



NOVA SCOTIA
BARRISTERS' SOCIETY

COMPLAINT FORM IMPORTANT INFORMATION

The Nova Scotia Barristers' Society's Department of Professional Responsibility investigates complaints of conduct unbecoming a lawyer, professional incompetence, incapacity or professional misconduct with respect to a lawyer's practice of law.

The Professional Responsibility Department is focused on protection of the public, and excellence in regulation. Our role is to enhance the competence of members and assist them in adhering to the rules of professional conduct. A foundational principle for this department is to identify opportunities to educate, assist, monitor and guide members where problems have been found or reported, and to only use disciplinary measures where required in the public interest.

Please note that we cannot provide legal advice, change a court decision, or adjust the amount of fees your lawyer has charged you.

Below are examples of matters that fall outside of our mandate:

1. Other Jurisdictions

The Nova Scotia Barristers' Society only has jurisdiction over Nova Scotia lawyers. If your information is regarding a lawyer in another province or territory, please contact the Law Society in that jurisdiction.

2. Fee Disputes

We cannot assist with disputes about your lawyer's fees. If you feel that your lawyer's fees are too high or incorrect request an itemized account from your lawyer. If you cannot resolve this with your lawyer, you can ask the Small Claims Court to review it. The Small Claims Court has the authority to reduce the account in appropriate circumstances. You can find out more about the Small Claims Court here:

[\[http://courts.ns.ca/small_claims_court/nsscc_home.htm\]](http://courts.ns.ca/small_claims_court/nsscc_home.htm)

3. Financial Compensation

The Nova Scotia Barristers' Society does not have jurisdiction to pay compensation or provide reimbursement. Professional negligence is generally not considered a complaint that the Society would investigate. If you believe that your lawyer was negligent in their representation of you and that you suffered a loss as a result, you may want to contact the Lawyers' Insurance Association of Nova Scotia (LIANS).

The Nova Scotia Barristers' Society generally cannot provide compensation to complainants. However, if you gave the lawyer a retainer or they are holding money for you in trust and you believe that they have taken that money when they were not entitled to do so, please see the information regarding our Lawyers' Fund for Client Compensation.

4. Current Court Matters

Matters involving Court proceedings are regulated by the Civil Procedure Rules and the general practice of the Court. In most cases, the Court decides on the conduct of Court proceedings. The Nova Scotia Barristers' Society's process is not an alternative way to resolve a legal dispute you may have with someone else.

The Nova Scotia Barristers' Society will not get involved in any related legal disputes and cannot provide you with legal advice or opinion. The Nova Scotia Barristers' Society cannot compel a lawyer to withdraw from a file.

Zero Tolerance Harassment Prevention Policy ***Help us maintain a safe and respectful workplace***

We listen to you and conduct ourselves in a respectful, professional manner. In return, we expect and depend on your cooperation.

In an effort to ensure a safe and respectful workplace, the Society will not accept abusive behaviour or communications toward our staff. This includes:

- demeaning or harassing comments;
- racist, discriminatory or obscene statements;
- sexual harassment; and
- intimidation, shouting and threats.

Our staff reserves the right to restrict communication with you if engage in any of these behaviours.

Thank you for helping us maintain a safe and respectful workplace.

By filing a complaint against your lawyer, you are waiving your lawyer's duty to keep information about you confidential from the Nova Scotia Barristers' Society. You also consent to our contacting your lawyer, if necessary, for information in relation to this complaint. Once we have completed our initial evaluation of your complaint, we will decide whether or not to conduct an investigation.

Instructions

- Please answer as much of this form as you can.
- Be factual. Give a description of what has taken place. Include relevant details as to time, place, etc. If you like, use point form.
- Also provide copies of any relevant materials that support your complaint.

Send the form to:

Email: complaints@nsbs.org

Or Mail: Director of Professional Responsibility
Cogswell Tower
800–2000 Barrington Street
Halifax, NS B3J 3K1

COMPLAINT FORM

1. Information about you

Please ensure that your contact information is complete so that we are able to communicate with you.

- a. Name:
 - Preferred prefix:
 - Preferred pronoun:
 - Mailing address:
 - Telephone:
 - Alternative telephone:
 - Email:

Optional: Do you self-identify as a member of an equity seeking community?
If yes, please indicate the community(s):

- b. Have you previously contacted the Society to discuss your concerns about the lawyer?

If yes, when?

If yes, what was the outcome?

2. Information about the lawyer you have concerns about

(a) Name of lawyer:

Name of Law firm:

(b) What is your relationship to the lawyer?

- current client
- opposing party
- opposing lawyer

- former client
- employed by lawyer
- Other (be specific):

(c) If you are concerned about your own lawyer:

When did you hire the lawyer:

Did the lawyer quit representing you or did you fire the lawyer?

When?

What was the lawyer retained to do for you?

(d) Is the matter completed?

(e) If the lawyer did not/does not represent you:

Who did/does the lawyer represent?

What is your relationship to that person?

What is your involvement in this matter?

Do you have your own lawyer:

If yes, who is your lawyer:

If you have your own lawyer, have you discussed your concerns with your lawyer?

NOTE: If you are complaining about someone else's lawyer, please be advised that this complaint may be discussed with your lawyer before we proceed. The Society urges you to discuss your concerns with your own lawyer before you submit this form.

3. Information about your concerns

(a) Which area of the law is your matter regarding?

- | | |
|---|---|
| <input type="checkbox"/> Real estate | <input type="checkbox"/> Personal injury |
| <input type="checkbox"/> Wills/estates | <input type="checkbox"/> Criminal |
| <input type="checkbox"/> Family | <input type="checkbox"/> Corporate/commercial |
| <input type="checkbox"/> Immigration | <input type="checkbox"/> Aboriginal |
| <input type="checkbox"/> Employment | <input type="checkbox"/> Civil litigation |
| <input type="checkbox"/> Administrative (ex human rights/WCB) | <input type="checkbox"/> Other (be specific) |
-

(b) If you indicated that this is a wills/estate matter:

- a. Whose estate is it?

- b. Are you the estate's executor or administrator?

- c. If not, who is the estate's executor or administrator?

- d. Are you a beneficiary of the estate?

(c) If your complaint involves a matter before the Courts, please provide, if possible the following information:

- a. The name of the court (ie Small Claims, Family, Supreme):

- b. The court file number:

- c. The date(s) of the previous, current, or future court appearances:

(d) Have you tried to discuss this complaint with the lawyer?

(e) What efforts have you made to resolve your concerns?

4. Details of Complaint:

On this and/or additional sheets of paper, please describe your specific complaint(s) about the lawyer's conduct and provide sufficient information and evidence to fully explain the nature of your concerns.

5. What do you hope to accomplish by submitting this complaint (apology from lawyer, assistance with resolution, etc)?

6. Evidence/documents that are attached to your complaint (please do not include original documents):

Please note that the Barristers' Society may decide that it is appropriate to try and resolve this matter informally based on the information provided. (eg. through mediation, request for law firm action, etc.) You should also be aware that a copy of this form (and any attachments) will usually be sent to the lawyer about whom you are complaining.

7. Acknowledgement and Signature

I have read and I understand the following:

- The Nova Scotia Barristers' Society will share some or all of the information and copies of documents that it receives from me and any other person with the lawyer complained about;
- The Nova Scotia Barristers' Society may at its discretion talk to any third parties that have relevant information to my complaint; and
- Under Section 77A of the *Legal Profession Act*, this form and any other document relating to this complaint are not admissible as evidence in any proceedings without the consent of the author of the material or the relevant committee authorizes the Executive Director to disclose.

Date

Signature

Note: If you are filing this complaint for another person who was the lawyer's client or who was the party directly affected by the lawyer's conduct we may need a signed authorization from this other person in order to proceed with the complaint.