

Discipline Processes Task Force

Terms of Reference

April 17, 2026

Background

The Discipline Processes Task Force considers and provides advice on how to coordinate and integrate the newer aspects of the Law Society's discipline processes with the traditional discipline framework, including consideration of the best practices and approaches to attain the goal of a principled and effective discipline system.

Mandate

1. The Task Force has been established with a two-year term to explore on a principled and evidence-based approach how the Law Society should apply its various discipline processes to meet its objective of protecting the public interest.
2. As set out in the 2025 [President's Mandate Letter](#), the Task Force has been asked to:
 - a) Utilizing an evidence-based and intersectional approach, consider what the overall design, purposes, and implementation of the Law Society's discipline processes should be;
 - b) In particular, consider:
 - i. The benefits and detriments of the new processes the Law Society has recently implemented, including, administrative penalties, consent discipline outcomes, and the Alternative Discipline Process;
 - ii. On what basis the various discipline processes now available should be selected to apply to a particular matter;
 - iii. The public interest purposes of discipline processes, and whether our current approaches satisfy those purposes;
 - iv. Whether and how data collection and analysis may improve an evidence-based approach to discipline processes;

- v. Whether there should be an express definition of “professional misconduct”, and if so, what that definition should be;
 - vi. Whether and how discipline processes should distinguish between deliberate and inadvertent professional misconduct;
 - vii. The proper role of deterrence as a consideration in discipline processes, including the degree to which assumptions about deterrence are supported by evidence;
 - viii. The proper roles of public interest, public confidence, and public opinion as considerations in the Law Society’s discipline processes;
 - ix. Any other aspects of the Law Society’s discipline processes the examination of which would promote the public interest; and
- c) Consult with other committees or task forces, including the Equity, Diversity and Inclusion Advisory Committee, the Truth and Reconciliation Advisory Committee, and the Bullying, Harassment, and Discrimination Task Force.
3. The 2026 [President’s Mandate Letter](#) the Task Force has also been asked to continue to consider whether any improvements could be made to discipline processes with regard to:
- a) To continue, with specific emphasis, to consider:
 - i. The current processes and whether there are any additional ways to improve them in the future;
 - ii. The complainants’ experiences in the processes as well as the lawyers’ experiences;
 - iii. How data collection and analysis can inform an evidence-based approach to the Task Force’s considerations and the Law Society’s approach to discipline processes (e.g. review both quantitative and qualitative data [collected at the Discipline Staff Focus Group on October 8, 2025]);
 - iv. The mental health impact in the context of the protection of the public of a lawyer’s discipline history and its use and potential misuse;
 - v. ‘Professional misconduct’ and what should be included in the term, whether it should be defined, and if so, what that definition might be; and

- vi. The proper role of overarching policy principals guiding discipline processes such as ‘deterrence’ and ‘the public interest’.
 - vii. Consult with other committees or task forces, including the Equity, Diversity and Inclusion Advisory Committee, the Truth and Reconciliation Advisory Committee, and the Bullying, Harassment, and Discrimination Task Force.
- b) Where possible, to identify opportunities to accelerate the objectives of the Law Society’s 2026-2028 Strategic Plan, with a particular emphasis on ways the Law Society might innovate and improve the governance paradigm of the conventional complaints process.

Composition

1. The Task Force shall consist of:
 - a. a Chair and a Vice-Chair, both of whom must be sitting Benchers;
 - b. at least three elected Benchers;
 - c. at least one appointed Bencher; and
 - d. at least one other lawyer member who is not a Bencher.
2. The composition should also reflect as much as possible the diversity of the legal profession, including geographic diversity.

Meeting Practices

1. The Task Force shall operate in a manner that is consistent with the Benchers’ governance policies.
2. The Task Force shall meet as required.
3. Meetings may be held in-person, virtually or a combination of both.
4. Quorum is at least half of the members of the Task Force ([Rule 1-17\(1\)](#)).

Accountability

1. The Task Force is accountable to the Benchers.

2. The Task Force is responsible for fulfilling its mandate and such other tasks as the Benchers may assign during the tenure of the Task Force.
3. If the Task Force requires direction in relation to its mandate, duties or responsibilities, the Task Force will advise the Benchers.

Reporting Requirements

1. The Task Force will provide interim reports as necessary to keep the board advised of progress on fulfilling its mandate.
2. The Task Force will provide a Final Report to the Benchers with recommendations no later than November 6, 2026.

Duties and Responsibilities

1. Take an evidenced-based, data-driven, outcomes-focused approach to the matters identified in the mandate and to any recommendations to the Benchers that it may make.
2. Ensure that the assessment focuses on the risk of harm to the public, the legal professions and the justice system and that any recommendations reflect a proportionate response to the risk of harm, taking into account the regulatory impact of the recommendations.
3. Ensure the work of the Task Force provides for input from the public, legal professionals, the Discipline Committee and the Benchers in regard to matters within the Task Force's mandate.
4. Take into account the work of the Federation of Law Societies of Canada, other law societies and legal professional organizations on the matters identified in the mandate.
5. Ensure the work of the Task Force provides for input and consultation with stakeholders, other professional organizations and experts as appropriate to ensure a broad engagement on the matters identified in the mandate.

Staff Support

Chief Legal Officer
Director, Policy & Strategic Initiatives
Policy & Planning Staff