



NOVA SCOTIA
BARRISTERS' SOCIETY

Information Sheet

Requests for Review of Complaint Dismissals

This Information Sheet is used to answer some of the common questions about the process for requesting a review of a decision by the Director of Professional Responsibility to dismiss a complaint.

Please read this Information Sheet prior to submitting your Request for Review Form.

What is a Request for Review?

The Nova Scotia Barristers' Society receives many expressions of concern about lawyer conduct each year. Sometimes these complaints deal with concerns about things we have no authority to help with, such as the outcome of a court process, or challenges to the amount of a lawyer's legal fees. Other times, the concerns do not amount to a violation of a lawyer's ethical duties, such as when the person making the complaint was not a client of the lawyer and is unhappy with the way the lawyer is representing another party.

Where appropriate, we try to work with those expressing concern and the lawyers who are the subject of the concerns, to resolve as many of these problems as we can informally. But in some cases like those described above, after reviewing the complaint the Director of Professional Responsibility, on behalf of the Executive Director, will write a letter to the complainant explaining why such a complaint has been dismissed and giving reasons why. This is called a dismissal letter.

If you believe that the reasons for the complaint dismissal were not correct, you can file a Request for Review of the decision to dismiss your complaint. These Requests are reviewed by an independent committee of lawyer and public representative volunteers called the Complaints Review Committee. It is understandable that you may disagree with a decision to dismiss your complaint, but this is not a sufficient basis to ask that the decision be reviewed.

Who is on the Complaints Review Committee?

The Complaints Review Committee is made up of five members: four lawyers appointed by the Society's Council and one public representative (who is not a lawyer). Your complaint will be reviewed by at least three of these Committee members.

What is the purpose of the Complaints Review Committee?

The purpose of the Committee's consideration of your Request for Review is to review the Director's decision to dismiss your complaint. The process is designed to ensure that the review process is transparent, objective and fair.

What does the Complaints Review Committee do with my Request to Review Form?

The Complaints Review Committee reviews the Director's decision to dismiss your complaint.

The review process is transparent, objective and fair: the lawyers and public representative who make the decision do not work for the Society and do not take direction from the Society.

What does the Committee have authority to do?

The Committee can either:

- confirm that the decision to dismiss your complaint was correct; or
- refer your complaint back to the Director with direction to either begin or complete an investigation of your complaint.

What does the Committee not have authority to do?

The Committee **cannot**:

- conduct a further investigation of your complaint;
- review new complaints they receive from you;
- review any new materials submitted with your Request for Review Form; any additional materials will be returned to you without being reviewed; or
- make a finding of professional misconduct or incompetence on the part of any lawyer or authorize any sanction against a lawyer.

How can I request a review?

Please fill out the enclosed Complaints Review Committee **Request for Review Form** indicating your reasons for review.

You may send your completed Request for Review Form to the Complaints Review Committee to the address below:

Chair, Complaints Review Committee
PO Box 34082
Scotia Square RPO
Halifax, NS B3J 3S1

Is there a deadline for application for review and are there exceptions to this deadline?

Yes. To initiate a review, you must apply to the Complaints Review Committee within 30 business days after the decision to dismiss is communicated to you.

The Chair of the Committee has the authority to grant time extensions where there are reasonable grounds to do so. Your reasons for missing the 30-day deadline should be provided to the Chair of the Committee so that the Chair can consider your request and decide whether to grant you a time extension.

Will my Request for Review be disclosed to the lawyer?

Yes. Your request for review will be disclosed to the lawyer you have complained about, and to the members of the Complaints Review Committee.

What other information do I need to send in?

The only thing you need to send in is the Request for Review form. You **must not** send any additional information. Any additional information you send will not be reviewed and will be sent back to you.

How long until my complaint is reviewed?

Reviews are scheduled on a first-come, first-served basis, not a priority sequence. The Committee tries to complete all reviews within 30 days of receiving the review request, depending on the volume of such requests.

Can I attend the Committee's meeting when my Request for Review is considered?

No. This is not a hearing. Neither the lawyer nor the complainant can attend this meeting, nor can you make statements in person to the Committee.

When will I hear about the outcome of my Request for Review?

The Committee will mail a copy of its written decision including reasons to you. In most cases, you should receive that letter within two to four weeks of completion of the review. The Committee's written decision will be sent to both you and the lawyer who is the subject of your complaint.

What happens if my complaint is sent back for investigation?

If the Committee decides to refer your complaint back to the Director to begin or complete an investigation, you and the lawyer will receive a letter telling you this. The Professional Responsibility department will then write to you to explain the next steps, and will let you know the status of its investigation as it proceeds.

You may be contacted for more information, or to respond to further information and response from the lawyer. At the end of the investigation, a report will be provided to the Complaints Investigation Committee, which will make a decision. It may dismiss your complaint, attempt to resolve it, issue the lawyer a counsel or caution, or take other action in the public interest.

You will be informed of the Committee's decision by letter from the Chair. This process can take some months to complete.



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Request for Review Complaints Review Committee

Before completing the Complaints Review Committee Request Form, please make sure you read the attached *Complaints Review Committee Information Sheet*. If you are requesting a review about more than one file, a separate request is required for each one.

DO NOT SEND ANY ADDITIONAL INFORMATION OR MATERIALS WITH THIS FORM.

ANY ADDITIONAL INFORMATION YOU SEND WILL NOT BE REVIEWED AND WILL BE SENT BACK TO YOU.

PART A: Information – About you		
Preferred salutation		
Given name(s)		Surname
Street		City
Province/State	Country	Postal/ZIP code
Telephone (home)		(cell)
Email		
Complaints File number (required); e.g., C-XXXX		
PART B: Reason for request		
What does your request primarily concern?		
The investigator misunderstood the facts in my complaint		
The investigator was incorrect in the analysis of my complaint		
(Please specify in Part C below)		
PART C: Details of your request (required)		
In the details of your request, please be factual and concise.		

PART D: Acknowledgment and signature

I have read the Complaints Review Committee Information Sheet and I understand the following:

- The Nova Scotia Barristers' Society will share my Request for Review Form with the lawyer who is the subject of my complaint, and all of the information and copies of documents that it receives from me and any other person from whom information is obtained during the investigation of my complaint.
- The Nova Scotia Barristers' Society may at its discretion talk to any third parties who may have information relevant to its investigation of my complaint.
- I am not entitled to and will not send in any other information or materials other than the information provided in my Request for Review Form, unless asked to do so by the Professional Responsibility department.
- Under Section 77A of the *Legal Profession Act*, all documents I received in relation to the complaint I filed, including the lawyer's response(s), cannot be used as evidence in any other proceedings without the consent of the lawyer or the Society, unless a Committee of the Society authorizes the Executive Director to disclose materials or information from my complaint.

Date

Signature