



MEMBER'S MANUAL

AMENDMENT PAGES

2011: No. 3 September

Highlights

Legal Profession Act: Amendments to sections 35 and 50 are enacted by the September 1 proclamation of the *Adult Guardianship and Planning Statutes Amendment Act, 2007* (pp. 24 and 36).

Law Society Rules: The Benchers may now vote for up to three candidates for membership in the Executive Committee, instead of being required to vote for exactly three (Rule 1-39(11): p. 28); the President may appoint non-lawyers as members of Law Society regulatory committees (Rules 2-24(1) and (3), 3-10(1) and (3), 3-29(1) and (3), 3-34(6) and 4-2(1) and (3): pp. 42.5, 67, 72, 74 and 95); the rules governing complaints investigations are updated to clarify that lawyers are required to cooperate with a Law Society investigation, answer questions, orally or in writing, as directed, and produce records, including those that are privileged or confidential, and to enable investigators to enter lawyers' offices during business hours or by agreement (Rules 3-5 and 3-5.1: pp. 64-65); the process for claiming a privacy interest in material that is copied in the course of a discipline investigation is clarified (Rule 4-43(1) to (1.3): p. 110.8); a respondent or applicant subject to an order under Rule 5-4 may be cross-examined by Law Society counsel (p. 112).

Professional Conduct Handbook: Chapter 4, Rule 6 is amended in response to a court decision that a fraudulent conveyance does not necessarily involve dishonesty, on the part of the lawyer or client (p. 10).

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

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

Updates: This amendment package updates the *Member's Manual* to **August 2, 2011**. The previous amendment package was 2011: No. 2 June.

[continued over]

To check that your copy of the *Manual* is up to date, consult the contents checklist on the next 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 August 2, 2011

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- (2) The benchers may
 - (a) exempt all or part of classes of lawyers from the requirements of subsection (1), and
 - (b) determine the qualifications required of a person performing an audit or review referred to in subsection (1).
- (3) The benchers may make rules to do any of the following:
 - (a) establish standards of accounting for and management of funds held in trust by lawyers;
 - (b) designate savings institutions and classes of savings institutions in which lawyers may deposit money that they hold in trust;
 - (c) provide for precautions to be taken by lawyers for the care of funds or property held in trust by lawyers.
- (4) The rules referred to in subsection (3) apply despite section 19 of the *Trustee Act*.

Unclaimed trust money

- 34**
- (1) A lawyer who has held money in trust on behalf of a person whom the lawyer has been unable to locate for 2 years may pay the money to the society.
 - (2) On paying money to the society under subsection (1), the liability of the lawyer to pay that money to the person on whose behalf it was held or to that person's legal representative is extinguished.
 - (3) The society must hold in trust any money paid to it under subsection (1).
 - (4) The society is entitled to retain, for its purposes, interest on any money held by it under subsection (3).
 - (5) A person or the person's legal representative who, but for subsections (1) and (2), could have claimed money held by a lawyer may claim the money from the society.
 - (6) On being satisfied that the person claiming money under subsection (5) is entitled to it, the society must pay the money to that person together with interest on it at a rate that the benchers consider reflects market rates during the time the society held the money.
 - (7) If the money is not paid out under subsection (6) within 5 years after its receipt by the society under subsection (1), the society must pay the money, excluding any interest retained under subsection (4), to the foundation for its purposes, but subsections (5) and (6) continue to apply as though the money had not been paid to the foundation.
 - (8) The foundation must indemnify the society for any claims paid under subsection (6) in respect of money received from the society under subsection (7), including interest paid by the society under subsection (6) for the period when the money was held by the foundation.

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- (9) A person whose claim against the society under subsection (5) has been refused may apply to the Supreme Court for a review of the decision of the society.
- (10) On a claim under subsection (9), the court may allow the claim plus interest in an amount determined by it.
- (11) The benchers may make rules to do any of the following:
 - (a) create and maintain a fund consisting of money paid to the society under subsection (1);
 - (b) establish procedures for investigating and adjudicating claims made under subsection (5).
- (12) [Repealed]
[1999-48-28]

Restriction on suspended and disbarred lawyers

- 35** On application of the society, the Supreme Court may order that a person referred to in section 15 (3) (a) or (b) be prohibited from acting as any or all of the following until the person is a member in good standing of the society or until the court orders otherwise:
- (a) a personal representative of a deceased person;
 - (b) a trustee of the estate of a deceased person;
 - (c) a statutory property guardian or guardian under the *Adult Guardianship Act*;
 - (c.1) an attorney under Part 2 of the *Power of Attorney Act*;
 - (d) a representative under the *Representation Agreement Act*.
- [1998-9-107; 2007-34-92]

PART 6 – CUSTODIANSHIPS

- (4) When a law corporation carries on the business of providing legal services to the public through a lawyer who is the subject of an application under this section, the court may order the custodian appointed under subsection (2) to
 - (a) take possession of or control over all or part of the law corporation's property, and
 - (b) determine the status of, manage, arrange for the conduct of and, if appropriate, terminate the practice of the law corporation.
- (5) An order under this section must direct that any person receiving notice of the order must retain all the lawyer's property that is within or comes into that person's possession or control, until directed otherwise by the custodian or by an order of the court.
- (6) An order under this section may
 - (a) direct the sheriff to search for, seize, remove and place into the possession or control of the custodian all or part of the lawyer's property,
 - (b) authorize the sheriff, for the purpose of paragraph (a), to enter
 - (i) any building or place other than the lawyer's dwelling house and open any safety deposit box or other receptacle, and
 - (ii) the lawyer's dwelling house and open any safe or other receptacle, if there are grounds to believe that the lawyer's property may be found there,
 - (c) direct any savings institution or other person to deal with, hold or dispose of the lawyer's property as the court directs, and to deliver to the custodian or otherwise, as the court directs, one or more of the following:
 - (i) the lawyer's property;
 - (ii) a copy of records relating to the lawyer's practice;
 - (iii) a copy of other records, when it is necessary for the effective conduct of the custodianship to do so,
 - (d) give directions to the custodian respecting the disposition of the lawyer's property and the manner in which the custodianship should be conducted,
 - (e) give directions as to the service of an order made or notice required under this Part,
 - (f) include other orders or give other directions to facilitate the conduct of the custodianship, and
 - (g) if the lawyer is a person referred to in section 15 (3) (a) or (b), prohibit the lawyer from acting as any or all of the following until the lawyer is a member in good standing of the society or until the court orders otherwise:
 - (i) a personal representative of a deceased person;
 - (ii) a trustee of the estate of a deceased person;

- (iii) a statutory property guardian or guardian under the *Adult Guardianship Act*;
 - (iii.1) an attorney under Part 2 of the *Power of Attorney Act*;
 - (iv) a representative under the *Representation Agreement Act*.
- (7) Unless otherwise directed by the court, the custodian must cause an order made under this Part to be served promptly on the lawyer.
- (8) A sheriff, deputy sheriff or court bailiff executing an order under this Part has the same powers as that person has in the execution of a writ of seizure and sale.

[1998-9-108; 2007-14-41; 2007-34-93]

If society appointed as custodian

50.1 If the society is appointed as a custodian, the executive director must

- (a) designate a person who is
 - (i) an employee of the society, and
 - (ii) a practising lawyer, or
- (b) retain the services of a practising lawyer

to perform the duties and functions and exercise the powers of a custodian on behalf of the society.

[2007-14-42]

Powers of custodian

51 A custodian may do any or all of the following:

- (a) notify a client of the lawyer, or any other person, of the custodian's appointment, and may communicate with that client or person respecting the conduct of the custodianship;
- (b) represent a client of the lawyer, in place of that lawyer, in any cause or matter in respect of which that lawyer was acting at the time a custodian was appointed, to the extent necessary to preserve the interests of the client;
- (c) conduct or authorize an investigation of the property of the lawyer;
- (d) require from the lawyer or any other person records and information that may be reasonably necessary to facilitate the conduct of the custodianship and, if necessary, apply to the court for an order to enforce the requirement;
- (e) report to an insurer any facts of which the custodian becomes aware that indicate that the lawyer in that lawyer's professional capacity may be liable to a client or other person;
- (f) cooperate with an insurer respecting any claim arising out of the lawyer's practice, to the extent required by the policy;
- (g) advise a client or other person of any facts of which the custodian becomes aware that may give rise to a claim for payment under section 31;

PART 1 – ORGANIZATION

Retention of documents

- 1-35** The Executive Director must retain the voting papers and other documents of an election for at least 14 days after the election or, if a review is taken under Rule 1-34, until that review has been completed.

Bencher by-election

- 1-36** (1) If an elected Bencher ceases to hold office in an even numbered year or before July 1 of an odd numbered year, a by-election must be held to fill the vacancy for the remainder of the term of office.
- (2) When a Bencher by-election is required under subrule (1), the Executive Committee must set a date for the prompt holding of the by-election.
- (3) Rules 1-20 to 1-35 apply to a by-election under subrule (1), except that the Executive Director may change the dates referred to in Rules 1-22(c), 1-25(1) and 1-26(1).

Referendum ballots

- 1-37** (1) The Benchers may direct the Executive Director to conduct a referendum ballot of all members of the Society or of all members in one or more districts.
- (2) The Rules respecting the election of Benchers apply, with the necessary changes and so far as they are applicable, to a referendum under this Rule, except that the voting paper envelopes need not be separated by districts.

Appointment of Bencher to represent a district

- 1-38** (1) The Benchers may fill a vacancy by appointment in the following circumstances:
- (a) an elected Bencher ceases to hold office on or after July 1 of an odd-numbered year;
 - (b) an electoral district fails to nominate enough candidates at an election to elect the required number of Benchers;
 - (c) an amendment to Rule 1-20 increases the number of Benchers to be elected from a district.
- (2) A Bencher appointed under subrule (1) takes office on appointment and continues in office until the end of the current term.
- (3) The Benchers may appoint any member of the Society in good standing eligible to be a candidate for Bencher in the district concerned.
- (4) When the Benchers appoint a Bencher under this Rule, they may conduct a non-binding plebiscite of the members of the Society in the district concerned.

[(2) amended 10/2001]

Election of Executive Committee

- 1-39** (1) The Benchers must elect 3 Benchers to serve as members of the Executive Committee for each calendar year.
- (2) All persons elected as a Bencher for a term that includes the calendar year for which members of the Executive Committee are to be elected are eligible for election under subrule (1).
- (3) Nominations for election to the Executive Committee must be made by November 22.

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- (4) If more than 3 Benchers are nominated under subrule (3), the Executive Director must conduct a ballot.
- (5) The Executive Director must specify a date no later than December 6 for the return of the ballots, and a ballot returned after that date is not valid.
- (6) All Benchers in office on the date specified under subrule (5) are eligible to vote for the Executive Committee.
- (7) [rescinded]
- (8) At the last regular meeting of the Benchers in each calendar year, the appointed Benchers must elect one appointed Bencher to serve as a member of the Executive Committee for the following calendar year.
- (9) All Benchers appointed, or eligible to be appointed, for a term that includes all or part of the calendar year for which members of the Executive Committee are to be elected are eligible for election to the Executive Committee under subrule (8).
- (10) All appointed Benchers present are entitled to vote for the member of the Executive Committee under subrule (8).
- (11) If a vote is required for an election under this Rule,
 - (a) it must be conducted by secret ballot,
 - (b) a ballot must be rejected if it contains votes for more candidates than there are positions to be filled, and
 - (c) when more than one Bencher is to be elected, the candidates with the most votes, up to the number of positions to be filled, are elected.
- (12) If, because of a tie vote or for any other reason, the Benchers fail to elect 3 members of the Executive Committee under subrules (4) and (5), or if a vacancy occurs in any position elected under this rule, the Benchers or the appointed Benchers, as the case may be, must hold an election to fill the vacancy at the next regular meeting of the Benchers.

[(2) to (5), (8) and (11) amended 11/2007; (8) to (10) amended 09/2009; (7) rescinded, (8) and (9) amended, (12) added 12/2009; (11) amended 06/2011]

Date falling on Saturday, Sunday or other holiday

1-40 If the time for doing an act in this Division falls or expires on a day when the Society office is not open during regular business hours, the time is extended to the next day that the office is open.

Interruption of postal service

1-41 If an interruption of postal service makes it impracticable to conduct an election according to the schedule set by this Part, the Executive Committee may

- (a) postpone the election,
- (b) extend the time for the doing of an act, or
- (c) make special arrangements for the delivery and receipt of notices and ballots.

Extension of dates

1-42 The Executive Committee may, on application by the Executive Director, extend any date stated in Rule 1-18 to 1-42.

Notifying the Law Society

- 2-23.12** (1) Each lawyer who practises law in an MDP must report to the Executive Director in a form approved by the Credentials Committee concerning the following:
- (a) non-lawyer members of the MDP providing services to the public;
 - (b) the reasonable steps taken to protect privileged and confidential information under Rule 2-23.8;
 - (c) compliance with the rules respecting conflicts of interest;
 - (d) liability insurance maintained by non-lawyers under Rule 2-23.10;
 - (e) trust accounts and trust accounting records maintained under Rule 2-23.11;
 - (f) the agreements required under Rule 2-23.2 between the lawyer and all non-lawyer members of the MDP;
 - (g) any other matter required by the Credentials Committee.
- (2) The report required under this rule must be made annually on a date determined by the Executive Director, or more frequently as determined by the Credentials Committee.

[added 12/2009, effective 07/2010]

Division 2 – Admission and Reinstatement

Credentials Committee

Credentials Committee

- 2-24** (1) For each calendar year, the President must appoint a Credentials Committee, including a chair and vice chair, both of whom must be Benchers.
- (2) The President may remove any person appointed under subrule (1).
- (3) At any time, the President may appoint a person to the Credentials Committee to replace a Committee member who resigns or otherwise ceases membership in the Committee, or to increase the number of members of the Committee.

[(1) and (3) amended 06/2011]

Referral to Credentials Committee

- 2-25** (1) The Executive Director may refer any matter for decision under this Division to the Credentials Committee.
- (2) On the written request of a lawyer, former lawyer, articled student or applicant affected by a decision made by the Executive Director under this Division, the Executive Director must refer the matter to the Credentials Committee.
- (3) When a matter is referred to the Credentials Committee under this Rule, the Committee may make any decision open to the Executive Director under this Division and may substitute its decision for that of the Executive Director.

Powers of the Credentials Committee

- 2-26** (1) The Credentials Committee may
- (a) and (b) [rescinded]
 - (c) exercise the authority of the Benchers to call and admit barristers and solicitors,
 - (d) implement, administer and evaluate a training course and examinations, assignments and assessments for all articulated students,
 - (e) establish standards for passing the training course and examinations, assignments and assessment,
 - (f) establish procedures to be applied by the Executive Director and faculty of the training course for
 - (i) the deferral, review or appeal of failed examinations, assignments and assessments, and
 - (ii) remedial work in the training course or examinations, assignments and assessments, and
 - (g) review, investigate and report to the Benchers on all aspects of legal education leading to call and admission.
- (2) When the Credentials Committee is empowered to order a hearing under this Division, it may do so even though the application has been withdrawn.
- (3) The Credentials Committee may, with the consent of the person concerned, vary or remove practice conditions or limitations made under this Division or imposed by the Benchers on a review under Rule 5-13.

[(1) amended 11/1999; 03/2003]

Application for enrolment, admission or reinstatement

Disclosure of information

- 2-26.1** (1) When an application has been made under this Division, the Executive Director may
- (a) disclose the fact that the application has been made and the status of the application, and
 - (b) on the request of a governing body, provide to the governing body copies of all or part of the contents of the application and related material.
- (2) For the purpose of subrule (1)(a), the status of an application is its stage of progress in processing the application, including, but not limited to the following:
- (a) received and under review;
 - (b) granted, with or without limitations and conditions;
 - (c) referred to the Credentials Committee;
 - (d) hearing ordered, whether or not a hearing has been scheduled;
 - (e) withdrawn;
 - (f) refused.

PART 3 – PROTECTION OF THE PUBLIC

Division 1 – Complaints

Application

3-1 This Division applies to the following as it does to a lawyer, with the necessary changes and so far as it is applicable:

- (a) a former lawyer;
- (b) an articulated student;
- (c) a visiting lawyer permitted to practise law in British Columbia under Rules 2-10.2 to 2-12;
- (d) a practitioner of foreign law;
- (e) a law corporation.

[amended 11/1999]

Complaints

3-2 Any person may deliver a written complaint against a lawyer to the Executive Director.

Confidentiality of complaints

3-3 (1) No one is permitted to disclose any information or records that form part of the Executive Director's investigation of a complaint or the Complainants' Review Committee's review of it except for the purpose of complying with the objectives of the Act or with these Rules.

(2) Despite subrule (1), the Executive Director may do any of the following:

- (a) disclose information referred to in subrule (1), with the consent of the lawyer who is the subject of the complaint;
- (b) if a complaint has become known to the public, disclose
 - (i) the existence of the complaint,
 - (ii) its subject matter,
 - (iii) its status, including, if the complaint is closed, the general basis on which it was closed, and
 - (iv) any additional information necessary to correct inaccurate information;
- (c) with the consent of the Discipline Committee, deliver to a law enforcement agency any information or documents that the Committee reasonably believes may be evidence of an offence;
- (d) if, in the course of the investigation of a complaint, a lawyer has given an undertaking to the Society that restricts, limits or prohibits the lawyer's practice in one or more areas of law, disclose the fact that the undertaking was given and its effect on the lawyer's practice.

(3) For the purpose of subrule (2)(b), the status of a complaint is its stage of progress through the complaints handling process, including, but not limited to the following:

- (a) opened;
- (b) under investigation;

- (c) referred to a Committee;
 - (d) closed.
- (3.1) If the Executive Director discloses the existence of an undertaking under subrule (2)(d) by means of the Society's website, the Executive Director must remove the information from the website within a reasonable time after the undertaking ceases to be in force.
- (4) This Division must not be interpreted to permit the disclosure of any information subject to solicitor and client privilege or confidentiality.

[(2) and (3) amended, (4) added 10/2003; (2) amended 02/2004; (2) amended, (3.1) added 06/2005; (2) amended 07/2007; (2) amended 09/2010]

Consideration of complaints and other information

- 3-4** (1) The Executive Director must consider every complaint received under Rule 3-2.
- (2) Information received from any source that indicates that a lawyer's conduct may constitute a discipline violation must be treated as a complaint under these Rules.

[heading and (2) amended 09/1999]

Investigation of complaints

- 3-5** (1) Subject to subrule (2), the Executive Director may, and on the instruction of the Discipline Committee must, investigate a complaint to determine its validity.
- (2) The Executive Director may decline to investigate a complaint if the Executive Director is satisfied that the complaint
- (a) is outside the jurisdiction of the Society,
 - (b) is frivolous, vexatious or an abuse of process, or
 - (c) does not allege facts that, if proved, would constitute a discipline violation.
- (3) The Executive Director must deliver to the lawyer who is the subject of a complaint a copy of the complaint or, if that is not practicable, a summary of it.
- (4) Despite subrule (3), if the Executive Director considers it necessary for the effective investigation of the complaint, the Executive Director may delay notification of the lawyer.
- (5) When acting under subrule (3), the Executive Director may decline to identify the complainant or the source of the complaint.
- (6) A lawyer must cooperate fully in an investigation under this Division by all available means including, but not limited to, responding fully and substantively, in the form specified by the Executive Director
- (a) to the complaint, and
 - (b) to all requests made by the Executive Director in the course of an investigation.
- (6.1) When conducting an investigation of a complaint, the Executive Director may
- (a) require production of files, documents and other records for examination or copying,
 - (b) require a lawyer to
 - (i) attend an interview,

PART 3 – PROTECTION OF THE PUBLIC

- (ii) answer questions and provide information relating to matters under investigation, or
 - (iii) cause an employee or agent of the lawyer to answer questions and provide information relating to the investigation,
 - (c) enter the business premises of a lawyer
 - (i) during business hours, or
 - (ii) at another time by agreement with the lawyer.
 - (7) Any written response under subrule (6) must be signed by
 - (a) the lawyer personally, or
 - (b) a director of the law corporation, if the complaint is about a law corporation.
 - (8) The Executive Director may deliver to the complainant a copy or a summary of a response received from the lawyer, subject to solicitor and client privilege and confidentiality.
 - (9) [moved to Rule 3-5.1 06/2011]
 - (10) A lawyer who is required to produce files, documents and other records, provide information or attend an interview under this Rule must comply with the requirement
 - (a) even if the information or files, documents and other records are privileged or confidential, and
 - (b) as soon as practicable and, in any event, by the time and date set by the Executive Director.
- [(1) to (3) and (6) to (8) amended, (9) rescinded, (6.1) and (10) added 06/2011]

Resolution by informal means

3-5.1 The Executive Director may, at any time, attempt to resolve a complaint through mediation or other informal means.

[added 06/2011]

Action after investigation

- 3-6** (1) After investigating a complaint, the Executive Director must take no further action if the Executive Director is satisfied that the complaint
- (a) is not valid or its validity cannot be proved, or
 - (b) does not disclose conduct serious enough to warrant further action.
- (2) The Executive Director may take no further action on a complaint if the Executive Director is satisfied that the matter giving rise to the complaint has been resolved.
- (3) Unless subrule (1) applies or the Executive Director takes no further action under subrule (2), the Executive Director must refer the complaint to the Practice Standards Committee or to the Discipline Committee.
- (4) Despite subrule (3), the Executive Director may refer a complaint to the Chair of the Discipline Committee if the complaint concerns only allegations that the lawyer has done one or more of the following:
- (a) breached a Rule;
 - (b) breached an undertaking given to the Society;

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- (c) failed to respond to a communication from the Society;
- (d) breached an order made under the Act or these Rules.

[(4) added 07/2007; (4) amended 10/2010]

Notifying the parties

- 3-7** (1) When a decision has been made under Rule 3-6, the Executive Director must notify the complainant and the lawyer in writing of the disposition.
- (2) When the Executive Director takes no further action on a complaint under Rule 3-6(1), notice to the complainant under subrule (1) must include
- (a) the reason for the decision, and
 - (b) instructions on how to apply for a review of the decision under Rule 3-9.

[(1) amended 10/2007]

Extraordinary action to protect public

- 3-7.1** (1) This Rule applies to a lawyer or articled student who is
- (a) the subject of an investigation or intended investigation under Rule 3-5, and
 - (b) not the subject of a citation in connection with the matter under investigation or intended to be under investigation.
- (2) If they are satisfied that extraordinary action is necessary to protect the public, 3 or more Benchers may
- (a) suspend a lawyer,
 - (b) impose conditions on the practice of a lawyer, or
 - (c) suspend the enrolment of an articled student.
- (3) The Benchers referred to in subrule (2) must not include a member of the Discipline Committee.
- (4) Before Benchers take action under this Rule, there must be a proceeding at which 3 or more Benchers and discipline counsel are present.
- (5) The proceeding referred to in subrule (4) may take place without notice to the lawyer or articled student if the majority of Benchers present are satisfied that notice would not be in the public interest.
- (6) The lawyer or articled student and his or her counsel may be present at a proceeding under this Rule.
- (7) All proceedings under this Rule must be recorded by a court reporter.
- (8) Subject to the Act and these Rules, the Benchers present at a proceeding may determine the practice and procedure to be followed.
- (9) Unless the Benchers present order otherwise, the proceeding is not open to the public.
- (10) The lawyer or articled student or discipline counsel may request an adjournment of a proceeding conducted under this Rule.
- (11) Rule 4-29 applies to an application for an adjournment made before the commencement of the proceeding as if it were a hearing.

Division 2 – Practice Standards

Practice Standards Committee

- 3-10** (1) For each calendar year, the President must appoint a Practice Standards Committee, including a chair and vice chair, both of whom must be Benchers.
- (2) The President may remove any person appointed under subrule (1).
- (3) At any time, the President may appoint a person to the Practice Standards Committee to replace a Committee member who resigns or otherwise ceases membership in the Committee, or to increase the number of members of the Committee.

[(1) and (3) amended 06/2011]

Objectives

- 3-11** The objectives of the Practice Standards Committee are to
- (a) recommend standards of practice for lawyers,
 - (b) develop programs that will assist all lawyers to practise law competently, and
 - (c) identify lawyers who do not meet accepted standards in the practice of law, and recommend remedial measures to assist them to improve their legal practices.

Consideration of complaints

- 3-12** (1) The Practice Standards Committee must consider any complaint referred to it by the Executive Director, the Complainants' Review Committee or any other Committee, and may instruct the Executive Director to make or authorize any further investigation that the Practice Standards Committee considers desirable.
- (2) While considering a complaint under this Rule, the Practice Standards Committee may also consider any other matter arising out of the lawyer's practice of law.
- (3) When considering a complaint under this Rule, the Practice Standards Committee may do one or more of the following:
- (a) decide that no further action be taken on the complaint;
 - (b) make recommendations to the lawyer, if it considers that the carrying out of the recommendations will improve the lawyer's practice of law;
 - (c) require the lawyer to meet and discuss the circumstances of the complaint with a lawyer or Benchers designated by the Practice Standards Committee, who must then report to the Committee;
 - (d) find that there are reasonable grounds to believe that the lawyer is practising law in an incompetent manner and order a practice review in respect of the lawyer's practice;
 - (e) refer the complaint to the Discipline Committee.

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- (3.1) Despite subrule (3)(e), the Practice Standards Committee may refer a complaint to the Chair of the Discipline Committee if the complaint concerns only allegations that the lawyer has done one or more of the following:
- (a) breached a Rule;
 - (b) breached an undertaking given to the Society;
 - (c) failed to respond to a communication from the Society;
 - (d) breached an order made under the Act or these Rules.
- (4) The Practice Standards Committee is not precluded from taking any of the steps in subrule (3) or (3.1) because it has previously taken another of those steps in the same matter.

[(3.1) added, (4) amended 07/2007; (3.1) amended 10/2010]

Practice review

- 3-13** (1) The Practice Standards Committee may order a practice review of the practice of a lawyer under Rule 3-12(3)(d) or if the lawyer consents to the review.
- (2) When a practice review is ordered, the Executive Director must name one or more qualified persons to conduct the review.
- (3) After consultation with the lawyer and the practice reviewers, the Executive Director must set a date, time and place for the practice review.
- (4) A lawyer whose practice is being reviewed under subrule (1) must answer any inquiries and provide the practice reviewers with any information, files or records in the lawyer's possession or power as reasonably requested.
- (5) After completing a practice review, the practice reviewers must deliver to the Practice Standards Committee and to the lawyer a written report of their findings and recommendations.

Action by the Practice Standards Committee

- 3-14** (1) After its consideration of a report received under Rule 3-12(3)(c) or 3-13(5), the Practice Standards Committee must
- (a) decide that no further action be taken, or
 - (b) recommend that the lawyer do one or more of the following:
 - (i) undertake not to practise in specified areas of law;
 - (ii) satisfactorily complete a remedial program;
 - (iii) satisfactorily complete an examination approved by the Committee or its designate;
 - (iv) obtain a psychiatric or psychological assessment or counselling, or both, and, if the Committee requests, provide a report on that assessment or counselling to the Committee;

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- (4) For the purpose of subrule (3)(b)(iii), the status of a claim is its stage of progress through the claims handling process, including, but not limited to the following:
 - (a) opened;
 - (b) under investigation;
 - (c) the stage of any litigation commenced;
 - (d) closed.
- (5) In the case of a claim under Part B of the policy of professional liability insurance, the Executive Director may do any of the following:
 - (a) publish the name of a lawyer or former lawyer and the circumstances of a claim when a panel or the Benchers acting under Part 4 or 5 or a court has found that the lawyer or former lawyer has misappropriated property of a claimant;
 - (b) disclose the name of a lawyer or former lawyer and the circumstances of a claim when
 - (i) the lawyer’s misappropriation is known to the public,
 - (ii) the claim arises from part of a scheme considered by a panel or the Benchers or a court in the written reasons for a decision, or
 - (iii) the facts are not disputed or are admitted by the lawyer or former lawyer;
 - (c) with the consent of the Discipline Committee, deliver to a law enforcement agency any information or documents that the Committee reasonably believes may be evidence of an offence.
- (6) This Rule must not be interpreted to permit the disclosure of any information subject to solicitor and client privilege or confidentiality.

[added 07/2006]

Division 5 – Special Compensation Fund

Definitions and interpretation

- 3-28** (1) In this Division, unless the context indicates otherwise,
“**claim**” means a claim for compensation made under Rule 3-30;
“**claimant**” means the person who has made a claim for compensation under Rule 3-30;
“**subcommittee**” means a subcommittee of the Committee established under Rule 3-34.
- (2) Money or property entrusted to or received by a lawyer as trustee is not entrusted to or received by the lawyer in the lawyer’s capacity as a member of the Society if the lawyer has no responsibility in the lawyer’s capacity as a barrister or solicitor in connection with the money or property entrusted to the lawyer.
 - (3) This Division is subject to the provisions of the Protocol regarding claims for compensation for misappropriation involving inter-jurisdictional practice.

[(3) amended 06/2001]

Special Compensation Fund Committee

- 3-29** (1) For each calendar year, the President must appoint a Special Compensation Fund Committee, including a chair and vice-chair, both of whom must be Benchers.
- (2) The President may remove any person appointed under subrule (1).
- (3) At any time, the President may appoint a person to the Special Compensation Fund Committee to replace a Committee member who resigns or otherwise ceases membership in the Committee, or to increase the number of members of the Committee.
- (4) Despite subrules (1) to (3), the President must appoint members to the Special Compensation Fund Committee so that the majority of the Committee consists of Benchers at all times.
- (5) The Special Compensation Fund Committee may invest the Fund and the proceeds from it in any securities and in the manner the Committee sees fit.

[(1) and (3) amended 06/2011]

Claim for compensation

- 3-30** (1) A claimant may make a claim for compensation by delivering it to the Executive Director in the form approved by the Special Compensation Fund Committee.
- (2) A claimant must provide the Executive Director with information and documents relating to the claim that the Executive Director reasonably requires.

Investigation of claim

- 3-31** (1) The Executive Director may conduct or authorize an investigation of a claim as the Executive Director considers necessary or advisable and consider any available relevant information, documents or other evidence.
- (2) The Executive Director must refer all claims made in accordance with Rule 3-30 to the Special Compensation Fund Committee for consideration and report on any investigation made under subrule (1).
- (3) The Special Compensation Fund Committee may direct the Executive Director to conduct or authorize further investigations as it considers necessary.
- (4) The Executive Director must give notice in writing to any lawyer the claimant alleges misappropriated or converted funds as soon as practicable and, in any event, before the Special Compensation Fund Committee makes any decision under Rule 3-32.
- (5) The Executive Director may give notice to a lawyer under subrule (4) by mailing it by registered mail to the last known address of the lawyer.
- (6) Despite subrule (4), if the Executive Director considers it necessary for the effective investigation of the claim, the Executive Director may delay notification of the lawyer.

Committee decision

- 3-32** (1) The Special Compensation Fund Committee may exercise the authority and discretion of the Benchers under section 31 of the Act with respect to any claim.
- (2) Subject to the Act and these Rules, the Special Compensation Fund Committee may determine the practice and procedure to be followed at a hearing.
- (3) After its consideration under Rule 3-31, the Special Compensation Fund Committee may
- (a) authorize payment of all or part of the claim, subject to any conditions the Committee considers desirable,
 - (b) determine that no payment be made on the claim, or
 - (c) order an oral hearing before
 - (i) the Committee, or
 - (ii) a subcommittee established under Rule 3-34.
- (4) Following an oral hearing, the Special Compensation Fund Committee must do one of the following:
- (a) authorize payment of all or part of the claim, subject to any conditions the Committee considers desirable;
 - (b) determine that no payment be made on the claim.
- (5) When an oral hearing has been conducted before a subcommittee, the Special Compensation Fund Committee must consider the report of the subcommittee before making a decision under subrule (4) and may, in its discretion, consider further evidence or submissions.
- (6) The Special Compensation Fund Committee must provide written reasons for its decision under subrule (3)(a) or (b) or (4) that includes all relevant findings of fact and, if the hearing is conducted by a subcommittee, the subcommittee's recommendation as to the Committee's decision under Rule 3-32(4).
- (7) The Special Compensation Fund Committee makes any decision by a majority, and the decision of the majority is the decision of the Committee.
- (8) Despite subrules (3) and (4) and Rule 3-31, the Special Compensation Fund Committee, or the subcommittee with the consent of the Committee, may decline to commence or continue with an oral hearing, or may adjourn its findings of fact and its decision or recommendation until the conclusion of other proceedings, including
- (a) final disposition of any disciplinary action, including review by the Benchers, judicial review or an appeal, taken against or by the lawyer or former lawyer in respect of whom the claim is made,
 - (b) final disposition of any criminal prosecution, including appeal, taken against or by the lawyer or former lawyer in respect of whom the claim is made, or
 - (c) the claimant obtaining, and assigning to the Society, part or all of a civil judgment or *Criminal Code* compensation order made against the lawyer or former lawyer respecting the money or other property claimed by the claimant.

Limit on payments from the Fund

3-33 Despite Rules 3-31 and 3-32, the Special Compensation Fund Committee, or the subcommittee with the consent of the Committee, must not authorize a payment from the Special Compensation Fund in respect of a claim made on or after May 1, 2004 unless

- (a) the claimant has made a claim under Part B of the policy of professional liability insurance and the claim has been denied in whole because
 - (i) the limit of liability described in the policy as the Profession-Wide Aggregate Limit has been exhausted, or
 - (ii) a lawyer or the claimant knew or reasonably ought to have known of circumstances that could form or did form the basis of a claim for compensation prior to May 1, 2004, or
- (b) prior to May 1, 2004, the Society had notice of the possibility of claims to the Special Compensation Fund involving the lawyer against whom the claimant has made the claim.

[rescinded 09/2002; added 03/2005; amended 10/2005; 07/2009]

Subcommittees

3-34 (1) The Special Compensation Fund Committee may establish one or more subcommittees and, on matters referred to a subcommittee by the Committee, the subcommittee has the power and authority of the Committee except the power and authority delegated to the Committee under Rule 3-32 to make the final determination on a claim.

- (2) Two or more subcommittees may proceed with separate matters at the same time.
- (3) The Special Compensation Fund Committee may refer a matter that is before it to a subcommittee or a matter that is before a subcommittee to the Committee or to another subcommittee.
- (4) A subcommittee must consist of an odd number of persons and may consist of one person.
- (5) A subcommittee must be chaired by a Bencher who is a lawyer.
- (6) All persons are eligible to be appointed to a subcommittee.

[(6) amended 06/2011]

[Rule 3-34 continues on next page]

PART 4 – DISCIPLINE

Interpretation and application

- 4-1** (1) This Part applies to a former lawyer, an articled student, a visiting lawyer permitted to practise law under Rules 2-10.2 to 2-12 and a practitioner of foreign law as it does to a lawyer, with the necessary changes and so far as it is applicable.
- (2) This Part must be interpreted in a manner consistent with standards of simplicity, fairness and expediency, and so as to provide maximum protection to the public and to lawyers.
- (3) In this Part, “**conduct meeting**” means a meeting that a lawyer is required to attend under Rule 4-4(1)(a.2).

[(1) amended 11/1999; (3) added 07/2005]

Discipline Committee

- 4-2** (1) For each calendar year, the President must appoint a Discipline Committee, including a chair and vice chair, both of whom must be Benchers.
- (2) The President may remove any person appointed under subrule (1).
- (3) At any time, the President may appoint a person to the Discipline Committee to replace a Committee member who resigns or otherwise ceases membership in the Committee, or to increase the number of members of the Committee.
- (4) Any function of the Chair of the Discipline Committee under this Part may be performed by the Vice Chair if the Chair is not available for any reason, or by another Bencher member of the Committee designated by the President if neither the Chair nor the Vice-Chair is available for any reason.

[(4) added 07/2007; (1) and (3) amended 06/2011]

Consideration of complaints by Committee

- 4-3** (1) The Discipline Committee must consider any complaint referred to it under these Rules and may instruct the Executive Director to make or authorize further investigation that the Discipline Committee considers desirable.
- (2) If, in the view of the Executive Director and the Chair of the Discipline Committee, there is a need to act before a meeting of the Committee can be arranged, the Executive Director may refer a complaint to the Chair for consideration under Rule 4-4.1.

[heading and rule amended 07/2007; (2) added 10/2010]

Action on complaints

- 4-4** (1) After its consideration under Rule 4-3, the Discipline Committee must
- (a) decide that no further action be taken on the complaint,
- (a.1) authorize the chair or other Bencher member of the Discipline Committee to send a letter to the lawyer concerning the lawyer’s conduct,
- (a.2) require the lawyer to attend a meeting with one or more Benchers or lawyers to discuss the conduct of the lawyer,

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- (b) require the lawyer to appear before the Conduct Review Subcommittee, or
 - (c) direct that the Executive Director issue a citation against the lawyer under Rule 4-13(1).
- (2) In addition to the determination under subrule (1), the Discipline Committee may refer any matter or any lawyer to the Practice Standards Committee.
 - (3) In addition to any action taken under subrules (1) and (2), if a complaint discloses that there may be grounds for revoking a law corporation's permit under Rule 9-11, the Discipline Committee may order a hearing on the revocation of the law corporation's permit.
 - (4) At any time before the Discipline Committee makes a decision under Rule 4-9(6)(a) to (c), the Committee may resolve to rescind a decision made under subrule (1)(b) to require a lawyer to appear before the Conduct Review Subcommittee and substitute another decision under subrule (1).

[(1) amended, (4) added 07/2005; (1) amended 10/2010]

Consideration of complaints by Chair

- 4-4.1** (1) The Chair of the Discipline Committee must consider any complaint referred to him or her under these Rules and may instruct the Executive Director to make or authorize further investigation that the Chair considers desirable.
- (2) After considering a complaint under subrule (1), the Chair of the Discipline Committee must
 - (a) direct that the Executive Director issue a citation against the lawyer under Rule 4-13(1), or
 - (b) refer the complaint to the Discipline Committee.

[added 07/2007; (2) amended 10/2010]

Notification

- 4-5** The Executive Director must notify the complainant and the lawyer or law corporation in writing of the determination of the Discipline Committee under Rule 4-4 or of the Chair under Rule 4-4.1.

[amended 07/2007]

Confidentiality of Discipline Committee deliberations

- 4-6** (1) No one is permitted to disclose any of the following information except for the purpose of complying with the objects of the Act or with these Rules:
 - (a) all of the information and documents that form part of the consideration of a complaint under Rule 4-4 or 4-4.1;
 - (b) the result of a consideration under Rule 4-4.

Anonymous publication

- 4-38.1** (1) Except as allowed under this Rule, a publication under Rule 4-38 must identify the respondent.
- (2) If all allegations in the citation are dismissed by a panel, the publication must not identify the respondent unless the respondent consents in writing.
- (3) On an application under subrule (4) or on its own motion, the panel may order that publication not identify the respondent if
- (a) the panel has imposed a disciplinary action that does not include a suspension or disbarment, and
 - (b) publication of the identity of the respondent could reasonably be expected to identify an individual, other than the respondent, and that individual would suffer serious prejudice as a result.
- (4) An individual affected, other than the respondent, may apply to the panel for an order under subrule (3) before the written report on findings of fact and determination is issued or oral reasons are delivered.
- (5) [rescinded]
- (6) If a panel orders that a respondent's identity not be disclosed under subrule (3), the panel must state in writing the specific reasons for that decision.
- (7) and (8) [rescinded]

[added 05/2003; (4) amended 02/2004; (8) added 10/2006; (2) to (4) amended, (5), (7) and (8) rescinded 12/2009; (3) and (4) amended 10/2010]

Disclosure of practice restrictions

- 4-38.2** (1) When, under this Part or Part 4 of the Act, a condition is imposed on the practice of a lawyer or a lawyer is suspended from the practice of law in one or more fields of law, the Executive Director may disclose the fact that the condition or suspension applies and the nature of the condition or suspension.
- (2) If a lawyer gives an undertaking that restricts, limits or prohibits the lawyer's practice in one or more areas of law, the Executive Director may disclose the fact that the undertaking was given and its effect on the lawyer's practice.
- (3) If the Executive Director discloses the existence of a condition or suspension under subrule (1) or an undertaking under subrule (2) by means of the Society's website, the Executive Director must remove the information from the website within a reasonable time after the condition or suspension ceases to be in force.

[added 06/2005]

Disbarment

- 4-39** If a lawyer is disbarred, the Executive Director must strike the lawyer's name from the barristers and solicitors' roll.

Conviction

- 4-40** (1) On proof that a lawyer or former lawyer has been convicted of an offence that can only be prosecuted by way of indictment, the Benchers may, without following the procedure provided for in the Act or these Rules, summarily suspend or disbar the lawyer or former lawyer.

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- (2) If the Discipline Committee is satisfied that a lawyer or former lawyer has been convicted of an offence that can only be prosecuted by way of indictment, the Committee may refer the matter to the Benchers under subrule (1).

Notice

- 4-41** (1) Before the Benchers proceed under Rule 4-40, the Executive Director must notify the lawyer or former lawyer in writing that
- (a) proceedings will be taken under that Rule, and
 - (b) the lawyer or former lawyer may, by a specified date, make written submissions to the Benchers.
- (2) The notice referred to in subrule (1) may be served by mailing it by registered mail to the last known address of the lawyer or former lawyer.
 - (3) In extraordinary circumstances, the Benchers may proceed without notice to the lawyer or former lawyer under subrule (1).

Summary procedure

- 4-42** (1) This Rule applies to summary proceedings before the Benchers under Rule 4-40.
- (2) The Benchers may, in their discretion, hear oral submissions from the lawyer or former lawyer.
 - (3) Subject to the Act and these Rules, the Benchers may determine practice and procedure.

Investigation of books and accounts

- 4-43** (1) If the chair of the Discipline Committee reasonably believes that a lawyer or former lawyer may have committed a discipline violation, the chair may order that an investigation be made of the books, records and accounts of the lawyer or former lawyer, including, if considered desirable in the opinion of the chair, all electronic records of the lawyer or former lawyer.
- (1.1) When electronic records have been produced or copied pursuant to an order under this Rule, the lawyer concerned may request that a specific record be excluded from the investigation on the basis that it contains personal information that is not relevant to the investigation.
 - (1.2) The lawyer must make a request under subrule (1.1) in writing to a person designated under subrule (2) within 7 days of receiving a copy of the order under this Rule.
 - (1.3) An order under this Rule that permits the production or copying of electronic records must provide for a method of evaluating and adjudicating exclusion requests made under subrule (1.1).

[(1) amended 10/2010; (1) and (2) amended, (1.1) added 12/2010; (1) and (1.1) amended, (1.2) and (1.3) added 07/2011]

[Rule 4-43 continues on next page]

PART 5 – HEARINGS AND APPEALS

Application of Part

5-1 This Part applies to

- (a) a hearing on an application for enrolment, call and admission or reinstatement,
- (b) a hearing on a citation, and
- (c) unless the context indicates otherwise, a review by the Benchers of a hearing decision.

[amended 05/2002]

Hearing panels

- 5-2** (1) A panel must consist of an odd number of persons but, subject to subrule (2), must not consist of one person.
- (2) A panel may consist of one Bencher who is a lawyer when
- (a) no facts are in dispute,
 - (b) the hearing is to consider a conditional admission under Rule 4-22,
 - (b.1) the hearing proceeds under Rule 4-24.1,
 - (b.2) the hearing is to consider a preliminary question under Rule 4-26.1,
 - (c) it is not otherwise possible, in the opinion of the President, to convene a panel in a reasonable period of time, or
 - (d) one or more of the original panel members cannot complete a hearing that has begun.
- (3) A panel must be chaired by a Bencher who is a lawyer.
- (4) Panel members must be permanent residents of British Columbia over the age of majority.
- (5) The chair of a panel who ceases to be a Bencher may, with the consent of the President, continue to chair the panel, and the panel may complete any hearing or hearings already scheduled or begun.
- (6) [rescinded]
- (7) Two or more panels may proceed with separate matters at the same time.
- (8) The President may refer a matter that is before a panel to another panel, fill a vacancy on a panel and, on the advice of the Executive Committee, may terminate an appointment to a panel.
- (9) Unless otherwise provided in the Act and these Rules, a panel must decide any matter by a majority, and the decision of the majority is the decision of the panel.

[(1), (2) and (4) amended 09/2005; (2) amended 07/2007; (2), (4) and (5) amended, (6) rescinded 10/2010]

Disqualification

- 5-3** (1) The following persons must not participate in a panel hearing a citation:
- (a) a person who participated in the decision that authorized issuing the citation;
 - (b) one of the Benchers who made an order under Rule 4-17 regarding the respondent;
 - (c) a member of a panel that heard an application under Rule 4-19 to rescind or vary an interim suspension, practice condition or order for a medical examination in respect of the respondent.
- (2) A person who participated in the decision to order the hearing on an application for enrolment as an articulated student, for call and admission or for reinstatement must not participate in the panel on that hearing.
- (3) A Bencher who is disqualified from participation in a hearing panel under this Rule must not sit on a review by the Benchers under section 47 of the Act.
- (4) A person must not appear as counsel for any party for three years after
- (a) serving as a Bencher, or
 - (b) the completion of a hearing in which the person was a member of the panel.
- [(4) added 02/2002]

Compelling witnesses and production of documents

- 5-4** (1) In this Rule, “**respondent**” includes a shareholder, director, officer or employee of a respondent law corporation.
- (2) A panel may
- (a) compel the applicant or respondent to give evidence under oath, and
 - (b) at any time before or during a hearing, order the applicant or respondent to produce all files and records that are in the applicant’s or respondent’s possession or control that may be relevant to the matters raised by the application or in the citation.
- (3) A person who is the subject of an order under subrule (2)(a) may be cross-examined by counsel representing the Society.
- [heading amended 10/2010; rule amended, (1) and (3) added 07/2011]

Procedure

- 5-5** (1) Subject to the Act and these Rules, the panel may determine the practice and procedure to be followed at a hearing.
- (2) Before a court reporter begins reporting the proceedings of a hearing, the chair of the panel must ensure that the reporter takes an oath or makes a solemn affirmation to faithfully and accurately report and transcribe the proceedings.
- (3) The applicant, respondent or counsel for the Society may call witnesses to testify.
- (4) All witnesses, including a respondent ordered to give evidence under section 41(2)(a) of the Act,
- (a) must take an oath or make a solemn affirmation, if competent to do so, before testifying, and
 - (b) are subject to cross-examination.

CHAPTER 4

AVOIDING QUESTIONABLE CONDUCT, INCLUDING IMPROPER COMMUNICATIONS

Dealing with unrepresented persons

1. A lawyer acting for a client in a matter in which there is an unrepresented person must advise that client and unrepresented person that the latter's interests are not being protected by the lawyer.

[amended 03/2005]

Communication with clients of other lawyers

- 1.1 A lawyer who has an interest in a matter, or represents a client who has an interest in a matter, must not communicate with any person regarding the matter if, to the lawyer's knowledge, the person is represented by another lawyer, except through or with the consent of the person's lawyer.¹

[added 04/1996; amended 12/1999]

Threatening criminal or disciplinary proceedings

2. A lawyer must not threaten, or advise a person to threaten, to:
 - (a) initiate or proceed with a criminal or quasi-criminal charge, or
 - (b) make a complaint to a regulatory authority,

for the collateral purpose of enforcing the payment of a civil claim or securing any other civil advantage.

[amended 03/2005]

Coercion, improper influence or offering compensation to avoid prosecution

3. A lawyer must not *wrongfully* influence any person to prevent the Crown from proceeding with charges or cause the Crown to withdraw or stay charges in a criminal or quasi-criminal charge against the lawyer's client.

[amended 03/2005]

4. A lawyer must not:
 - (a) advise a person to give, or

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- (b) personally give or offer to give,

any valuable consideration to another person in exchange for influencing the Crown not to proceed with a criminal or quasi-criminal charge that has been instituted against a client of the lawyer, unless the lawyer obtains the consent of the Attorney General or his or her agent.

[amended 03/2005]

Errors and omissions

5. A lawyer must comply with the terms of each professional liability insurance policy.²

[amended 01/1994]

- 5.1 If, in respect of a matter in which the lawyer is or was engaged, the lawyer has a reasonable apprehension that an error or omission:

- (a) has been made,
- (b) is one for which the lawyer is or may be responsible, and
- (c) is or may be damaging to the client,

then the lawyer must promptly:

- (d) inform the client of the facts of the error or omission, without admitting legal liability, and
- (e) recommend that the client obtain independent legal advice.

[added 01/1994]

Dishonesty, crime or fraud of client

6. A lawyer must not engage in any activity that the lawyer knows or ought to know assists in or encourages any dishonesty, crime or fraud.³

[heading and rule amended 03/2005; heading amended 05/2005; rule amended 06/2011]

Restricting future representation

7. A lawyer must not participate in offering or making an agreement in which a restriction on any lawyer's right to practise is part of the settlement of a client lawsuit or other controversy.

[added 10/2006]