditor under subrule (1).

- (3) The Credentials Committee may designate an offer date in each calendar year.
- (4) A lawyer must not offer articles to a student of any law school who has not begun the third year of studies unless the offer is to remain open at least until the offer date designated under subrule (3).
- (5) As an exception to subrule (4), the Credentials Committee may allow a lawyer to withdraw an offer of articles before the offer date designated under subrule (3).

Articling term

- 2-32** (1) Unless the articling period is changed under Rules 2-32 to 2-37, an articulated student must work in the office of his or her principal for a period of not less than 9 months.
- (2) Unless otherwise permitted in this Division, the articling term must be continuous, except that this period may be interrupted by
 - (a) attendance at the training course,
 - (b) annual vacation of up to 10 working days at the discretion of the principal, or
 - (c) a leave of absence as permitted under Rule 2-41.
 - (3) Any time taken for matters referred to in subrule (2) must not be included in the calculation of the articling term.
 - (4) The articling term cannot be reduced by more than 5 months by any other Rule or the combined effect of any Rules.
 - (5) The Credentials Committee may increase the articling term to not more than 2 years if
 - (a) the articulated student's performance has been unsatisfactory,
 - (a.1) the articulated student has not completed his or her obligations under the articling agreement, or
 - (b) other circumstances justify an increase.
 - (6) If it would result in the articulated student qualifying for call and admission within 2 years of the student's first enrolment start date, a student enrolled for a second time is entitled to credit for
 - (a) successful completion of the training course, and
 - (b) time spent in articles.
 - (7) If an articulated student is enrolled for a second or subsequent time, the Credentials Committee may grant credit for successful completion of the training course and some or all time spent in articles when the articulated student was previously enrolled.

[(5) amended 03/2003; (4) amended 12/2009]

Legal services by articulated students

- 2-32.01** (1) Subject to any prohibition in law, an articulated student may provide all legal services that a lawyer is permitted to provide, but the student's principal or another practising lawyer supervising the student must ensure that the student is
- (a) competent to provide the services offered,
 - (b) supervised to the extent necessary in the circumstances, and
 - (c) properly prepared before acting in any proceeding or other matter.
- (2) An articulated student must not
- (a) appear as counsel without the student's principal or another practising lawyer in attendance and directly supervising the student in the following proceedings:
 - (i) an appeal in the Court of Appeal, the Federal Court of Appeal or the Supreme Court of Canada;
 - (ii) a civil or criminal jury trial;
 - (iii) a proceeding on an indictable offence, unless the offence is within the absolute jurisdiction of a provincial court judge,
 - (b) give an undertaking unless the student's principal or another practising lawyer supervising the student has also signed the undertaking, or
 - (c) accept an undertaking unless the student's principal or another practising lawyer supervising the student also accepts the undertaking.

[added 05/2011, effective 09/2011]

Mid-term report

- 2-32.1** (1) This Rule does not apply to
- (a) temporary articles under Rule 2-42, or
 - (b) articles when the term is less than 6 months.
- (2) Before the student has completed 60 percent of his or her articling term, the principal and the student must deliver to the Executive Director a joint report on the student's progress to date in articles in a form approved by the Credentials Committee.
- (3) A report under this Rule must include a plan for completing the obligations of the principal and student under the articling agreement.

[added 03/2003]

Part-time articles

- 2-33** (1) An applicant for enrolment may apply to complete some or all of his or her articles part-time by submitting the following to the Executive Director not less than 2 months before the enrolment start date:
- (a) the documents and information required under Rule 2-27(3);
 - (b) the fee for enrolment specified in Schedule 1;

PART 2 – MEMBERSHIP AND AUTHORITY TO PRACTISE LAW

- (c) an articling agreement that includes all of the following:
 - (i) the prospective principal's express approval of the part-time arrangements;
 - (ii) the type of experience to be provided to the applicant;
 - (iii) the hours per day to be worked by the applicant;
 - (iv) the length of the proposed articling term.
- (2) An articulated student may apply to change his or her articles to part-time articles by submitting to the Executive Director the articling agreement referred to in subrule (1)(c).
- (3) The Executive Director may approve an application made under subrule (1) or (2) if
 - (a) the proposed articling term is a continuous period that would give work experience in the office of the principal equivalent to that required under Rule 2-32(1), and
 - (b) the student or applicant's articles will be completed within 2 years of the articling start date.
- (4) The part-time equivalent of the articling period is calculated on the following basis:
 - (a) 8 hours of scheduled work equals one day of articles;
 - (b) no additional credit is allowed for more than 8 hours per day.
- (5) If the Executive Director refers an application under this Rule to the Credentials Committee, the Committee must consider the applicant's submissions and may
 - (a) approve the application without conditions or limitations,
 - (b) approve the application, subject to any conditions or limitations it considers appropriate, or
 - (c) reject the application.

[(1) amended 03/2003]

Law clerks

- 2-34** (1) An articulated student who has been employed as a law clerk for not less than 8 months may apply in writing to the Executive Director for a reduction in the articling term by an amount of time equal to 1/2 of the time served as a law clerk.
- (2) An articulated student whose application under this Rule is accepted must article to his or her principal for a period of time and according to a schedule approved by the Executive Director.
- (3) An application under this Rule must be accompanied by
 - (a) a written report on the student's character and competence from the judge to whom the articulated student clerked, and
 - (b) other documents or information that the Credentials Committee may reasonably require.

2-35 [rescinded 11/2009 – see Rule 2-48.1]

Articles in another Canadian jurisdiction

2-36 An articled student or applicant for enrolment who has served a period of articles in another Canadian jurisdiction immediately before or after the student's period in articles in British Columbia, may apply in writing to the Executive Director for a reduction in the articling term by an amount of time equal to the time served in articles in the other jurisdiction.

Practice experience in a common law jurisdiction outside Canada

2-37 (1) An articled student or applicant for enrolment who holds professional legal qualifications obtained in a common law jurisdiction outside Canada and has been in the active practice of law in that jurisdiction for at least one full year, may apply in writing to the Executive Director for a reduction in the articling term.

(2) An articling term may be reduced under this Rule by up to one month for each full year of active practice of law in another jurisdiction.

Secondment of articles

2-38 (1) A principal may permit his or her articled student to work in the office of another lawyer qualified to act as a principal, for not more than a total of 8 weeks of the student's articling period.

(2) The Executive Director may permit an articled student to work in the office of a lawyer qualified to act as a principal, other than the student's principal for a period or periods exceeding 8 weeks of the student's articling period.

(3) If permission is granted under subrule (2), the Executive Director may set conditions as appropriate.

Assignment of articles

2-39 (1) An articled student may apply for permission to assign his or her articles to another lawyer qualified to act as a principal by filing with the Executive Director, not later than 7 days after commencing employment at the office of the new principal,

- (a) an assignment of articles in a form approved by the Credentials Committee,
 - (b) a declaration of principal in a form approved by the Credentials Committee,
- and

(c) statements from the previous principal and from the articled student setting out the reasons for the assignment.

(2) If the articled student does not apply to the Executive Director within the time specified in subrule (1), the time between the date the student left the previous principal's office and the date the student filed the application for assignment is not part of the articling period, unless the Credentials Committee directs otherwise.

(3) If the previous principal does not execute one or more of the documents referred to in subrule (1), the Executive Director may dispense with the filing of those documents.

Court and tribunal appearances by temporary articulated students

- 2-43** (1) Despite Rule 2-32.01, a person enrolled in temporary articles must not appear as counsel before a tribunal except
- (a) in the Federal Court or the Federal Court of Appeal as the Court permits,
 - (b) in the Supreme Court of British Columbia in Chambers on any
 - (i) uncontested matter, or
 - (ii) contested application for
 - (A) time to plead,
 - (B) leave to amend pleadings, or
 - (C) discovery and production of documents, or
 - (iii) other procedural application relating to the conduct of a cause or matter,
 - (c) before a registrar or other officer exercising the power of a registrar of the Supreme Court of British Columbia or Court of Appeal for British Columbia,
 - (d) in the Provincial Court of British Columbia
 - (i) on any summary conviction offence or proceeding,
 - (ii) on any matter in the Family Division or the Small Claims Division, or
 - (iii) when the Crown is proceeding by indictment or under the *Youth Criminal Justice Act* (Canada) in respect of an indictable offence, for the purposes only of
 - (A) speaking to an application for an adjournment,
 - (B) setting a date for preliminary inquiry or trial,
 - (C) speaking to an application for judicial interim release or an application to vacate a release or detention order and to make a different order, or
 - (D) an election or entry of a plea of Not Guilty on a date before the trial date,
 - (e) on an examination of a debtor,
 - (f) on an examination for discovery in aid of execution, or
 - (g) before an administrative tribunal.
- (2) A person enrolled in temporary articles must not do the following:
- (a) conduct an examination for discovery;
 - (b) represent a party who is being examined for discovery;
 - (c) represent a party at a pre-trial conference.
- (3) A person enrolled in temporary articles under Rule 2-42(2)(c) may appear in court only on a summary conviction matter and under the direct supervision of a practising lawyer.

[(1) amended 06/2010; heading, (1) and (2) amended 05/2011, effective 09/2011]

Training course

2-44 (1) The Executive Director may set the dates on which sessions of the training course will begin.

(2) The Credentials Committee may direct that an articled student be given priority in selection of the training course session that the student wishes to attend if the student is or will be

- (a) articling outside the Lower Mainland,
- (b) articling as the only student in a firm, or
- (c) employed as a law clerk.

(3) Before registering in the training course, an articled student or applicant must make application for enrolment under Rule 2-27(3).

(4) To register in a training course session, an articled student or applicant must

- (a) pay to the Society the fee for the training course specified in Schedule 1, and
- (b) deliver to the Executive Director
 - (i) an application for registration, and
 - (ii) the principal's consent to the training course session chosen.

(5) The Executive Director must deliver to each student who was registered in a training course session and to each student's principal, a transcript stating whether the student passed or failed the training course.

(5.1) If a student fails part of the training course, the Executive Director may allow the student one further attempt to pass the examinations, assignments or assessments concerned.

(6) An articled student may apply in writing to the Credentials Committee for exemption from all or a portion of the training course, and the Committee may, in its discretion, grant all or part of the exemption applied for with or without conditions, if the student has

- (a) successfully completed a bar admission course in another Canadian jurisdiction, or
- (b) engaged in the active practice of law in a common law jurisdiction outside Canada for at least 5 full years.

[(4), (5) and (6) amended 03/2003; (5.1) added 03/2004]

Tutorial program

2-44.1 (1) The Executive Director may establish a tutorial program to assist students participating in the training course.

(2) Priority for access to tutorial assistance must be as follows:

- (a) first priority to students of aboriginal heritage;
- (b) second priority to all other students.

[added 05/2001; (1) amended 03/2003]

PART 3 – PROTECTION OF THE PUBLIC

- (5) A transfer of funds from a pooled trust account to a separate trust account must be authorized by the client and approved in writing signed by a lawyer.

[(1), (2) and (5) amended, (1.1), (1.2) and (3.1) added 02/2003; (2) and (4) amended, (1.3) and (3.2) added 03/2004; (3.2) amended 05/2004; (1.3) amended 06/2005; (3.1) amended 07/2009; (1.3) amended 11/2009]

Payment of fees from trust

- 3-57** (1) In this Rule, “fees” means fees for services performed by a lawyer or a non-lawyer member of the lawyer’s MDP, and taxes on those fees.
- (2) A lawyer who withdraws or authorizes the withdrawal of trust funds under Rule 3-56 in payment for the lawyer’s fees must first prepare a bill for those fees and immediately deliver the bill to the client.
- (3) A bill or letter is delivered within the meaning of this Rule if it is
- (a) mailed 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) made available to the client
 - (i) by means that allow the client to review the content of the document and save or print a copy, or
 - (ii) by other means agreed to by the client.
- (4) As an exception to subrule (2), a lawyer need not deliver a bill if the client instructs the lawyer otherwise in writing.
- (5) A lawyer must not take fees from trust funds when the lawyer knows that the client disputes the right of the lawyer to receive payment from trust funds, unless
- (a) the client has agreed that the lawyer may take funds from trust to satisfy the lawyer’s account and the client has acknowledged that agreement in writing or the lawyer has confirmed the client’s agreement in a letter delivered to the client,
 - (b) a bill has been delivered under subrule (3), whether or not the client has directed otherwise under subrule (4),
 - (c) the lawyer has given the client written notice that the fees will be taken from trust unless, within one month, the client commences a fee review under section 70 of the Act or an action disputing the lawyer’s right to the funds, and
 - (d) the client has not commenced a fee review under section 70 of the Act or an action at least one month after written notice is given under paragraph (c).
- (6) Despite subrule (5), if a lawyer knows that the client disputes a part of the lawyer’s account, the lawyer may take from trust funds fees that are not disputed.
- (7) A lawyer must not take fees from trust funds impressed with a specific purpose, if the object of the trust has not been fulfilled, without the express consent of the client or another person authorized to give direction on the application of the trust funds.

[(3) amended 03/2002; (1) amended 12/2009, effective 07/2010; (3) amended 04/2011]

Withdrawal from separate trust account

- 3-58** (1) A lawyer who makes or authorizes the withdrawal of funds from a separate trust account in respect of which cancelled cheques and bank statements are not received from the savings institution monthly and kept in the lawyer's records must first transfer the funds into his or her pooled trust account.
- (2) Rules 3-56 and 3-57 apply to funds that have been transferred into a pooled trust account in accordance with subrule (1).
- (3) A lawyer who disburses trust funds received with instructions under Rule 3-51(3) must keep a written record of the transaction.

[(3) amended 02/2006]

Accounting records

- 3-59** (1) A lawyer must record all funds received and disbursed in connection with his or her law practice by maintaining the records required under this Division.
- (2) A lawyer must maintain accounting records in
- (a) legibly handwritten form, in ink or other duplicated or permanent form,
 - (b) printed form, or
 - (c) an electronic form that can readily be transferred to printed form on demand.
- (3) A lawyer must record transactions in accounting records in chronological order and in an easily traceable form.
- (4) A lawyer must retain all supporting documents for both trust and general accounts, including but not limited to the following:
- (a) validated deposit receipts;
 - (b) periodic bank statements;
 - (c) passbooks;
 - (d) cancelled and voided cheques;
 - (e) bank vouchers and similar documents and invoices.

[heading and rule amended, (4) added 12/2003; (4) amended 05/2004]

Trust account records

- 3-60** A lawyer must maintain at least the following trust account records:
- (a) a book of entry or data source showing all trust transactions, including the following:
 - (i) the date and amount of receipt or disbursements of all funds;
 - (ii) the source and form of the funds received;
 - (iii) the identity of the client on whose behalf trust funds are received or disbursed;
 - (iv) the cheque or voucher number for each payment out of trust;
 - (v) the name of each recipient of money out of trust;
 - (b) a trust ledger, or other suitable system, showing separately for each client on whose behalf trust funds have been received, all trust funds received and disbursed, and the unexpended balance;