



Discipline Committee

Terms of Reference

Updated: June 2025

Mandate

The Discipline Committee reviews and assesses complaints regarding alleged misconduct by and incompetence of lawyers, former lawyers, visiting lawyers, articulated students and practitioners of foreign law and determines the appropriate disposition of complaints. The Committee also approves or rejects proposed conditional admissions under Law Society Rule 4-29 and determines various applications made under the Law Society Rules. The Committee does not make policy.

Composition

1. Under Rule 1-49, the President may appoint any person as a member of the Discipline Committee and may terminate the appointment.
2. Under Rule 4-2, the President must appoint a Discipline Committee, including a chair and vice-chair, both of whom must be Benchers.
3. The Committee generally consists of four or more lawyer Benchers, one or more Appointed Benchers, and one or more non-Bencher lawyers.

Meeting Practices

1. The Committee operates in a manner that is consistent with the Benchers' governance policies.
2. The Committee usually meets nine times per year.
3. The *Conduct Assessment and Disposition Guidelines* guide the Committee in the evaluation and disposition of complaints.
4. Approximately two weeks before the meeting, the agenda and supporting materials are uploaded for Committee members on the Law Society Member Portal. For each complaint referred to the Committee, the investigating lawyer prepares an opinion which sets out material facts, legal analysis and recommendation as to the appropriate disciplinary outcome. The investigating lawyer attends the meeting to present the opinion and answer the Committee's questions.
5. The Committee discusses the opinion and a Committee member makes a motion, which is seconded by another member. The Committee discusses the motion and then votes on the proposed disciplinary outcome. A motion passes if a majority of Committee members present, providing they constitute a quorum, vote in favour [Rule 1-18(3)].

6. If 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 (Rules 4-3(2) and 4-5(1)).
7. Quorum consists of at least half of the members of the Committee (Rule 1-17(1)).

Accountability

The Committee is generally accountable to the Benchers. However, the deliberations of the Committee are confidential. In accordance with Rule 4-8, Committee members are not permitted to discuss agenda items with, or disclose the agenda materials to, anyone other than members of the Committee and staff attendees to Committee meetings.

Duties and Responsibilities

The Committee must consider any complaint referred to it under the Rules and may instruct the Executive Director to make or authorize further investigation that the Committee considers desirable (Rule 4-3(1)).

In accordance with Rule 4-4(1), the Committee must:

1. Decide to take no further action;
2. Send a letter to the lawyer concerning the lawyer's conduct;
3. Require the lawyer to attend a conduct meeting with one or more Benchers or lawyers to discuss the lawyer's conduct;
4. Require the lawyer to appear at a conduct review with a subcommittee; or
5. Authorize the issuance of a citation, which results in a disciplinary hearing before a hearing panel.

The Committee may also:

1. Refer any matter or any lawyer to the Practice Standards Committee (Rule 4-4(2));
2. Consent to the delivery to a law enforcement agency of information (except for information subject to solicitor and client privilege or confidentiality) that the Committee reasonably believes may be evidence of an offence (Rules 3-3(5), 3-46(5)(c) and 4-8(5));
3. Grant or deny a request by a lawyer that an investigation into their conduct be held in abeyance (Abeyance Policy);
4. Make recommendations to the Credentials Committee to inquire into a lawyer's suitability to act as a principal (Rule 2-57(4)), or receive continuing professional development credit as a mentor (Rule 3-30(3));

5. Refer a matter to the Benchers for summary action where a member has been convicted of an indictable offence (Rule 4-52);
6. Initiate an application for interim suspension or practice conditions (Rule 3-10) or medical examination (Rule 3-11) in circumstances where extraordinary action may be required to protect the public;
7. Authorize the rescission of a citation under Rule 4-17(3);
8. Approve or reject a conditional admission and proposed disciplinary action (Rule 4-29);
9. Suspend or impose conditions and limitations on the practice of a lawyer that the Committee considers does not meet the standard of financial responsibility (LPA, section 32 and Rule 3-52(4));
10. Initiate a review of a facts and determination decision or a disciplinary action decision (LPA, section 47 and Rule 5-19 (4));
11. Initiate an appeal under section 48 of a decision of a panel or review board in a discipline hearing (LPA, section 48 and Rule 5-29(1)).

The Rules authorize the chair of the Discipline Committee to carry out certain functions set out in Part 4 of the Rules. These functions include:

1. Delay the deadline on which suspension will take effect if a lawyer fails to produce records on complaint investigation (Rule 3-6(2)), or on a compliance audit (Rule 3-86(2)), or if a lawyer fails to file a trust report (Rule 3-81(3));
2. Approve consent agreements negotiated pursuant to Rule 3-7.1;
3. Adjudicate disputes of administrative penalties issued by the Executive Director pursuant to Rule 4-60;
4. Appoint the members of a subcommittee for conduct reviews pursuant to Rule 4-11;
5. Extend the time to issue and serve a Citation under Rule 4-19(b);
6. Waive the requirement that a conditional admission pursuant to Rule 4-29 be made at least 14 days prior to the hearing date;
7. Order an investigation of the books, records and accounts of a lawyer or former lawyer pursuant to Rule 4-55, where they believe the lawyer may have committed a discipline violation (a forensic investigation)

STAFF SUPPORT

Chief Legal Officer and Committee Liaison

Director, Investigations, Monitoring & Enforcement

Director, Intake & Early Resolution and Practice Standards

Director, Discipline