

Are you a First Nation, Métis or Inuit person who is interested in learning about what The Law Society of Upper Canada does?

What The Law Society of Upper Canada does

All lawyers and paralegals who provide legal services in Ontario must be licensed by The Law Society of Upper Canada. The Law Society is responsible to ensure that these licensed lawyers and paralegals meet standards of professional conduct. One of our important duties is responding to complaints.

Bringing a complaint about a lawyer or paralegal to the Law Society's attention

The Law Society receives complaints about lawyers and paralegals from organizations and individuals throughout Ontario, including First Nation, Métis and Inuit people.

We want to be sure you have all the information you need should you find yourself in a situation where you have a concern or a complaint about a lawyer or a paralegal.

This fact sheet explains how we receive, review, investigate and resolve concerns or complaints.

The Law Society looks at the complaint

The Law Society reviews complaints about lawyers or paralegals who may be breaching ethical and professional duties and/or may be failing to meet required standards of competence¹. Not only do we look at wrongdoing but we also look at concerns about incompetence and incapacity.

Besides looking at the complaint, we may try to resolve it. In some cases, we may investigate and we respond in a variety of ways to misconduct that is uncovered.

If a lawyer or a paralegal is found to be responsible for misconduct, our response could include remedial action, such as letters of advice, cautions, educational programs, mentoring, or warnings to address the underlying problem or we may prosecute and formally discipline the lawyer or the paralegal to the extent possible.

¹ Some examples of unprofessional conduct could include:

- Charging improper fees or having improper fee arrangements
- Delays in responding to you or in the legal process
- Failure to reply to communications
- Rude or discriminatory behaviour
- Not accounting for money
- Improperly handling money or taking money
- Not reporting on a transaction or a legal matter
- Not following the rules of a Court or a Tribunal

How a complaint about a lawyer or paralegal can be made to the Law Society

Most complaints come from clients and/or members of the public like you. Some complaints could come from opposing lawyers or paralegals, judges, court staff, outside organizations, police or internal Law Society staff.

If you have any questions about *how* to best make your complaint, you can always call and speak to a staff person.

But here are the main ways to submit a complaint to the Law Society:

1. **By phone:** First Nation, Métis and Inuit people may call our toll-free number: 1-800-668-7380 ext. 3363 or 416-947-3363.
2. **Online:** Download, complete and submit a [Complaint Form](#) (PDF) found on the Law Society's website: www.lsuc.on.ca
3. **By letter:** Write a letter to the Law Society and send it to:
The Law Society of Upper Canada
Osgoode Hall, 130 Queen Street West
Toronto, Ontario, M5H 2N6
Attention: Complaints Services
4. **In person:** Drop by in person with a completed and signed Complaint Form.

Support for you to make a complaint to the Law Society

We understand that it may be difficult and challenging to communicate with us and to submit a complaint.

We have set up a Team to receive and respond to complaints received from First Nation, Métis and Inuit people. A Team member may be able to help you.

You can talk to a Team member about how you would like to submit your complaint. This person will listen and do her or his best to support the diverse ways you may wish to submit your complaint. For example, if you have difficulty with making the complaint in writing, call us. We will listen to you, capture your comments in writing for you and tell you about how we may respond.

As well, if you wish to have a third person, such as a family member or trusted friend, prepare and send your complaint on your behalf, this can be as long as it is done with your permission.

Support for you during an investigative interview

We understand that being interviewed by an investigator can be difficult or stressful. We encourage you to tell us what you need to help you tell us about your experience with the lawyer or paralegal.

We can interview you in your first language, if you would like. To ensure a smooth interview, we try to work with translators who are culturally sensitive and respectful.

You may bring a support person with you, such as a family member or a trusted friend during any part of your interview as long as the support person is independent of the investigation and the lawyer or paralegal who is being investigated.

If your complaint is about a lawyer involved in the *Independent Assessment Process*, or another process associated with the *Indian Residential Schools Settlement Agreement* you may want to ask for an Indian Residential Schools Health Support Worker to be available to you for support.

When and how the Law Society may investigate a complaint

We may start an investigation into a lawyer's or paralegal's behaviour when we receive information suggesting that the lawyer or paralegal may be acting unethically. The lawyer or paralegal must allow the Law Society investigator to:

- Enter the lawyer's or paralegal's office;
- Examine any documents relating to the investigation, including client files;
- Request and receive information and documents, including answering the investigator's questions and giving a statement.

Privilege and confidentiality is protected

The privileged and confidential information and documents you provide to us and that we obtain during an investigation are subject to strict laws that protect its confidentiality and govern its disclosure.

Factors we consider in determining how we respond to professional misconduct

When we believe a lawyer or a paralegal has engaged in professional misconduct, we carefully consider the following factors when determining how to respond:

- Seriousness of the misconduct;
- Unique circumstances of you, the complainant;
- Risk the lawyer or paralegal may present to the public;
- Complaint or discipline history of the lawyer or paralegal;
- Unique circumstances of the lawyer or paralegal;
- The Law Society's prior efforts to address conduct issues with the lawyer or paralegal; and
- Degree of insight the lawyer or paralegal has into his or her conduct.

Actions the Law Society can take to respond to professional misconduct

The Law Society does not prosecute all lawyers and paralegals who may have engaged in misconduct. Instead, we may respond with what we call a *Remedial Regulatory Response*.

For example, we may respond by:

- Writing the lawyer or paralegal a letter of advice;
- Providing the lawyer or paralegal with information about "best practices";
- Cautioning the lawyer or paralegal about the conduct in question;
- Arranging for a more senior lawyer or paralegal to act as a mentor to the lawyer or the paralegal;
- Requiring the lawyer or paralegal to meet with one or more senior lawyers or paralegals who are Benchers (members of the legal profession's governing body);
- Requiring the lawyer or paralegal to attend educational programs; or
- Requiring the lawyer or paralegal to participate in counselling or medical treatment.

The goals of these measures are to try to fix the underlying problem, to help the lawyer or paralegal to accept responsibility for their conduct and make changes needed to avoid a repetition of the misconduct in the future.

However, where the circumstances of the case require it, the Law Society may start formal discipline proceedings against the lawyer or paralegal that could result in, among other possible penalties, the loss of their licence to practise law or provide legal services.

Fact Sheet will soon be available in print and online in Kanienkeha, Swampy Cree, Severn Ojibwe, Odaawa (Manitoulin Island District), Northwestern Ojibwe and French.

Please note - Disclaimer: The content of this pamphlet contains legal information that is current to the date it was printed. Legal information is not legal advice. You should seek legal advice about your specific legal situation.