



MEMBER'S MANUAL

The Law Society
of British Columbia



AMENDMENT PAGES

2022: No. 2 March

Highlights

Law Society Rules 2015:* The chair of the Discipline Committee, rather than the full committee, may reverse or delay certain administrative suspensions (Rules 3-6(2) and (3), 3-7.1(3) and (4), 3-81(3) and (4), 3-86(2) and (3) and 4-2(4): pp. 104, 104.1, 143, 145 and 159); a fee will be imposed for late completion of the Indigenous intercultural course (Rule 3-28.11 and Schedule 1, L. 6-7: pp. 116 and 218); references to the Ethics Committee are updated to the Ethics and Lawyer Independence Advisory Committee (Rules 9-3 and 9-16: pp. 205 and 210); a spelling inconsistency is corrected (Rule 1, definition of “vice chair”: p. 18); the table of contents is updated (pp. 1-10).

**Historical notes are published only in the website version of the Rules.*

Filing: File the amended pages in your *Member's Manual* as follows:

Manual section	Existing pages to be removed	Amendment pages to be inserted
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After filing, insert this sheet at the front of the *Manual* for reference.

Updates: This amendment package updates the *Member's Manual* to **March 15, 2022**. The previous amendment package was 2022: No. 1 January.

To check that your copy of the Manual is up to date, consult the contents checklist on the next page. If you have further questions about updating your Manual, contact the Communications department: telephone 604.697.5838 or toll-free 1.800.903.5300 or email communications@lsbc.org.

Website: The Law Society Rules and *Code of Professional Conduct for British Columbia* can be accessed in the [Support & Resources for Lawyers](#) section of the Law Society website at www.lawsociety.bc.ca in both HTML (for online use) and PDF (for printout, including printout of *Member's Manual* replacement pages).

Refer to the Law Society website for the most current versions of the Rules and Code.

MEMBER'S MANUAL CONTENTS CHECKLIST

2022: No. 2 March

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“qualified CPA” means a person in public accounting practice who is permitted to perform audit engagements by the Organization of Chartered Professional Accountants of British Columbia;

“reciprocating governing body”

(a) means a governing body that has signed the National Mobility Agreement, and adopted regulatory provisions giving effect to the requirements of the National Mobility Agreement, and

(b) includes a governing body that has signed the Territorial Mobility Agreement and adopted regulatory provisions giving effect to the requirements of the Territorial Mobility Agreement;

“record” includes metadata associated with an electronic record;

“remedial program” includes anything that may be recommended by the Practice Standards Committee under Rule 3-19 (1) (b) [*Action by Practice Standards Committee*];

“respondent” means a person whose conduct or competence is

(a) the subject of a citation directed to be issued under Rule 4-17 (1) [*Direction to issue, expand or rescind citation*], or

(b) under review by a review board under section 47 [*Review on the record*]

and includes a representative of a respondent law firm;

“review board” means a review board established in accordance with Part 5 [*Tribunal, Hearings and Appeals*];

“rule” or **“subrule”** means a rule or subrule contained in these rules;

“Second Vice-President-elect” means the Bencher elected under Rule 1-19 [*Second Vice-President-elect*], from the time of the election until the Bencher takes office as Second Vice-President;

“section” means a section of the *Legal Profession Act*;

“Society” means the Law Society of British Columbia continued under section 2 (1) [*Incorporation*];

“suspension” means temporary disqualification from the practice of law;

“Territorial Mobility Agreement” means the 2006 Territorial Mobility Agreement of the Federation of Law Societies of Canada, as amended from time to time;

“training course” includes any assessments, examinations or remedial work taken during or after the training course, or an educational program required by the Credentials Committee;

“Tribunal” means persons or bodies performing the adjudicative function of the Society or providing legal or administrative support to that function;

“Tribunal Chair” means the Bencher appointed under Rule 5-1.3 [*Tribunal Chair*];

“Tribunal Office” means the principal place of business of the Tribunal;

“trust funds” means funds directly related to legal services provided by a lawyer or law firm received in trust by the lawyer or law firm acting in that capacity, including funds

- (a) received from a client for services to be performed or for disbursements to be made on behalf of the client, or
- (b) belonging partly to a client and partly to the lawyer or law firm if it is not practicable to split the funds;

“valuables” means anything of value that can be negotiated or transferred, including but not limited to

- (a) securities,
- (b) bonds,
- (c) treasury bills, and
- (d) personal or real property;

“vice chair” means a person appointed to preside at meetings of a committee in the absence of the chair;

“visiting lawyer” means a member of a governing body who is qualified to practise law in another Canadian jurisdiction.

- (5) Despite subrule (4), if the Executive Director considers it necessary for the effective investigation of the complaint, the Executive Director may delay notification of the lawyer.
- (6) When acting under subrule (4), the Executive Director may decline to identify the complainant or the source of the complaint.
- (7) A lawyer must co-operate fully in an investigation under this division by all available means including, but not limited to, responding fully and substantively, in the form specified by the Executive Director
 - (a) to the complaint, and
 - (b) to all requests made by the Executive Director in the course of an investigation.
- (8) When conducting an investigation of a complaint, the Executive Director may
 - (a) require production of files, documents and other records for examination or copying,
 - (b) require a lawyer to
 - (i) attend an interview,
 - (ii) answer questions and provide information relating to matters under investigation, or
 - (iii) cause an employee or agent of the lawyer to answer questions and provide information relating to the investigation,
 - (c) enter the business premises of a lawyer
 - (i) during business hours, or
 - (ii) at another time by agreement with the lawyer.
- (9) Any written response under subrule (7) must be signed by
 - (a) the lawyer personally, or
 - (b) a representative of the law firm, if the complaint is about a law firm.
- (10) The Executive Director may deliver to the complainant a copy or a summary of a response received from the lawyer, subject to solicitor and client privilege and confidentiality.
- (11) A lawyer who is required to produce files, documents and other records, provide information or attend an interview under this rule must comply with the requirement
 - (a) even if the information or files, documents and other records are privileged or confidential, and
 - (b) as soon as practicable and, in any event, by the time and date set by the Executive Director.

Failure to produce records on complaint investigation

- 3-6** (1) Subject to subrules (2) and (3), a lawyer who is required under Rule 3-5 [*Investigation of complaints*] or 4-55 [*Investigation of books and accounts*] to produce and permit the copying of files, documents and other records, provide information or attend an interview and answer questions and who fails or refuses to do so is suspended until the lawyer has complied with the requirement to the satisfaction of the Executive Director.
- (2) When there are special circumstances, the chair of the Discipline Committee may, in the chair's discretion, order that
- (a) a lawyer not be suspended under subrule (1), or
 - (b) a suspension under this rule be delayed for a specified period of time.
- (3) At least 7 days before a suspension under this rule can take effect, the Executive Director must deliver to the lawyer notice of the following:
- (a) the date on which the suspension will take effect;
 - (b) the reasons for the suspension;
 - (c) the means by which the lawyer may apply to the chair of the Discipline Committee for an order under subrule (2) and the deadline for making such an application before the suspension is to take effect.

Resolution by informal means

- 3-7** The Executive Director may, at any time, attempt to resolve a complaint through mediation or other informal means.

Resolution by consent agreement

- 3-7.1** (1) At any time before a complaint is referred to a Committee or the chair of the Discipline Committee under Rule 3-8 [*Action after investigation*], the Executive Director may resolve a complaint by agreement with the lawyer.
- (2) A consent agreement under this rule must include admission by the lawyer of a discipline violation and one or more of the following:
- (a) a requirement that the lawyer complete a course of study or remedial program to the satisfaction of the Executive Director;
 - (b) conditions or limitations on the practice of the lawyer;
 - (c) payment of a fine permitted under section 38 [*Discipline hearings*];
 - (d) suspension of the lawyer from the practice of law or from practice of law in one or more fields of law;
 - (e) resignation of the lawyer from membership in the Society;
 - (f) any other disciplinary action that could be ordered by a hearing panel under section 38.

- (3) A consent agreement is not effective unless it is
 - (a) signed by the Executive Director,
 - (b) personally signed by the lawyer or, where the complaint is made against a law firm, by the representative of a law firm, and
 - (c) approved by the chair of the Discipline Committee.
- (4) Under subrule (3) (c), the chair of the Discipline Committee may
 - (a) approve the agreement as proposed, or
 - (b) decline to approve the agreement.
- (5) Subject to Rule 3-7.2 [*Breach of consent agreement*], the Society is bound by an effective consent agreement, and no further action may be taken on the complaint that gave rise to the agreement.
- (6) An admission of conduct tendered in good faith by a lawyer during negotiation that does not result in an effective consent agreement under subrule (3) is not admissible in a hearing of a citation arising from the complaint.
- (7) When a complaint is resolved by means of a consent agreement, the Executive Director must notify the complainant in writing of the disposition.
- (8) Section 15 (3) [*Authority to practise law*] applies to a lawyer who is suspended or disbarred or is permitted to resign from membership in the Society under a consent agreement.

Breach of consent agreement

- 3-7.2** If a lawyer is in breach of a consent agreement, the Executive Director may do one or more of the following:
- (a) treat the breach as a complaint under this division;
 - (b) reopen investigation of the complaint that gave rise to the consent agreement;
 - (c) refer the matter to a Committee or the chair of the Discipline Committee under Rule 3-8 [*Action after investigation*];
 - (d) enter into an amended consent agreement under Rule 3-7.3 [*Amending consent agreement*].

Amending consent agreement

- 3-7.3** (1) A consent agreement may be amended by agreement of the parties reduced to writing and given effect as in Rule 3-7.1 (3) [*Resolution by consent agreement*].
- (2) An agreement amended under subrule (1) has the same effect as if given effect under Rule 3-7.1 (3).

- (3) Either party may apply to the chair of the Discipline Committee to approve a proposed amendment concerning
 - (a) a course of study, remedial program or other task to be completed by the lawyer,
 - (b) conditions or limitations on the practice of the lawyer, or
 - (c) an extension of time to pay a fine or begin a suspension.
- (4) On an application under subrule (3), the chair of the Discipline Committee may
 - (a) amend the agreement as proposed, or
 - (b) decline to amend the agreement.
- (5) The chair of the Discipline Committee may designate another member of the Committee to exercise the discretion under subrule (4).

Publication of consent agreement

- 3-7.4** (1) When a consent agreement has been reached and approved under Rule 3-7.1 [*Resolution by consent agreement*], the Executive Director must publish on the Society's website a summary of the circumstances of the consent agreement and the action taken.
- (2) In addition to that required under subrule (1), publication may be made by any other means.
 - (3) This rule must not be interpreted to permit the disclosure of any information that is subject to solicitor and client privilege or confidentiality.
 - (4) A publication under this rule must identify the lawyer who is a party to the consent agreement.
 - (5) The Executive Director may publish a summary of an amendment to a consent agreement by any means used to publish the original agreement.

Action after investigation

- 3-8** (1) After investigating a complaint, the Executive Director must take no further action if the Executive Director is satisfied that the complaint
 - (a) is not valid or its validity cannot be proven, or
 - (b) does not disclose conduct serious enough to warrant further action.
- (2) The Executive Director may take no further action on a complaint if the Executive Director is satisfied that the matter giving rise to the complaint has been resolved.
 - (3) Unless subrule (1) applies or the Executive Director takes no further action under subrule (2), the Executive Director must refer the complaint to the Practice Standards Committee or to the Discipline Committee.

“Indigenous intercultural course” means a course of study designated as such and administered by the Society or its agents and includes any assignment, examination or remedial work taken during or after the course of study;

“required professional development” means a minimum number of hours of continuing education determined by the Benchers under Rule 3-29 (1) [*Professional development*];

“small firm” includes

- (a) a firm in which not more than 4 lawyers practise law together, and
- (b) a lawyer in an arrangement to share expenses with other lawyers who otherwise practises as an independent practitioner, except when the lawyer relies on a firm that is not a small firm to maintain trust accounting and other financial records on the lawyer’s behalf,

but does not include

- (c) a public body such as government or a Crown corporation, or
- (d) a corporation other than a law corporation, or other private body.

Application

3-27 Rule 3-28 [*Practice management course*] applies to a lawyer when

- (a) the lawyer begins practice in a small firm or, while practising in a small firm, becomes a signatory on a trust account, unless the lawyer has done both of the following in a Canadian jurisdiction for a total of 2 years or more in the preceding 5 years:
 - (i) engaged in the practice of law in a small firm;
 - (ii) been a signatory on a trust account, or
- (b) the Practice Standards Committee, by resolution, so orders.

Practice management course

3-28 (1) Within 6 months after and not more than 12 months before the date on which this Rule applies to a lawyer, the lawyer must

- (a) successfully complete the practice management course, and
- (b) certify to the Executive Director in the prescribed form that the lawyer has successfully completed the practice management course.

(2) A lawyer who is in breach of subrule (1) has failed to meet a minimum standard of practice, and the Executive Director may refer the matter to the Discipline Committee or the chair of the Discipline Committee.

Indigenous intercultural course

- 3-28.1** (1) A practising lawyer must comply with subrule (2) before
- (a) the lawyer has engaged in the practice of law for two years in total, whether or not continuous, or
 - (b) January 1, 2024
- whichever is later.
- (2) Every practising lawyer must
- (a) complete the Indigenous intercultural course, and
 - (b) certify to the Executive Director in the prescribed form that the lawyer has completed the Indigenous intercultural course.
- (3) A practising lawyer who is in breach of subrule (2) has failed to meet a minimum standard of practice, and the Executive Director may refer the matter to the Discipline Committee or the chair of the Discipline Committee.

Late completion of Indigenous intercultural course

- 3-28.11** (1) A practising lawyer who fails to comply with Rule 3-28.1 [*Indigenous intercultural course*] by the date by which the lawyer is required to comply is deemed to be in compliance with the Rule if the lawyer does all of the following within 60 days following that date:
- (a) completes the Indigenous intercultural course;
 - (b) certifies the completion of the Indigenous intercultural course as required in Rule 3-28.1 (2) (b);
 - (c) pays the late completion fee specified in Schedule 1.
- (2) A practising lawyer who complies with Rule 3-28.1 (2) (a) [*Indigenous intercultural course*] by the date by which the lawyer is required to comply but fails to comply with Rule 3-28.1 (2) (b) by that date is deemed to be in compliance with the Rule if the lawyer does both of the following within 60 days following that date:
- (a) certifies the completion of the required professional development as required in Rule 3-28.1 (2) (b);
 - (b) pays the late reporting fee specified in Schedule 1.

Failure to complete Indigenous intercultural course

- 3-28.2** (1) Subject to subrules (2) and (3), a practising lawyer who fails to comply with Rule 3-28.1 [*Indigenous intercultural course*] by the date on which it is required is suspended until the lawyer has completed the course and certified the completion to the Executive Director as required by Rule 3-28.1.

- (2) When there are special circumstances, the chair of the Credentials Committee may, in the chair's discretion, order that
 - (a) the lawyer not be suspended under subrule (1), or
 - (b) a suspension under subrule (1) be delayed for a specified period of time.
- (3) At least 60 days before a suspension under subrule (1) can take effect, the Executive Director must deliver to the lawyer notice of the following:
 - (a) the date on which the suspension will take effect;
 - (b) the reasons for the suspension;
 - (c) the means by which the lawyer may apply to the chair of the Credentials Committee for an order under subrule (2) and the deadline for making such an application before the suspension is to take effect.

Professional development

- 3-29**
- (1) The Benchers may determine by resolution the minimum number of hours of continuing education that is required of a practising lawyer in each calendar year.
 - (2) The Benchers may prescribe circumstances in which a class of practising lawyer may be excused from completing all or part of the required professional development.
 - (3) In each calendar year, a practising lawyer must
 - (a) complete the required professional development, and
 - (b) certify to the Executive Director in the prescribed form that the lawyer has completed the required professional development.
 - (4) Despite subrule (3), a practising lawyer need not complete the required professional development in a calendar year in which the lawyer has successfully completed the admission program or the equivalent in another Canadian jurisdiction.
 - (5) On written application by a practising lawyer who has refrained from the practice of law for a minimum of 60 consecutive days in a calendar year, the Executive Director may reduce the required professional development for that lawyer.
 - (6) The Executive Director must not reduce the amount of required professional development under subrule (5)
 - (a) by an amount greater than that proportionate to the part of the calendar year in which the lawyer refrained from the practice of law, or
 - (b) by any amount if the lawyer refrained from the practice of law as a result of suspension, disbarment or other disciplinary proceedings.

- (7) A lawyer who ceases to be a practising lawyer without completing all required professional development must complete the uncompleted portion in the next calendar year in which the lawyer is a practising lawyer, in addition to the required professional development for that calendar year.
- (8) A practising lawyer who is in breach of this Rule has failed to meet a minimum standard of practice, and the Executive Director may refer the matter to the Discipline Committee or the chair of the Discipline Committee.

Mentoring

- 3-30** (1) The Benchers may allow credit as a mentor, subject to any conditions or limitations that the Benchers consider appropriate.
- (2) To qualify to receive credit as a mentor, a lawyer must
- (a) be qualified to act as a principal to an articulated student under Rule 2-57 (2) and (2.1) [*Principals*], and
 - (b) not be the subject of an order of the Credentials Committee under subrule (4) (c).

- (3) When there are special circumstances, the chair of the Discipline Committee may, in the chair's discretion, order that
 - (a) a lawyer not be suspended under subrule (1), or
 - (b) a suspension under subrule (1) be delayed for a specified period of time.
- (4) At least 30 days before a suspension under subrule (1) can take effect, the Executive Director must deliver to the lawyer notice of the following:
 - (a) the date on which the suspension will take effect;
 - (b) the reasons for the suspension;
 - (c) the means by which the lawyer may apply to the chair of the Discipline Committee for an order under subrule (3) and the deadline for making such an application before the suspension is to take effect.
- (5) If a lawyer has not delivered a trust report after it is required, the Executive Director may do either or both of the following:
 - (a) engage or assign a qualified CPA to complete the trust report;
 - (b) order an examination of the lawyer's books, records and accounts under Rule 3-85 [*Compliance audit of books, records and accounts*].
- (6) The Discipline Committee may order that a lawyer pay to the Society all or part of the costs associated with the trust report referred to in subrule (5) (a).
- (7) A lawyer who is ordered by the Discipline Committee, under subrule (6), to pay costs must pay those costs in full by the date set or extended by the Committee.
- (8) If any part of the amount owing under subrule (6) remains unpaid by the date set in Rule 2-105 (2) or (3) [*Annual practising and indemnity fee instalments*], the lawyer concerned must not engage in the practice of law unless the Benchers order otherwise.

Accountant's report

- 3-82** (1) The Executive Director may require a lawyer who is required to deliver a trust report under Rule 3-79 [*Trust report*] or a lawyer or former lawyer who is required to deliver a trust report under Rule 3-84 [*Former lawyers*] to deliver as part of the report required under the relevant rule, an accountant's report completed and signed by a qualified CPA.
- (2) The Executive Director must specify the matters to be included in the accountant's report referred to in subrule (1) and the time within which it must be delivered to the Executive Director.
- (3) Despite subrule (1), an accountant's report must not be completed and signed by any person determined by the Executive Director to be ineligible to do so.

- (4) Despite subrule (1), on application by the lawyer, the Executive Director may allow a person without the credentials referred to in subrule (1) to complete and sign an accountant's report if the Executive Director is satisfied that
 - (a) the person has adequate accounting credentials, and
 - (b) no person qualified under subrule (1) is reasonably available to the lawyer.
- (5) The Executive Director may at any time require a lawyer to deliver a new accountant's report completed and signed by a person who has the qualifications specified by the Executive Director if the lawyer's accountant's report was completed and signed by a person
 - (a) without the credentials referred to in subrule (1), or
 - (b) ineligible under subrule (3).
- (6) If the Executive Director requires a new accountant's report under subrule (5), the lawyer must deliver the report within 3 months of notice of the requirement being sent by the Executive Director.

Exceptions and qualifications

- 3-83** (1) The trust report of a lawyer who has not complied with this division must state the exceptions and qualifications, together with an explanation of the circumstances of and reasons for them.
- (2) The Executive Director may, following a review of a trust report with exceptions and qualifications, accept the lawyer's explanation and reasons
 - (a) without condition, in which case the lawyer is deemed to have complied with Rule 3-79 [*Trust report*], or
 - (b) subject to the lawyer fulfilling accounting conditions specified by the Executive Director, in which case, on fulfillment of those conditions, the lawyer is deemed to have complied with Rule 3-79.

Former lawyers

- 3-84** (1) A former lawyer must deliver a trust report as required under Rule 3-79 [*Trust report*] for any period during which the former lawyer was a member of the Society.
- (2) If a former lawyer does not deliver a trust report as required under subrule (1), an assessment under Rule 3-80 [*Late filing of trust report*] applies.

Compliance audit of books, records and accounts

- 3-85** (1) The Executive Director may at any time order a compliance audit of the books, records and accounts of a lawyer for the purpose of determining whether the lawyer meets standards of financial responsibility established under this Part, including but not limited to maintaining books, records and accounts in accordance with this division.

- (2) When an order is made under subrule (1),
 - (a) the Executive Director must designate one or more persons to conduct the compliance audit, and
 - (b) on notification of the order, the lawyer concerned must immediately produce and permit the copying of all files, vouchers, records, accounts, books and any other evidence and must provide any explanations required by the person designated under paragraph (a) for the purpose of completing the compliance audit.

Failure to produce records on compliance audit

- 3-86** (1) Subject to subrules (2) and (3), a lawyer who does not produce and permit the copying of records and other evidence or provide explanations as required under Rule 3-85 (2) (b) [*Compliance audit of books, records and accounts*] is suspended until the records are produced, copying is permitted and explanations are provided to the satisfaction of the Executive Director.
- (2) When there are special circumstances, the chair of the Discipline Committee may, in the chair's discretion, order that
 - (a) a lawyer not be suspended under subrule (1), or
 - (b) a suspension under this rule be delayed for a specified period of time.
 - (3) At least 7 days before a suspension under this rule can take effect, the Executive Director must deliver to the lawyer notice of the following:
 - (a) the date on which the suspension will take effect;
 - (b) the reasons for the suspension;
 - (c) the means by which the lawyer may apply to the chair of the Discipline Committee for an order under subrule (2) and the deadline for making such an application before the suspension is to take effect.

Disposition of files, trust money and other documents and valuables

- 3-87** (1) Before leaving a firm in British Columbia, a lawyer must advise the Executive Director in writing of the lawyer's intended disposition of all of the following that relate to the lawyer's practice in British Columbia and are in the lawyer's possession or control:
- (a) open and closed files;
 - (b) wills and wills indices;
 - (c) titles and other important documents and records;
 - (d) other valuables;
 - (e) trust accounts and trust funds;
 - (f) fiduciary property.

- (2) Within 30 days after withdrawing from the practice of law in British Columbia, a lawyer or former lawyer must confirm to the Executive Director in writing that
- (a) the documents and property referred to in subrule (1) (a) to (d) have been disposed of, and any way in which the disposition differs from that reported under subrule (1),
 - (b) all trust accounts referred to in subrule (1) (e) have been closed and that
 - (i) all the balances have been
 - (A) remitted to the clients or other persons on whose behalf they were held,
 - (B) transferred to another lawyer with written instructions concerning the conditions attaching to them, or
 - (C) paid to the Society under Rule 3-89 [*Payment of unclaimed trust money to the Society*], and
 - (ii) any net interest earned on a pooled trust account has been remitted to the Foundation in accordance with this division, and
 - (c) the lawyer or former lawyer has notified all clients and other persons for whom the lawyer is or may become a personal representative, executor, trustee or other fiduciary regarding the lawyer or former lawyer's withdrawal from practice and any change in the lawyer's membership status.
- (3) A law corporation must confirm to the Executive Director as required under subrule (2) within 30 days of
- (a) cancellation of its permit under Part 9 [*Incorporation and Limited Liability Partnerships*], and
 - (b) ceasing to provide legal services.
- (4) The Executive Director may, on application in writing by the lawyer, former lawyer or law corporation, extend the time limit referred to in subrule (1), (2) or (3) or, if in the opinion of the Executive Director it is in the public interest, relieve the lawyer, former lawyer or law corporation of any of the requirements of those subrules.
- (5) On an enquiry, the Executive Director may disclose information collected under this rule if satisfied that
- (a) the person enquiring has a bona fide reason to obtain the information, and
 - (b) disclosure of the information would not be an unreasonable invasion of anyone's privacy.

PART 4 – DISCIPLINE

Interpretation and application

- 4-1 (1) In this part,
- “**conduct meeting**” means a meeting that a lawyer or a law firm is required to attend under Rule 4-4 (1) (c) [*Action on complaints*];
- “**conduct review**” means a meeting with a conduct review subcommittee that a lawyer or a law firm is required to attend under Rule 4-4 (1) (d).
- (2) This part applies to a former lawyer, an articulated student, a law firm, a visiting lawyer permitted to practise law under Rules 2-16 to 2-20 and a practitioner of foreign law as it does to a lawyer, with the necessary changes and so far as it is applicable.
- (3) This part must be interpreted in a manner consistent with standards of simplicity, fairness and expediency, and so as to provide maximum protection to the public and to lawyers.
- (4) In this part, a law firm may act through its designated representative or another lawyer engaged in the practice of law as a member of the law firm.

Discipline Committee

- 4-2 (1) For each calendar year, the President must appoint a Discipline Committee, including a chair and vice chair, both of whom must be Benchers.
- (2) The President may remove any person appointed under subrule (1).
- (3) At any time, the President may appoint a person to the Discipline Committee to replace a Committee member who resigns or otherwise ceases membership in the Committee, or to increase the number of members of the Committee.
- (4) Any function of the chair of the Discipline Committee under these rules may be performed by the vice chair or by another Bencher member of the Committee designated by the chair.

Consideration of complaints by Committee

- 4-3 (1) The Discipline Committee must consider any complaint referred to it under these rules and may instruct the Executive Director to make or authorize further investigation that the Discipline Committee considers desirable.
- (2) If, in the view of the Executive Director and the chair of the Discipline Committee, 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 under Rule 4-5 [*Consideration of complaints by chair*].

Action on complaints

- 4-4** (1) After its consideration under Rule 4-3 [*Consideration of complaints by Committee*], the Discipline Committee must
- (a) decide that no further action be taken on the complaint,
 - (b) authorize the chair or other Bench member of the Discipline Committee to send a letter to the lawyer concerning the lawyer's conduct,
 - (c) require the lawyer or law firm to attend a meeting with one or more Benchers or lawyers to discuss the conduct of the lawyer,
 - (d) require the lawyer or law firm to appear before a Conduct Review Subcommittee, or
 - (e) direct that the Executive Director issue a citation against the lawyer under Rule 4-17 (1) [*Direction to issue, expand or rescind citation*].
- (2) In addition to the determination made under subrule (1), the Discipline Committee may refer any matter or any lawyer to the Practice Standards Committee.
- (3) In addition to any action taken under subrules (1) and (2), if a complaint discloses that there may be grounds for revoking a law corporation's permit under Rule 9-11 [*Revocation of permits*], the Discipline Committee may order a hearing on the revocation of the law corporation's permit.
- (4) At any time before the Discipline Committee makes a decision under Rule 4-13 (6) (a) to (c) [*Conduct Review Subcommittee report*], the Committee may resolve to rescind a decision made under subrule (1) (d) to require a lawyer to appear before a Conduct Review Subcommittee and substitute another decision under subrule (1).

Consideration of complaints by chair

- 4-5** (1) The chair of the Discipline Committee must consider any complaint referred to the chair under these rules and may instruct the Executive Director to make or authorize further investigation that the chair considers desirable.
- (2) After considering a complaint under subrule (1), the chair of the Discipline Committee must
- (a) direct that the Executive Director issue a citation against the lawyer under Rule 4-17(1) [*Direction to issue, expand or rescind citation*], or
 - (b) refer the complaint to the Discipline Committee.

Continuation of membership during investigation or disciplinary proceedings

- 4-6** (1) In this rule, "**lawyer under investigation**" means a lawyer who is the subject of
- (a) an investigation under Part 3, Division 1 [*Complaints*], or
 - (b) a decision of the Discipline Committee under Rule 4-4 (1) (c) or (d) [*Action on complaints*].

PART 9 – INCORPORATION AND LIMITED LIABILITY PARTNERSHIPS

Division 1 – Law Corporations

Corporate name

9-1 A corporation must use a name

- (a) under which no other corporation holds a valid law corporation permit under this division,
- (b) that does not so nearly resembles the name of another corporation holding a valid law corporation permit under this division that it is likely to confuse or mislead the public,
- (c) that complies with the *Code of Professional Conduct*, section 4.2 [Marketing], and
- (d) that includes one of the following phrases:
 - (i) “law corporation”;
 - (ii) “law ULC”;
 - (iii) “law unlimited liability company.”

Corporate name certificate

- 9-2 (1) A lawyer may apply to the Executive Director, in the prescribed form, for a certificate that the Society does not object to the incorporation of a company as a law corporation under a proposed name.
- (2) On receipt of an application under subrule (1), the Executive Director must either
- (a) issue a certificate to the lawyer if the Executive Director is satisfied that the intended name complies with Rule 9-1 [Corporate name], or
 - (b) reject the application.
- (3) The Executive Director must notify the lawyer in writing of the decision under subrule (2).

Review of Executive Director’s decision

- 9-3 (1) A lawyer whose application is rejected under Rule 9-2 [Corporate name certificate] may apply in writing to the Ethics and Lawyer Independence Advisory Committee for a review.
- (2) After considering any submissions received from the lawyer and from the Executive Director, the Ethics and Lawyer Independence Advisory Committee must
- (a) direct the Executive Director to issue a certificate to the lawyer if it is satisfied that the intended name complies with Rule 9-1 [Corporate name], or
 - (b) reject the application.

- (3) The Ethics and Lawyer Independence Advisory Committee must notify the lawyer and the Executive Director in writing of its decision under this Rule.

Law corporation permit

9-4 A company may apply to the Executive Director for a law corporation permit by delivering to the Executive Director

- (a) a completed permit application in the prescribed form,
- (b) a true copy of the certificate of incorporation of the company and any other certificates that reflect a change in name or status, and
- (c) the fee specified in Schedule 1.

Issuance of permit

9-5 (1) Subject to section 82 [*Law corporation permit*], the Executive Director must issue a law corporation permit to a company that has complied with the Act and these rules.

- (2) Subject to subrule (3), a law corporation permit issued under subrule (1) is valid from the effective date shown on it.
- (3) A permit issued to a law corporation ceases to be valid if
 - (a) it is revoked under Rule 9-11 [*Revocation of permits*],
 - (b) a practising lawyer who is a voting shareholder in the law corporation dies or otherwise ceases to be a practising lawyer, and no provision is made in the articles of the law corporation for the immediate and automatic disposition of that person's shares in that case,
 - (c) another law corporation that is a voting shareholder in the law corporation ceases to be registered as a company under the *Business Corporations Act* or ceases to hold a valid law corporation permit and no provision is made in the articles of the law corporation for the immediate and automatic disposition of the other law corporation's shares in that case, or
 - (d) the corporation surrenders the permit to the Executive Director.

Change of corporate name

9-6 (1) A law corporation may apply to the Executive Director in the prescribed form for a certificate that the Society does not object to a specific change of name for the law corporation.

- (2) Rules 9-1 to 9-3 apply to an application under subrule (1), with the necessary changes and so far as they are applicable.
- (3) A law corporation must not apply for a change of name under the *Business Corporations Act* unless it has been granted the certificate referred to in subrule (1).

- (4) The Executive Director must issue a new permit to a law corporation that has
 - (a) obtained the certificate referred to in subrule (1),
 - (b) delivered to the Executive Director a true copy of the certificate of the Registrar of Companies showing the change of name and the date it is effective, and
 - (c) paid the fee specified in Schedule 1.
- (5) Subject to Rule 9-5 (3) [*Issuance of permit*], a law corporation permit issued under subrule (4) is valid until the date on which the permit that it replaces would have expired.

Public disclosure of corporate status

- 9-7** When a lawyer or law firm provides legal services to the public through a law corporation, all advertising for the lawyer or law firm must indicate that the law corporation provides the legal services.

Corporate information

- 9-8** A law corporation must deliver to the Executive Director copies of its Articles, Notice of Articles and amendments to its Articles or Notice of Articles
 - (a) when applying for a permit, and
 - (b) immediately on adoption of new or amended Articles or Notice of Articles.

Disclosure of corporate information

- 9-9** (1) All information and documents received by the Society under this division are confidential, and no person is permitted to disclose them to any person.
- (2) As an exception to subrule (1), the Society may
 - (a) use information and documents for a purpose consistent with the Act and these rules,
 - (b) disclose information and documents to a governing body under Rule 2-27.1 [*Sharing information with a governing body*], and
 - (c) disclose the following information, on request, to any person:
 - (i) the name of a corporation;
 - (ii) a corporation's place of business;
 - (iii) whether a company has a valid law corporation permit;
 - (iv) whether a specified lawyer is an employee or a voting shareholder of a corporation;
 - (v) whether a specified law corporation is a voting shareholder of a law corporation.

Notice of change in corporate information

- 9-10** The president of a company or the president's designate must promptly advise the Executive Director in writing of any change to the information contained in the permit application or renewal permit application most recently delivered to the Society.

Revocation of permits

- 9-11** (1) After a hearing, a panel may revoke a law corporation's permit if
- (a) in the course of providing legal services the corporation does anything that, if done by a lawyer, would be professional misconduct or conduct unbecoming the profession,
 - (b) the corporation contravenes the Act or a rule, or
 - (c) the corporation ceases to comply with a condition of qualification referred to in section 81 [*Authorized and prohibited activities of law corporations*] or a condition under this division or section 82 [*Law corporation permit*].
- (2) Instead of revoking a law corporation permit under subrule (1), a panel may do one or more of the following:
- (a) reprimand one or more of the voting shareholders of a law corporation;
 - (b) impose a fine on the law corporation in an amount not exceeding \$50,000;
 - (c) impose conditions or limitations under which the law corporation may continue to provide legal services to the public.
- (3) Any shareholder, director, officer or employee of or contractor to a law corporation may be
- (a) compelled to give evidence at a proceeding under this division or under Part 5 [*Tribunal, Hearings and Appeals*], or
 - (b) required to produce any file or record in that person's possession or control that is relevant to matters raised in the proceeding.
- (4) To the extent reasonably possible, Parts 4 [*Discipline*] and 5 [*Tribunal, Hearings and Appeals*] apply to notice of a hearing on the revocation of a law corporation permit and to the hearing as they apply to a citation and the hearing of the citation.
- (5) If a hearing has been ordered on the revocation of a law corporation permit and a citation has been directed to be issued against a shareholder, director, officer or employee of the corporation holding the permit, the Discipline Committee may direct that the citation and the question of the revocation of the law corporation permit be heard together.
- (6) When the Discipline Committee has directed that a citation and the question of the revocation of a law corporation permit be heard together, the panel conducting the hearing may order that they be heard separately.

- (7) When a panel imposes a condition or limitation under which a law corporation may continue to provide legal services to the public under subrule (2) (c), the Executive Director may disclose the fact that the condition or limitation applies and the nature of the condition or limitation.
- (8) If the Executive Director discloses the existence of a condition or limitation under subrule (7) by means of the Society’s website, the Executive Director must remove the information from the website within a reasonable time after the condition or limitation ceases to be in force.
- (9) Subrule (8) does not apply to a decision of Benchers, a hearing panel or a review board.

Division 2 – Limited Liability Partnerships

Definition

- 9-12** In this division “**person applying**” means a person applying or proposing to apply on behalf of a partnership for registration as a limited liability partnership or extraprovincial limited liability partnership under Part 6 [*Limited Liability Partnerships*] of the *Partnership Act*.

Practice through a limited liability partnership

- 9-13** A lawyer or law corporation is authorized to carry on the practice of law through a limited liability partnership, provided that the lawyer or law corporation and the limited liability partnership comply with the *Partnership Act* and meet the prerequisites of this division.

LLP name

- 9-14** A limited liability partnership must not use a name contrary to the *Code of Professional Conduct*, section 4.2 [*Marketing*].

Notice of application for registration

- 9-15** (1) Before an application to register a partnership or an extraprovincial limited liability partnership as a limited liability partnership is made on behalf of the partnership under Part 6 [*Limited Liability Partnerships*] of the *Partnership Act*, the person applying must
- (a) submit to the Executive Director a copy of the registration statement that the person intends to file under that Act,
 - (b) pay the LLP registration fee specified in Schedule 1, and
 - (c) receive a statement of approval of LLP registration from the Executive Director.

- (2) On receipt of a submission under subrule (1), the Executive Director must issue a statement of approval of LLP registration if the Executive Director is satisfied that
 - (a) the intended name complies with Rule 9-14 [*LLP name*], and
 - (b) membership in the partnership complies with subrules (3) and (5).
- (3) Each partner in an LLP must be
 - (a) a member of the Society,
 - (b) a member of a recognized legal profession in another jurisdiction,
 - (c) a law corporation holding a valid permit under this part or the equivalent in the jurisdiction in which it provides legal services, or
 - (d) a non-lawyer participating in the partnership in another Canadian jurisdiction as permitted in that jurisdiction.
- (4) Despite subrule (3), an LLP that is an MDP in which a lawyer has permission to practise law under Rules 2-38 to 2-49 may include non-lawyer members as permitted by those rules.
- (5) At least one partner in an LLP must be a member of the Society or a law corporation holding a valid permit under this Part.
- (6) If the Executive Director is not satisfied of the matters referred to in subrule (2), the Executive Director must decline to issue a statement of approval.
- (7) The Executive Director must notify the person applying in writing of the Executive Director's decision under subrule (2).

Review of Executive Director's decision

- 9-16** (1) If the Executive Director declines to issue a statement of approval under Rule 9-15 [*Notice of application for registration*], the person applying may apply in writing to the Ethics and Lawyer Independence Advisory Committee for a review.
- (2) After considering any submissions received from the partners and from the Executive Director, the Ethics and Lawyer Independence Advisory Committee must
 - (a) direct the Executive Director to issue a statement of approval if it is satisfied that
 - (i) the intended name complies with Rule 9-14 [*LLP name*], and
 - (ii) Rule 9-15 (3) [*Notice of application for registration*] has been satisfied,or
 - (b) reject the application.
 - (3) The Ethics and Lawyer Independence Advisory Committee must notify the person applying and the Executive Director in writing of its decision under this rule.

SCHEDULE 1 – 2022 LAW SOCIETY FEES AND ASSESSMENTS

A. Annual fee	\$
1. Practice fee (Rule 2-105 [<i>Annual practising and indemnity fee instalments</i>]) ..	2,289.00
2. Indemnity fee base assessment (which may be increased or decreased in individual cases in accordance with Rule 3-40 (1) [<i>Annual indemnity fee</i>]):	
(a) full-time practice	1,800.00
(b) part-time practice	900.00
3. Indemnity surcharge (Rule 3-44 (2) [<i>Deductible, surcharge and reimbursement</i>])	1,000.00
4. Late payment fee for practising lawyers (Rule 2-108 (3) [<i>Late payment</i>])	150.00
5. Retired member fee (Rule 2-105.1 (1) [<i>Annual non-practising and retired member fees</i>])	125.00
6. Late payment fee for retired members (Rule 2-108 (4)).....	nil
7. Non-practising member fee (Rule 2-105.1 (1))	325.00
8. Late payment fee for non-practising members (Rule 2-108 (5))	40.00
9. Administration fee (R. 2-116 (3) [<i>Refund on exemption during practice year</i>])	70.00
 B. Trust administration fee	
1. Each client matter subject to fee (Rule 2-110 (1) [<i>Trust administration fee</i>]) ..	15.00
 C. Special assessments	
 D. Articled student fees	
1. Application fee for enrolment in admission program (Rules 2-54 (1) (e) [<i>Enrolment in the admission program</i>] and 2-62 (1) (b) [<i>Part-time articles</i>]) ..	275.00
2. Application fee for temporary articles (R. 2-70 (1) (c) [<i>Temporary articles</i>]) ..	150.00
3. Application fee for temporary articles (legal clinic) (Rule 2-70 (1) (c))	50.00
4. Training course registration (Rule 2-72 (4) (a) [<i>Training course</i>])	2,600.00
5. Remedial work (Rule 2-74 (8) [<i>Review of failed standing</i>]):	
(a) for each piece of work	100.00
(b) for repeating the training course	4,000.00
 E. Transfer fees	
1. Application fee for transfer from another Canadian province or territory – investigation fee (Rule 2-79 (1) (f) [<i>Transfer from another Canadian jurisdiction</i>])	1,150.00
2. Transfer or qualification examination (Rules 2-79 (6) and 2-89 (6) [<i>Returning to practice after an absence</i>])	325.00
 F. Call and admission fees	
1. After enrolment in admission program (Rule 2-77 (1) (c) [<i>First call and admission</i>])	250.00
2. After transfer from another Canadian province or territory (Rule 2-79 (1) (f) [<i>Transfer from another Canadian jurisdiction</i>])	250.00

G. Reinstatement fees	\$
1. Application fee following disbarment, resignation or other cessation of membership as a result of disciplinary proceedings (Rule 2-85 (1)(b) [<i>Reinstatement of former lawyer</i>])	700.00
2. Application fee following 3 years or more as a former member (Rule 2-85 (1) (b))	550.00
3. Application fee in all other cases (Rule 2-85 (1) (b))	450.00
H. Change of status fees	
1. Application fee to become retired member (Rule 2-4 (2) (b) [<i>Retired members</i>])	35.00
2. Application fee to become non-practising member (Rule 2-3 (1) (b) [<i>Non-practising members</i>])	70.00
3. Application fee for non-practising or retired member applying for practising certificate (Rule 2-5 (1) (b)) [<i>Release from undertaking</i>]	70.00
I. Inter-jurisdictional practice fees	
1. Application fee (Rule 2-19 (3) (b) [<i>Inter-jurisdictional practice permit</i>])	500.00
2. Renewal of permit (Rule 2-19 (3) (b))	100.00
J. Corporation and limited liability partnership fees	
1. Permit fee for law corporation (Rule 9-4 (c) [<i>Law corporation permit</i>])	400.00
2. New permit on change of name fee (Rule 9-6 (4) (c) [<i>Change of corporate name</i>])	100.00
3. LLP registration fee (Rule 9-15 (1) [<i>Notice of application for registration</i>])	400.00
K. Practitioners of foreign law	
1. Application fee for practitioners of foreign law (Rule 2-29 (1) (b) [<i>Practitioners of foreign law</i>])	700.00
2. Permit renewal fee for practitioners of foreign law (Rules 2-29 (1) (b) and 2-34 (2) (c) [<i>Renewal of permit</i>])	150.00
3. Late payment fee (Rule 2-34 (6))	100.00
L. Late fees	
1. Trust report late filing fee (Rule 3-80 (2) (b) [<i>Late filing of trust report</i>])	200.00
2. Professional development late completion fee (Rule 3-31 (1) (c) [<i>Late completion of professional development</i>])	500.00
3. Professional development late reporting fee (Rule 3-31 (3) (b))	200.00
4. Late registration delivery fee (Rule 2-12.4)	200.00
5. Late self-assessment delivery fee (Rule 2-12.4)	500.00
6. Indigenous intercultural course late completion fee (Rule 3-28.11 (1) (c) [<i>Late completion of Indigenous intercultural course</i>])	500.00
7. Indigenous intercultural course late reporting fee (Rule 3-28.11 (2) (b))	200.00