



NOVA SCOTIA
BARRISTERS' SOCIETY

Guide for New Lawyers

A membership primer for the
Nova Scotia Barristers' Society

February 2019

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Introduction

Welcome to the Nova Scotia Bar!

You are now a member of an independent profession consisting of approximately 2,000 practising lawyers provincewide.

The “Nova Scotia Bar” was established in December 1749, shortly after the founding of Halifax. It grew slowly, with a significant influx of refugee Loyalist lawyers who moved here during and after the American War of Independence. Since the late 19th century, the Nova Scotia Barristers’ Society has regulated the provincial legal profession in the public interest by ensuring that lawyers are competent and ethical, and that they practise law in accordance with Society standards.

MEMBERSHIP CARD

Your member card confirms your practising status. You can print a copy by logging into the member portion of the Society’s website. Your username and password for this portion of the website can be found in your ruling letter or if you are a transfer, in your welcome letter. These are the steps for printing your membership card:

1. Click “[Member Login](#)” at the bottom of the homepage.
2. Click “Log On” on the top right hand of the page.
3. Enter your username and password (note: if you forget either, you will see further instructions to follow).
4. Click on “Member Card” in the red banner.
5. Click the “Here” link at the end of the text.
6. Select whether you wish to Open or Save the file.
7. Once the file is opened select Print.

KEEPING INFORMED

The law is always changing and it is important as lawyers to stay on top of those changes and how they may affect your practice. The Society has a number of ways in which it shares information with lawyers in Nova Scotia.

The Society’s website: nsbs.org

The [Society’s website](#) contains many resources for lawyers, some of which are discussed in more detail in this Guide. Take some time to become familiar with what it offers.

InForum

InForum is the Society’s email newsletter, also [available on its website](#). It includes important Society news, information on upcoming professional development offerings, notices from government departments and the Courts, and more.

Social media

The Society holds a number of social media accounts that are updated regularly:

- Twitter – [@NSBS](#)
- LinkedIn – [NS Barristers’ Society](#)
- Facebook – [NSBarristers](#)

- YouTube – [NS BarristersSociety](#)
- Tumblr – [#TalkJustice](#) (talkjustice.ca)
- Instagram – [talkjustice_ns](#)

LIBRARY SERVICES

The Barristers' Library is located at The Law Courts, seventh floor, 1815 Upper Water Street, Halifax. All Society members – with a focus on practising lawyers and articled clerks – may contact the Barristers' Library for assistance with the following:

- identifying relevant materials to help answer an information need;
- troubleshooting difficulties with online information sources;
- determining if material in the Halifax Barristers' Library is available for loan;
- borrowing circulating materials;
- accessing materials from another library through interlibrary loan;
- carrying out a legislative history; and
- obtaining a copy of a case, statute or article not directly available to the lawyer.

Library staff curate web collections, including eBook collections available to Society members via the online [Lawyers' Reading Room](#), full-text articles available via the [Barristers' Library Discovery Catalogue](#) and a wide variety of resources compiled in the [Equity Portal](#).

For further information, see [Library Services](#) or contact the library at nsbslib@nsbs.org or call 902 425 2665 or toll free at 1 866 219 1202.

Membership changes

MEMBERSHIP CATEGORIES

Practising

A lawyer holding practising status is permitted to carry on the practice of law (as defined by Section 16 of the [Legal Profession Act](#)) in Nova Scotia.

Non-practising

A lawyer holding non-practising status is not entitled to practise law in Nova Scotia.

Retired

A member of the Society who no longer earns employment income from the practice of law and is not entitled to practise.

Life Member

A lawyer who has been a member of the Society for at least 50 years, is no longer engaged in the practice of law and is exempt from paying fees.

Resigned

A lawyer who is no longer a member of the Society. Resignation from the Society must be approved by Council.

Application to change membership category

A change of your member category is described as either a change up or a change down. A change down is a change of membership category from practising to non-practising, retired, life or resigned. A change up is a change of membership category from non-practising, retired or life member to practising. In order to change your membership category, you will need to submit the applicable [fee](#) and the required [application form](#).

Notary public

Included in your package for the Call to the Bar was an application to become a [notary public](#). These applications are forwarded to the Department of Justice for processing once the call to the Bar is complete. You should expect to receive your Notary scroll five to six weeks after your Call at minimum. **You are not permitted to sign as a Notary until you have received your scroll.**

Stamps and seals

The Society does not provide stamps or seals. These can be purchased from many business supply companies.

Changing employers or contact information

To ensure the Society can communicate with you, it is important that we have up-to-date information in our database. If your contact information or employer changes, please be sure to complete the [Change of Address](#) form and submit it to the [Manager, Technology & Systems](#).

REQUIREMENTS WHEN CHANGING EMPLOYERS

Besides notifying the Society of your change of employment, you will also need to look at notifying clients, possible conflicts of interest at your new firm and transferring files and trust funds. The LIANS website contains a [checklist for departing lawyers](#) as well as [letters and other resources](#) to assist with the change.

CHANGE OF NAME

If you change your name, you will need to notify the [Manager, Technology & Systems](#). You will need to provide the following:

1. The reason for the name change; and
2. An affidavit from a lawyer confirming the name change and verifying your signature using your new name.

Annual obligations

ANNUAL LAWYER REPORT (ALR)

Each year in May, you will receive an email requesting you complete your Annual Lawyer Report. This report allows the Society to confirm your address, telephone number and email address. It also provides the Society with information about your employment arrangements, language proficiencies, financial transactions you have conducted, continuing professional development activities and the areas of law in which you practise. The information collected assists the Society in identifying practitioners in given areas and specifically directing to them information relevant to their practice.

TRUST ACCOUNTS

Trust accounts are governed by Part 10 of the *Legal Profession Act*. Should you wish to open your own trust account, you will need to complete the trust account assessment. You may also wish to take the assessment if you are a signatory on a trust account. The trust account assessment package can be obtained by contacting [Trust Assurance](#).

The trust account assessment consists of a number of multiple choice questions and a simulated exercise in which you must complete actual trust accounting steps and identify any contraventions of the Regulations. In addition to passing the assessment, you will need to provide:

1. [Lawyer Certificate](#); and
2. [Accountant Certificate](#).

Six months after you open your trust account, an education audit will be conducted. The audit will review your trust accounting processes and, if necessary, provide you with advice on how to improve.

For more information about trust accounts, see: [FAQs: Trust Account Regulations](#)

NOTE: *Once you are authorized to open a trust account, you must advise the [Trust Assurance](#) of any general trust account you open and provide updated information regarding any changes in signatories.*

Trust account report

If you have held funds or property in trust during the 12 months prior to the end of your fiscal year, it will be necessary for you to complete an annual trust account report within one month after your year end. As the regulations prescribe that a lawyer's year end must be December 31 unless otherwise authorized by the Executive Director, most lawyers will be required to submit their trust account report no later than January 31.

In addition to the trust account report, you must also submit an accountant's report. This report must be filed within three months of your year end.

Working copies of both reports can be found on the Society's website:

- [Trust Account Report](#)
- [Accountant's Report](#)

Annual Firm Report

The annual firm report is completed by any association, corporation, partnership, proprietorship or individual that practises law. This would include sole proprietors, non-profits, federal and provincial Departments of Justice, and corporate legal departments. This report confirms the firm's fiscal year end, trust account year end, and contacts to ensure the Society's database contains up-to-date information about the firm.

FEES

The annual fees include:

1. Annual fee (practising, non-practising, retired); and
2. Association fee (insurance).

Invoices for annual fees are sent out to lawyers in early May and fees are payable by June 30, unless arrangements are made to pay the annual fees by preauthorized monthly payment. The fees charged each year are set by Council at their meeting in April. To view the current fees, see [Schedule A: Society Fees and Assessments](#).

Please ensure your employment information is up to date with the Society so your invoice is forwarded to the appropriate individual for payment.

NOTE: *The fees you submitted at the time of admission include practising fees to the end of the month in which you were called. You will receive an invoice for the balance of the Society's fiscal year at the same time you are invoiced for your call fees.*

PROFESSIONAL DEVELOPMENT

Lawyers are required to complete 12 hours of professional development annually and to create a professional development plan. The Society also recommends that lawyers engage in at least 50 hours of self-learning/self-study each year in addition to the mandatory professional development hours.

The Society's website provides multiple resources to assist you in creating your annual professional development plan:

- [FAQs: NSBS CPD Requirement](#)
- [CPD Plans: General Information](#)
- [Creating an annual CPD Plan](#)
- [Sample CPD Plan Questionnaire template](#)
- [CPD Plan questionnaire, templates and models](#)
- [CPD Plan template 2](#)
- [Assessing your CPD Plan](#)
- [Finding affordable and accessible CPD](#)
- [Form a CPD study group](#)
- [Other CPD Resources](#)

If you have questions about CPD, contact the Society by email at cpd@nsbs.org or call the NSBS CPD line at 902 422 1491 ext. 303.

ADDITIONAL REPORTING REQUIREMENTS

Regulation 4.2.8 requires a lawyer or a law corporation to immediately report to the Society any of the following:

1. Service of a Petition in Bankruptcy;
2. Assignment of property for the benefit of creditors, including an assignment in bankruptcy;
3. Presentation of a proposal in bankruptcy;
4. Notice of a judgment filed against the lawyer;
5. The lawyer is subject to an order for costs, personally;
6. The lawyer has been charged with, pleads guilty to or is found guilty of an offence under
 - a. *Criminal Code (Canada)*
 - b. *Controlled Drug and Substances Act (Canada)*
 - c. *Income Tax Act (Canada)*
 - d. *Customs and Excise Act (Canada)*
 - e. *Securities Act of any province of Canada*
7. The lawyer is suspended by the governing body of the legal professional in another jurisdiction;
8. The lawyer is charged with a discipline offence in another jurisdiction;
9. The lawyer is found guilty of a discipline offence in another jurisdiction.

Opening your own practice

Before opening your own practice, there are many things to consider and many decisions to be made. We suggest you complete the [New Practice Checklist](#) and [Self-assessment tool](#) as a means of preparing to open your practice. In addition, Society staff in the Education & Credentials department are happy to chat with you and assist as you prepare to open your practice.

Further resources for opening your own practice:

- [Steps to Opening a Practice in Nova Scotia](#); and
- [Opening a Law Office](#) on the LIANS website.

Many resources are also available through the Barristers' Library in Halifax. These include materials on solo/small firm [office management](#) and [lawyer and client relations](#), plus titles in the [Firm Founder's Reading List](#). Contact Society staff at the [Barristers' Library](#) for assistance.

LAW FIRM REGISTRATION

As of January 1, 2018, the Society's regulations requires that all new law firms in Nova Scotia must register before practising law and delivering legal services.

New Firm Registration requires that prior to delivering legal services, the firm's proposed Designated Lawyer – and other lawyers as appropriate – engage directly with Society staff about the nature of their practice, their business structure and management system, relevant practice standards, regulatory obligations (including trust accounting and client ID regulations, annual filing requirements, etc.) and more, depending on the unique requirements of the firm.

Further information on Law Firm Registration can be found at [New Law Firm Registration – what does it mean and why?](#) and the registration form can be found [here](#).

Insurance claims

The Lawyers' Insurance Association of Nova Scotia (LIANS) provides mandatory liability insurance and administers the insurance program for practising members of the Society. LIANS is administered by a Board of Directors.

LIANS is a member of the Canadian Lawyers' Insurance Association (CLIA), an insurance reciprocal that acts as the insurer for the program. CLIA provides liability insurance to the legal profession as well as a voluntary excess insurance program.

Lawyers are required to report a claim to your insurer as soon as practicable after learning of a claim or becoming aware of circumstances which might give rise to a claim, however unmeritorious. Once a claim is reported it will be assigned to LIANS claims counsel, who will contact the lawyer and address the claim.

For more information, see:

- [Process](#)
- [Key Contacts](#)
- [FAQs](#)
- [Claims Forms](#)

In addition, the [LIANS website](#) contains a number of [resources](#) to assist with [risk and practice management](#), as well as other topics and multiple [practice tools](#).

Professional Standards and MSELP

Lawyers are required to meet numerous standards in their practice. Some standards such as the [Code of Professional Conduct](#) must be met by all lawyers, while others are specific to a particular area of law. It is important that you are aware of the standards that apply to you and your area(s) of practice. These standards are always evolving so it is important to keep on top of amendments and additions.

In addition, all lawyers and law firms are required to have in place each of the elements of a Management System for Ethical Legal Practice (MSELP) that apply to their legal practice, and demonstrate that the lawyer or firm is engaged in and committed to the elements, as follows:

1. Maintaining appropriate file and records management systems;
2. Communicating in an effective, timely and civil manner;
3. Ensuring confidentiality;
4. Avoiding conflicts of interest;
5. Developing competent practices;
6. Ensuring effective management of the law firm and staff;
7. Charging appropriate fees and disbursements;
8. Sustaining effective and respectful relationships with clients, colleagues, courts, regulators and the community;
9. Working to improve diversity, inclusion and substantive equality; and
10. Working to improve the administration of justice and access to legal services.

All new solo and multi-lawyer law firms will work with Society staff to self-assess the strength and robustness of their MSELP, and to learn about the range of practice tools and resources available to them, prior to delivering legal services. In addition, all law firms will be invited periodically to self-assess their MSELP and identify ways to improve their practice infrastructure.

RESOURCES

- [Code of Professional Conduct](#)
- [Management Systems for Ethical Legal Practice](#) (MSELP)
- [Client ID Regulations](#)
- [Law Office Management Standards](#)
- [File/Record Retention](#)
- [Real Estate Standards](#)
- [Real Estate Resources](#)
- [Family Law Standards](#)
- [Family Law Resources](#)
- [Criminal Law Standards](#)

Mentoring and community

It is always helpful to have someone with whom you can discuss client files, the law or other work-related issues. This may be another lawyer in your firm, another lawyer who practises in the same area or another lawyer with a similar background. Whoever it may be, it is important to make connections early on with individuals and communities for you personally and for the benefit of your practice.

MENTORSHIP PROGRAMS

LIANS

Many organizations, including LIANS, now recognize that mentoring is key to maintaining and enhancing professionalism and lawyering skills. Mentoring can help improve relationships among lawyers, promote camaraderie and help address issues of stress and isolation faced by many lawyers. The mentor receives the satisfaction of helping someone grow and succeed in the practice of law, while the mentee benefits from the opportunity to receive regular encouragement and support, explore new ideas and alternatives, and develop new contacts and networking opportunities. In addition to the programs below, you can always contact the Society for assistance in building your support network.

For more information on LIANS' program, see [Mentorship Program](#).

Equity & Access Office

The Society offers the following mentorship programs through its Equity & Access Office:

- ***Legal Legacies & Bridges (LLB): African Canadian and Aboriginal Law Student Mentorship Program***
The Society offers this mentorship program in conjunction with the Indigenous Blacks and Mi'kmaq Initiative at Dalhousie University (IB&M)
[LLB Student Handbook](#) (pdf) | [LLB Mentor Handbook](#) (pdf) | [Mentoring Enrolment Form](#) (pdf)
- ***The Internationally Trained Lawyers (ITL) Observership Program***
The Society offers this observership program to give internationally trained lawyers an opportunity to connect with the local legal profession in order to learn about the practical and procedural aspects of practising law in Canada. The Society runs this program in collaboration with the Immigrant Services Association of Nova Scotia (ISANS) in Halifax.
[ITL Observership application package](#) (pdf) | [ITL agreement and confidentiality form](#) (pdf)
- ***Pride Mentorship Program***
This program for lesbian, gay, bisexual and transgendered lawyers is offered in collaboration with the CBA Sexual Orientation Gender Identity (SOGI) section. Its purpose is to provide a community of support for students and new lawyers entering the profession. LGBT lawyers face specific challenges and barriers, and this program provides a forum for discussion, strategy and support designed to improve the practice experience for this community of lawyers. Pride Mentorship [Enrolment Form](#) (pdf)

COMMUNITIES

Canadian Bar Association

The [Canadian Bar Association](#) (CBA) is the leader and voice of Canada's legal profession. An essential ally and advocate for members of the legal profession, it promotes fair justice systems, facilitate effective

law reform, upholds equality in the legal profession and is devoted to eliminating discrimination. It also provides training and information to members of the legal profession.

The [Nova Scotia Branch of the CBA](#) provides training and has many branch sections you can join to help locate mentors and build your legal network. The sections include:

- [Aboriginal Law](#)
- [Administrative Law](#)
- [Bankruptcy and Insolvency](#)
- [Business Law](#)
- [Canadian Corporate Counsel](#)
- [Charities and Not-for-Profit Law](#)
- [Citizenship & Immigration Law](#)
- [Civil Litigation and ADR](#)
- [Constitutional and Human Rights Law](#)
- [Construction Law](#)
- [Criminal Justice](#)
- [Elder Law](#)
- [Environmental, Energy and Resources Law](#)
- [Family Law](#)
- [General Practice, Solo & Small Firm](#)
- [Government & Public Sector Lawyers](#)
- [Health Law](#)
- [Insurance Law](#)
- [Intellectual Property](#)
- [Labour and Employment Law](#)
- [Law Students](#)
- [Military Law](#)
- [Municipal Law](#)
- [Privacy and Access Law](#)
- [Real Property](#)
- [Securities Law](#)
- [Sexual Orientation & Gender Identity](#)
- [Taxation Law](#)
- [Wills, Estates and Trusts](#)
- [Women's Forum](#)
- [Young Lawyers](#)

[CBA Connect](#) was developed for young lawyers and law students to help them connect with the people, events, knowledge, skills and tools they require to get the most out of their career.

Online forums

LIANS has established three [online forums](#):

1. **Small Talk**, for sole practitioners and small firm lawyers;
2. **The Family Room**, for family law lawyers; and
3. **Real Estate Assistants Forum**, for real estate assistants to connect and share information.

These forums are designed as an opportunity to connect, share collective professional knowledge and experience, and provide a sounding board but they are no substitute for professional judgment. In order to participate in the forums, you will need to arrange for a username and password by contacting LIANS at info@lians.ca.

Real Estate Lawyers Association of Nova Scotia

The [Real Estate Lawyers Association of Nova Scotia](#) (RELANS) is an association dedicated to elevating the practice of real property law by promoting continuing education of real estate lawyers and the public on real estate issues; recommending practice standards; and assisting practitioners in recognizing practice issues and avoiding pitfalls in real estate practice.

RELANS also liaises with other arms of the real estate industry including appraisers, surveyors, real

estate boards and mortgage lenders, with a view to furthering education in areas of mutual interest.

RELANS has created a ListServ for the purpose of facilitating communication to and among members. The ListServ exists so RELANS members can share information and ideas germane to real property law practice in Nova Scotia. It is an excellent opportunity to share experiences, exchange information or simply to broadcast a message to the complete RELANS membership.

It is necessary to become a RELANS member to access its resources and the ListServ. For more information on becoming a member, see the [RELANS website](#).

Atlantic Provinces Trial Lawyers Association

The [Atlantic Provinces Trial Lawyers Association](#) (APTLA) is a network of trial lawyers who share their knowledge and experience. APTLA was formed with three fundamental purposes:

- to form a network of like-thinking trial lawyers who would share among its members their wealth of knowledge and experiences;
- to work to preserve innocent victims' rights to tort recovery, to directly oppose tort recovery restrictions and work to correct the erosion of rights around the region; and,
- to establish first class skill-sharpening legal education programs that are inspirational, highly relevant, and impart to plaintiff trial lawyers skills and information directly related to their practices.

The association includes an active Young Lawyers Section that supports law students, articled clerks and lawyers in their first four years of practice. It holds a number of conferences and webinars. As a member, you are also able to access resources through the member sign in portion of its website.

If you are interested in joining the association, the [application form](#) can be found on its website.

The Advocates' Society

The [Advocates' Society](#) promotes effective advocacy through education, connections with colleagues and volunteer involvement of its members. It also produces a number of publications: [The Advocates' Journal](#), [SCAP Chat](#), [Advocacy Matters](#) and [Keeping Tabs](#).

The Advocates' Society mission states:

- We are the authoritative voice of advocates within the justice system
- We attract members who are or aspire to be part of a community of best advocates
- We are committed to being an organization that is diverse and inclusive
- We are an organization that is committed to providing members of all levels of experience with opportunities for mentoring, networking and collegiality, including special opportunities for young advocates
- We provide a dynamic platform for the discussion and exchange of ideas among members across regional boundaries

- We focus on performance-based skills training and signature advocacy-education programs
- We are committed to giving back to the community, including through pro bono services
- We are committed to open, transparent, accountable and financially prudent governance of the Society which supports the achievement of our vision

Membership in the Advocates' Society provides reduced professional development costs, network building and a subscription to *The Advocates' Journal*. If you are interested in becoming a member, additional information is available on the [website](#).

Association of French-Speaking Lawyers of Nova Scotia

The [Association des juristes d'expression française de la Nouvelle-Écosse](#) (AJEFNE) is a non-profit organization whose mission is to refer, guide and offer the necessary tools to the Acadian and francophone population, lawyers and its members and its partners in order to facilitate and improve access to legal services in French.

AJEFNE has an [Accès Justice Access](#) centre, which offers confidential consultations with bilingual lawyers on site or by telephone. Its website also offers members of the public the opportunity to search for lawyers in their area and resources such as workshop materials, a newsletter, and summaries of cases. You can join AJEFNE by completing the form on its [website](#).

Nova Scotia Lawyers Assistance Program

The Nova Scotia Lawyers Assistance Program (NSLAP) is a 24/7 confidential referral and short-term counselling service for members of the legal profession, their staff and family members who may have health or personal concerns.

Resources are available for a full range of personal, family or life events and issues.

NSLAP also includes wellness programs online, to help you develop your Personal Wellness Plan, with a variety of e-courses and other tools designed to help you take charge of your health and well-being.

Check out all the available resources by entering the Homewood Health portion of the NSLAP [website](#). You will need to create an account to log into these services.

www.nslap.ca

1 866 299 1299

Land Registration

In order to practise within the Land Registration system, it is necessary to become LRA (*Land Registration Act*) certified. The qualification assessment for certification is offered by the Society via the Canadian Centre for Professional Legal Education (CPLED) platform multiple times throughout the year. To participate in the assessment, register online or contact the Society.

For more information see:

- [Online LRA Qualification Assessment](#)
- [LRA Resources](#)
- [Policy regarding the LRA qualification assessment](#)

NSBS Governance

Lawyers in Nova Scotia are among the fortunate professions that are able to be self governing. To carry out this type of regulation, it is necessary to have members volunteer their time to serve on Council and its committees.

COUNCIL

The Council of the Society is responsible for governance and regulation of the legal profession in the public interest. The *Legal Profession Act* authorizes Council to enact regulations and establish the structures for the Society and its authority to admit members to the Bar and to discipline them.

Council includes 21 members, including the three Officers, 13 elected lawyers and five Public Representatives.

- [Meeting dates – current year](#)
- [Council Materials](#) (agendas and meeting documents)

COMMITTEES

Council and the Executive Director appoint committees. The Officers of the Society as well as one other member of Council constitute the Executive Committee, which has governance responsibilities between meetings of Council. The President is an *ex officio* member of all Society committees, task forces and working groups, with the exception of the Hearing Committee and the Complaints Review Committee.

Through its external liaison committees, the Society consults regularly with the provincial government and all levels of the Courts of Nova Scotia. Council appoints committees, task forces and working groups to address its governance responsibilities; the Executive Director appoints the liaison and other operational committees to assist in the work that has been assigned to the Executive Director.

[Current Committees list](#) (pdf)

[Committee Terms of Reference](#) (pdf)

Regulatory Committees

[Complaints Investigation Committee](#)

[Complaints Review Committee](#)

[Credentials Committee](#)

[Fitness to Practise Committee](#)

[Hearing Committee](#)

Council Committees

[Code of Professional Conduct Committee](#)

[Distinguished Service Award Committee](#)

[Executive Committee](#)

[Finance Committee](#)

[Gender Equity Committee](#)

[Governance and Nominating Committee](#)

[Lawyers' Fund for Client Compensation](#)

Committee

[Professional Responsibility Policies &](#)

[Procedures Committee](#)

[Professional Standards \(Criminal\) Committee](#)

[Professional Standards \(Family\) Committee](#)

[Professional Standards \(Law Office](#)

[Management\) Committee](#)

[Professional Standards \(Real Estate\) Committee](#)

[Racial Equity Committee](#)

Legal Services Regulation Working Groups

[Legal Services Regulation In-house and](#)

[Government Lawyers Working Group](#)

[Legal Services Regulation Solo & Small Firm](#)

[Working Group](#)

Liaison Committees

[Court of Appeal Liaison Committee](#)

[Family Court Liaison Committee](#)

[Provincial Court Liaison Committee](#)

[Service Nova Scotia Liaison Committee](#)

[Supreme Court Liaison Committee](#)

[Supreme Court Liaison Committee \(Family\)](#)

Operational Committees

Bar Examination Screeners

Civil Procedure Rules Committee

Ethics Advisory Committee

Land Registration Act Management Committee

Real Estate Practice Working Group

Succession Planning Task Force

Complaints

It is unlikely that you will conclude your time in the legal profession without having to address a complaint. The most common complaints relate to quality of service and particularly communications between lawyers and their clients. Obviously, the best way to minimize complaints is to carefully manage client expectations and have a clear communications policy. Also, a well documented file means you are able to show how you interacted with your client.

All complaints must be addressed by the Society within its regulatory framework. Within that framework, the Society uses a variety of tools and resources to resolve complaints in a manner that is best for all involved. There is flexibility to develop innovative solutions that can be tailored to fit the specific issue being addressed.

THE COMPLAINTS RESOLUTION PROCESS

[Appendix A](#) is a simplified flowchart of the complaints resolution process. As previously stated, the Society must address complaints within the regulatory regime, however this process does provide some flexibility. To learn more about the complaints process, see [The Complaints Resolution and Investigation Process: A Lawyer's Guide](#).

HANDLING A COMPLAINT

The first thing to remember when the Society contacts you about a complaint: it is looking to hear your side. A determination of whether the complaint merits further investigation can only be made, in most cases, once Professional Responsibility has heard from both sides. You should respond to the request in the time provided or contact Professional Responsibility to request additional time, if needed. Not only do the regulations require that you cooperate with the Society but doing so will make the process run more smoothly. A well-documented client file can greatly assist you in responding to complaints.

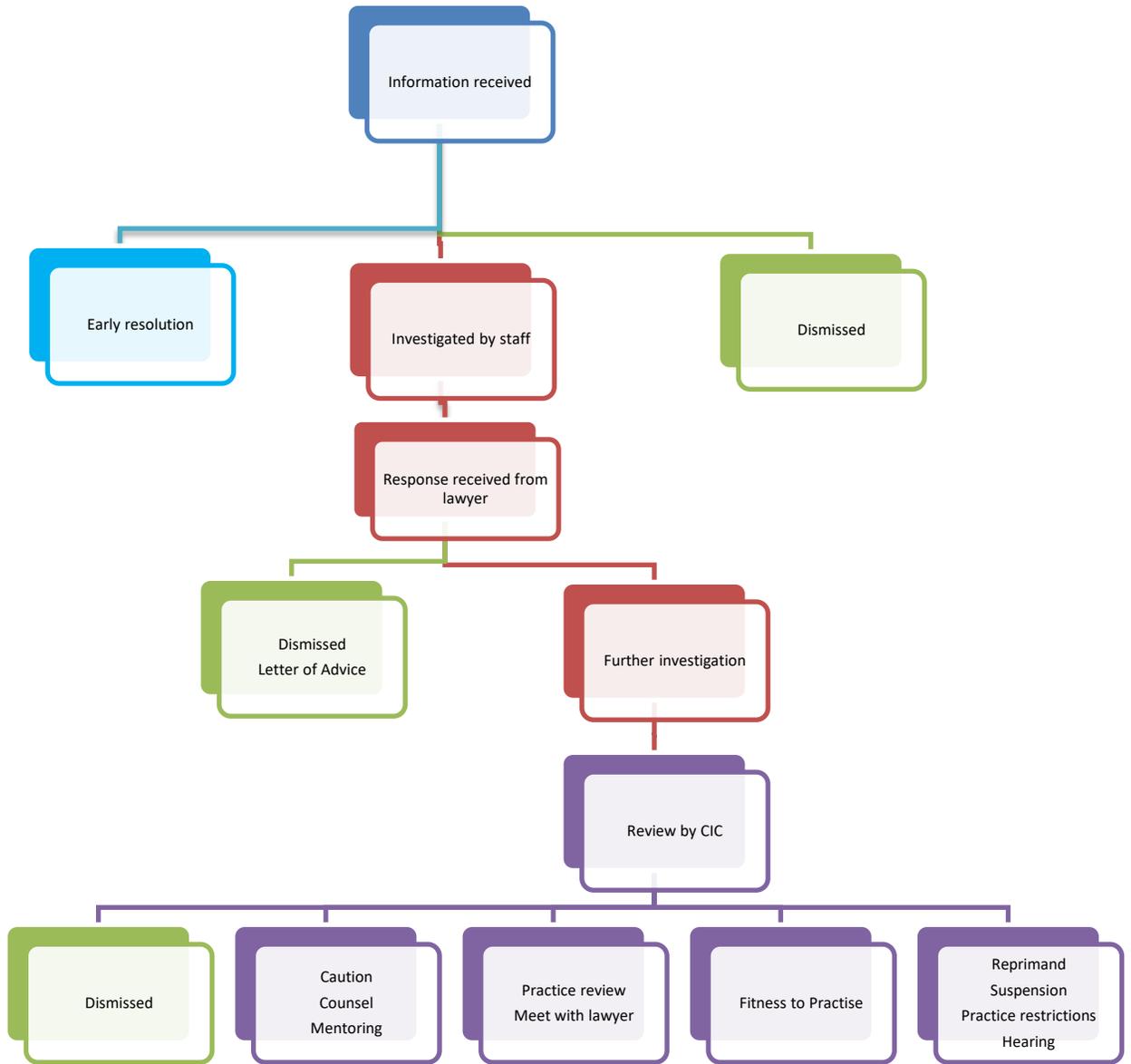
DISCIPLINE RECORD

Information regarding suspensions, reprimands and discipline hearings can be found in the Discipline section of a lawyer's information when a [lawyer search](#) is conducted on the Society's website. This information is available to the public.

RESOURCES

- [Complaint Process](#)
- [Fitness to Practise Program](#)
- [Pro Bono or reduced fee services for members under investigation](#)
- [Guidelines respecting Lawyers' Voluntary or Involuntary Cessation of Practise](#)

APPENDIX A – FLOWCHART OF THE COMPLAINTS PROCESS



Matters may be referred to Fitness to Practise or for a practice review at any stage.