



The Law Society of  
Upper Canada

Barreau  
du Haut-Canada

# **The Professional Regulation Division**

## **Quarterly Report**

April – June 2014

## **The Quarterly Report**

The Quarterly Report provides a summary of the Professional Regulation Division's activities and achievements during the past quarter, April 1 to June 30, 2014. The purpose of the Quarterly Report is to provide information on the production and work of the Division during the quarter, to explain the factors that may have influenced the Division's performance, and to provide a description of exceptional or unusual projects or events in the period.

## **The Professional Regulation Division**

Professional Regulation is responsible for responding to complaints against licensees, including the resolution, investigation and prosecution of complaints which are within the jurisdiction provided under the *Law Society Act*. In addition the Professional Regulation provides trusteeship services for the practices of licensees who are incapacitated by legal or health reasons. Professional Regulation also includes the Compensation Fund which compensates clients for losses suffered as a result of the wrongful acts of licensees.

See Appendices for a case flow chart describing the complaints process as well as a description of the Professional Regulation division processes and organization.

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# **SECTION 1**

## **REPORT HIGHLIGHTS**

## Highlights of Quarterly Performance

### **The Division**

The Law Society's intake of new cases has tended to fluctuate during the past three years such that predicting future trends has become more difficult. During the first two quarters of 2014, the Law Society received fewer new cases than the first half of 2013. Reviews of the nature of the incoming cases and environmental scans have failed to disclose a reason for the fluctuations. It is expected that the intake of new cases in 2014 will be lower than in 2013, which was a year in which the Law Society experienced significant increases. As a result of the lower intake of cases in 2014, the Division's inventory has reduced.

### **Complaints Resolution**

The Complaints Resolution department received a significantly reduced new caseload in the first six months of 2014 in part due to the reduced overall intake, and also through diversions in cases to permit the department to complete its older cases. These case management efforts have been successful in reducing the department's inventory to levels that are more sustainable and more current.

### **Investigations**

During this period the Investigations department received fewer new cases than in the same period in 2013. As with Complaints Resolution (above) this is due in part to strategies to divert cases to permit timely completion of matters already in the inventory. The reduced intake is also a reflection of the reduced overall intake for the Division. The department has been engaged in a project to complete complex cases that are ongoing on a priority bases.

### **Discipline**

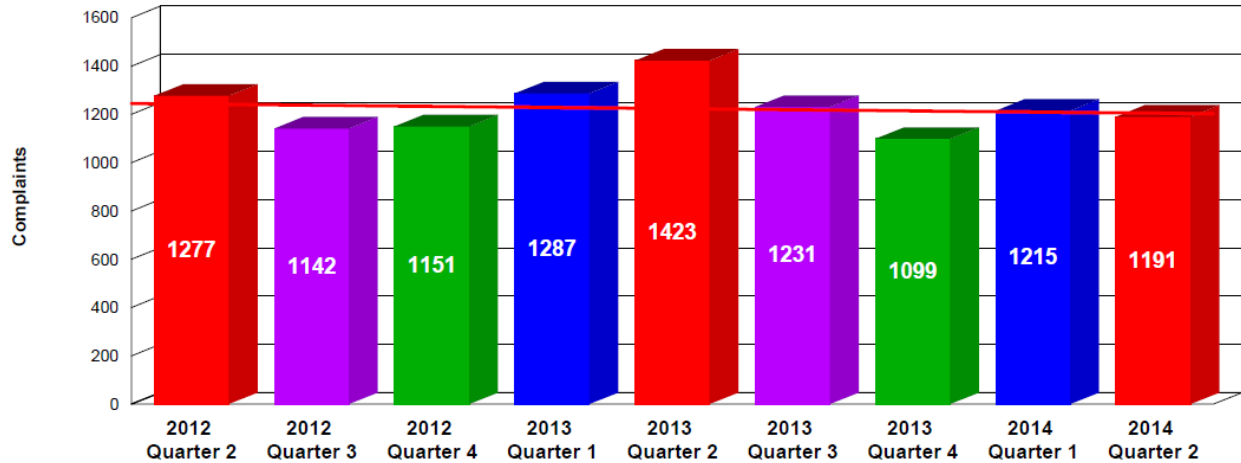
There was a slight decrease in the inventory of cases in Discipline during this period when compared with the same period in 2013. At the end of the period there were 185 licensees or applicants with files in the department relating to 523 complaints. Twenty-five notices were issued in the second quarter to commence new proceedings, and thirty-four matters were completed with decisions of the Hearing or Appeal Division. There were 13 appeals commenced including five new appeals to Divisional Court.

## **SECTION 2**

### **DIVISIONAL PERFORMANCE DURING THE QUARTER**

## PERFORMANCE IN THE PROFESSIONAL REGULATION DIVISION

**Graph 2A: Complaints<sup>1</sup> Received in the Division**



The number of new complaints received in the first half of 2014 (2406) decreased by 11% when compared to the number received in the first half of 2013 (2710) and by 3% when compared to the number received in the first half of 2012 (2489). The analysis of new complaints/cases received (below) shows that, in Q2 2014, the number of complaints/cases decreased for all groups when compared to the numbers received in Q1 2014 and in Q2 2013.

### Detailed Analysis of Complaints Received in the Division

	Q2 2013	Q3 2013	Q4 2013	Q1 2014	Q2 2014
<b>Complaints against Lawyers</b>	1026	969	886	912	882
<b>Lawyer Applicant Cases ★</b>	67	21	9	69	17
<b>Complaints against Licensed Paralegals</b>	152	143	129	150	126
<b>Paralegal Applicant Cases ★</b>	121	34	21	22	118
<b>Complaints against Non-Licensees/Non-Applicants*</b>	57	64	54	62	48
<b>TOTAL</b>	1423	1231	1099	1215	1191

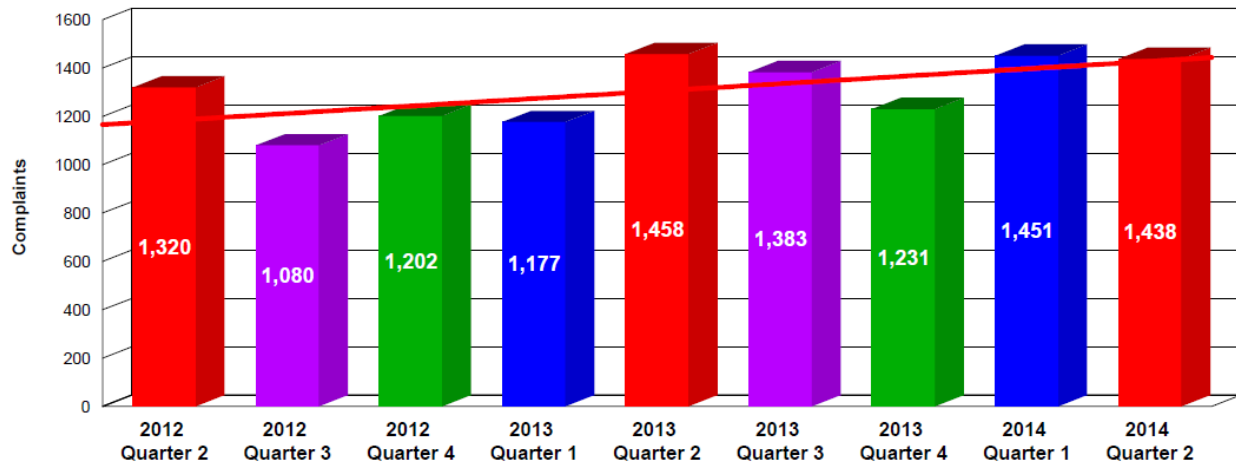
★ Applicant cases include good character cases and UAP complaints

\* For a complete analysis of UAP complaints see section 3.4.

<sup>1</sup> Includes all complaints received in PRD from Complaints Services.



**Graph 2B: Complaints Closed<sup>2</sup> in the Division (by Quarters)**



The number of cases closed in the Division in the first half of 2014 (2889) increased by 10% from the number of cases closed in the first half of 2013 (2635) and by 9% from the number of cases closed in the first half of 2012 (2646).

**Detailed Analysis of Complaints Closed in the Division**

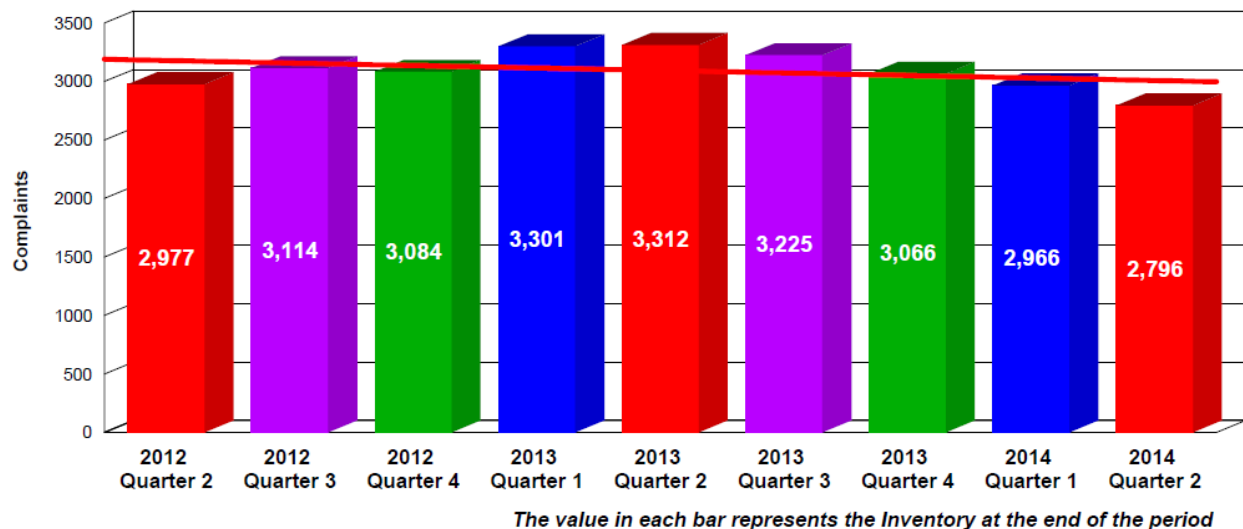
	Q2 2013	Q3 2013	Q4 2013	Q1 2014	Q2 2014
<b>Complaints against Lawyers</b>	1118	1101	1009	1140	1067
<b>Lawyer Applicant Cases ★</b>	64	31	14	13	69
<b>Complaints against Licensed Paralegals</b>	127	124	131	181	134
<b>Paralegal Applicant Cases ★</b>	83	53	33	41	100
<b>Complaints against Non-Licensees/Non-Applicants*</b>	66	74	44	76	68
<b>TOTAL</b>	1458	1383	1231	1451	1438

★ Applicant cases include good character cases and UAP complaints

\* For a complete analysis of UAP complaints see section 3.4.

<sup>2</sup> This graph includes all complaints closed in Intake, Complaints Resolution, Investigations and Discipline.

**Graph 2C: Total Inventory<sup>3</sup>**



The inventory in the Division at the end of Q2 2014 was approximately 6% lower than at the end of Q1 2014 and approximately 16% lower than the inventory in the Division at the end of Q2 2013. The breakdown of the inventory in the chart below demonstrates that decreases since the end of Q2 2013 have occurred in the inventory of complaints against all groups.

**Detailed Analysis of Division Inventory**

	Q2 2013	Q3 2013	Q4 2013	Q1 2014	Q2 2014
<b>Complaints against Lawyers</b>	2656	2575	2449	2315	2200
<b>Lawyer Applicant Cases★</b>	39	29	25	78	26
<b>Complaints against Licensed Paralegals</b>	404	427	398	404	398
<b>Paralegal Applicant Cases★</b>	91	77	67	42	65
<b>Complaints against Non-Licensees/Non-Applicants*</b>	122	117	127	127	107
<b>TOTAL</b>	3312	3225	3066	2966	2796

★ Applicant cases include good character cases and UAP complaints

\* For a complete analysis of UAP complaints see section 3.4.

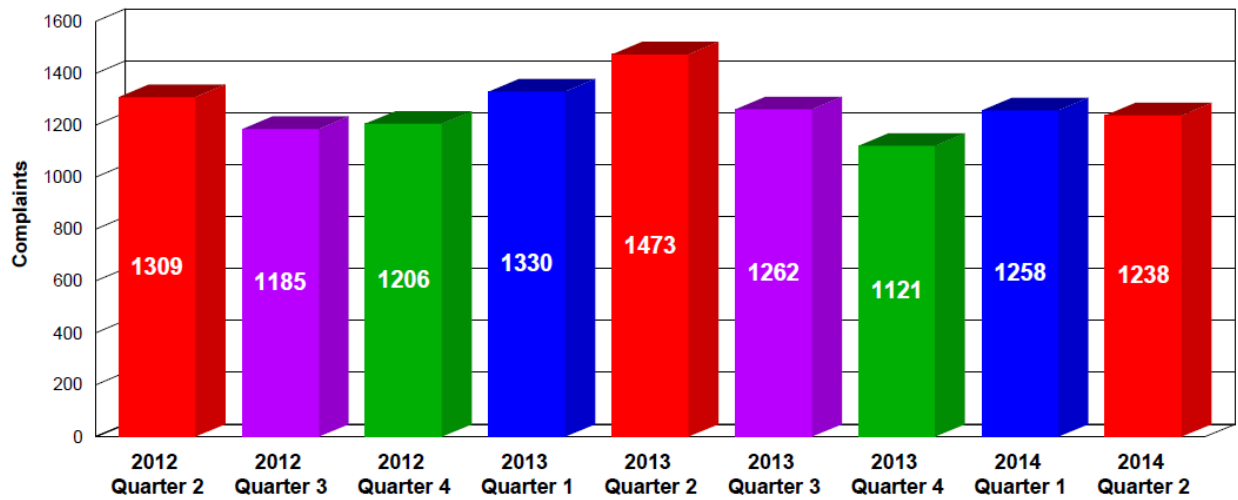
<sup>3</sup> This graph does not include active complaints in the Monitoring & Enforcement Department.

## **SECTION 3**

# **DEPARTMENTAL PERFORMANCE DURING THE QUARTER**

### 3.1 – Intake

**Graph 3.1A: Intake - Input<sup>4</sup>**



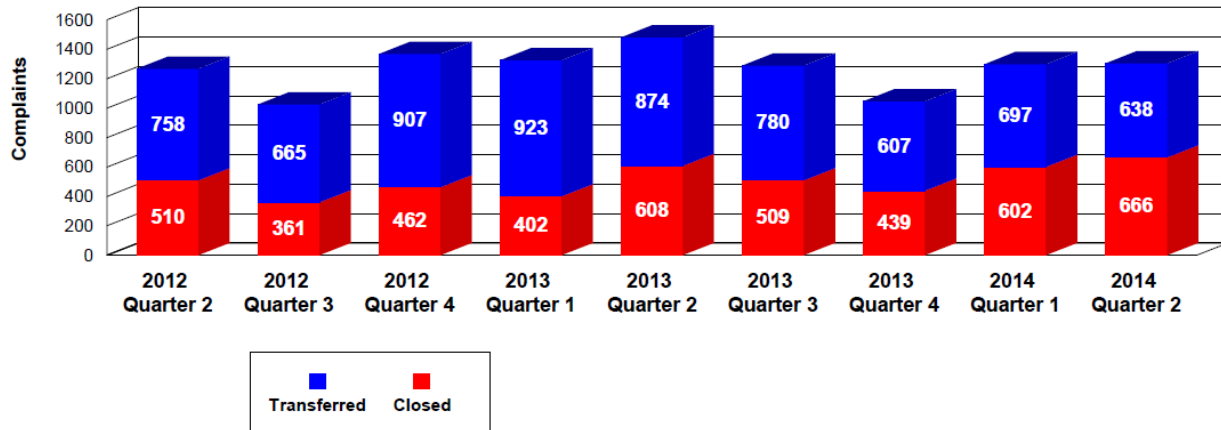
The Intake department processes all new regulatory complaints. In Q2 2014, in addition to the 1191 new cases, Intake re-opened 47 complaints which met the threshold for re-opening a closed matter.

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<sup>4</sup> Includes new complaints received and re-opened complaints

### 3.1 – Intake

**Graph 3.1B: Intake - Complaints Closed and Transferred Out**



In the first half of 2014, Intake completed 2603 cases, which represents a 7% decrease over the number of cases completed by the department in the first half of 2013 (2807) but a 5% increase over the number of cases completed by the department in the first half of 2012 (2470).

#### Detailed Analysis of Complaints Closed and Transferred From Intake

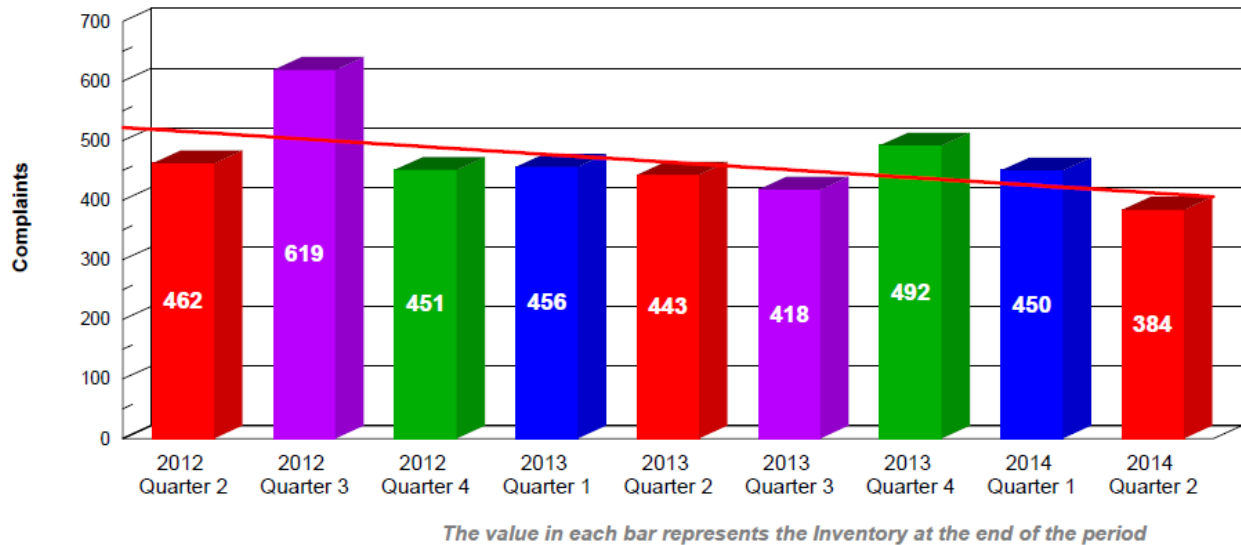
		Q2 2013	Q3 2013	Q4 2013	Q1 2014	Q2 2014
<b>Complaints against Lawyers</b>	Closed	425	404	368	489	439
	Transferred	639	605	486	545	482
<b>Lawyer Applicant Cases ★</b>	Closed	45	15	5	7	66
	Transferred	18	11	0	4	12
<b>Complaints against Licensed Paralegals</b>	Closed	39	40	35	58	60
	Transferred	127	111	80	96	79
<b>Paralegal Applicant Cases ★</b>	Closed	69	22	10	22	85
	Transferred	45	18	5	6	30
<b>Complaints against Non-Licensees/Non-Applicants*</b>	Closed	30	28	21	26	16
	Transferred	45	35	36	46	35
<b>TOTAL</b>	Closed	608	509	439	602	666
	Transferred	874	780	607	697	638

★ Applicant cases include good character cases and UAP complaints

\* For a complete analysis of UAP complaints see section 3.4.

### 3.1 – Intake

**Graph 3.1 C: Intake - Department Inventory**



In Q2 of 2014, the department's inventory decreased by 15% from the end of Q1 2014 and by 22% from the end of 2013 (from 492 to 384 cases). As noted in the chart below, Intake's inventory at the end of the quarter consisted mostly of complaints against lawyers.

#### Detailed Analysis of Intake Inventory

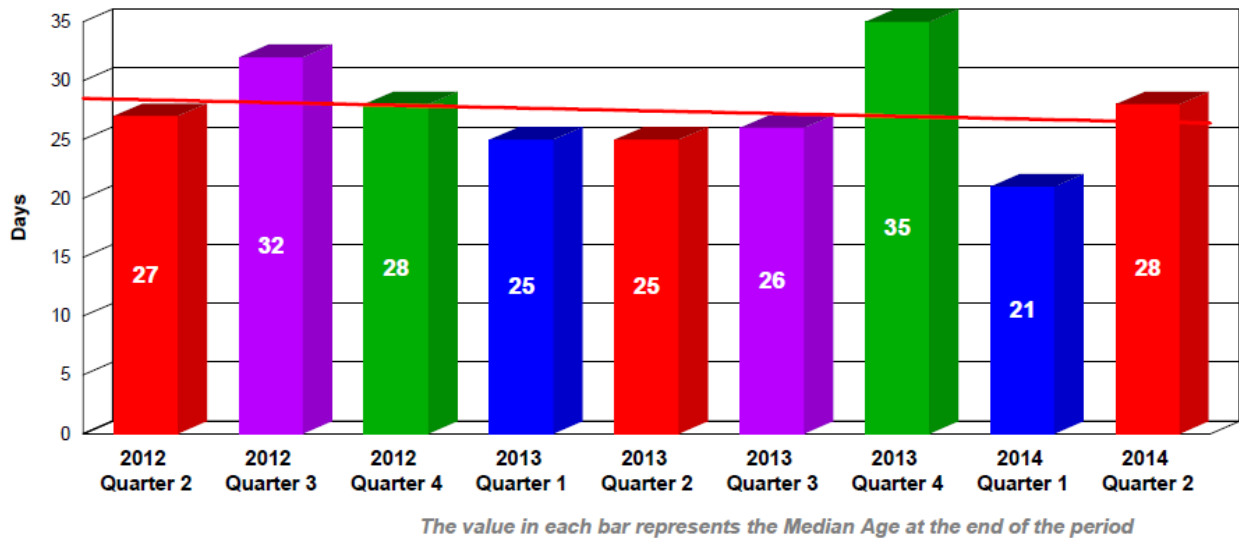
	Q2 2013	Q3 2013	Q4 2013	Q1 2014	Q2 2014
<b>Complaints against Lawyers</b>	384	369	415	327	332
<b>Lawyer Applicant Cases ★</b>	5	0	4	62	1
<b>Complaints against Licensed Paralegals</b>	44	36	54	52	40
<b>Paralegal Applicant Cases ★</b>	6	2	9	2	5
<b>Complaints against Non-Licensees/Non-Applicants*</b>	4	11	10	7	6
<b>TOTAL</b>	443	418	492	450	384

★ Applicant cases include good character cases and UAP complaints

\* For a complete analysis of UAP complaints see section 3.4.

### 3.1 – Intake

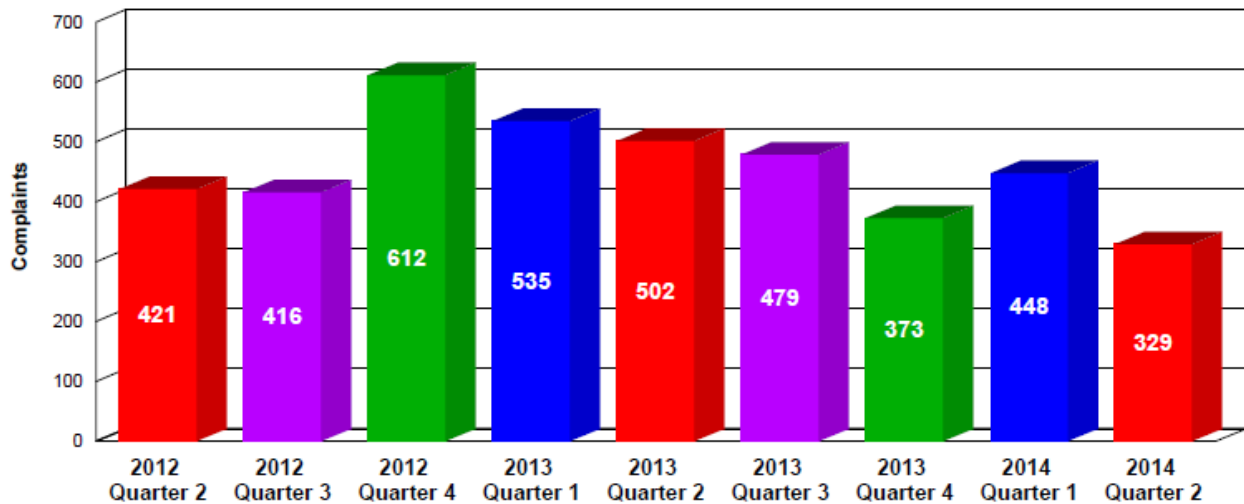
**Graph 3.1D: Intake - Median Age of Complaints**



Intake's median age is below the department's 30-day target, indicating a timely case process.

## 3.2 – Complaints Resolution

**Graph 3.2A: Complaints Resolution – Input<sup>5</sup>**



The input of cases into Complaints Resolution in the first half of 2014 (777) decreased by 25% from the input received in the first half of 2013 (1037) and by 11% from the input received in the first half of 2012 (871).

### Detailed Analysis of New and Re-opened Complaints in Complaints Resolution

	Q2 2013	Q3 2013	Q4 2013	Q1 2014	Q2 2014
<b>Complaints against Lawyers</b>	443	418	330	375	295
<b>Lawyer Applicant Cases ★</b>	0	0	0	0	0
<b>Complaints against Licensed Paralegals</b>	59	60	43	72	34
<b>Paralegal Applicant Cases ★</b>	0	0	0	0	0
<b>Complaints against Non-Licensees/Non-Applicants*</b>	0	1	0	1	0
<b>TOTAL</b>	502	479	373	448	329

★ Applicant cases include good character cases and UAP complaints

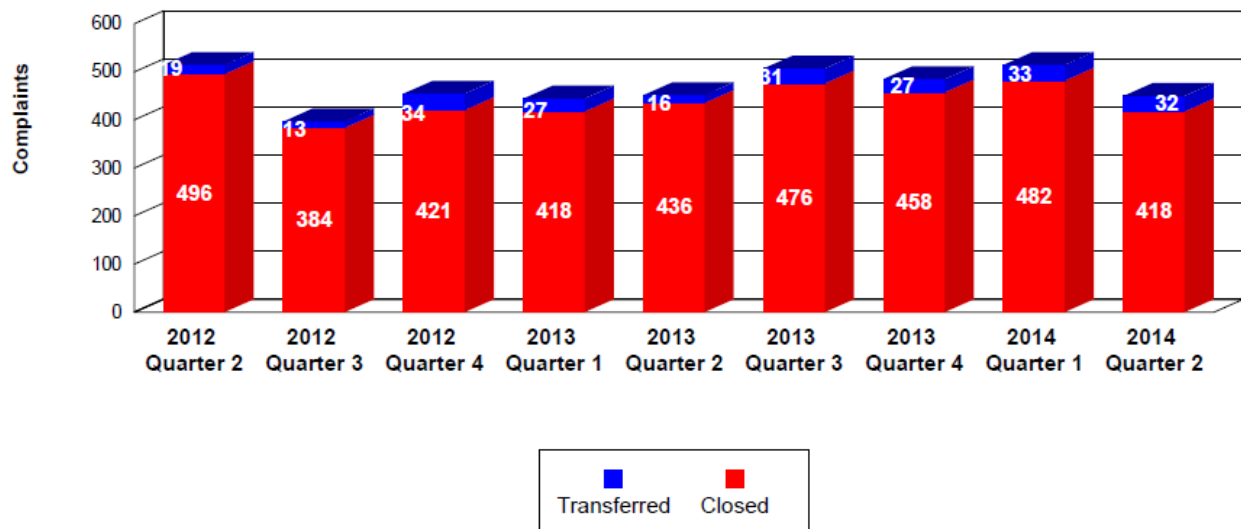
\* For a complete analysis of UAP complaints see section 3.4.

<sup>5</sup> Includes new complaints received into the department as well as complaints re-opened during the Quarter.



## 3.2 – Complaints Resolution

**Graph 3.2B: Complaints Resolution - Complaints Closed and Transferred Out**



The number of cases completed in the first half of 2014 by Complaints Resolution (965) increased by approximately 8% over the number of cases completed in the first half of 2013 (897) but decreased by approximately 3.5% from the number of cases completed in the first half of 2012 (1000).

### Detailed Analysis of Complaints Closed and Transferred From Complaints Resolution

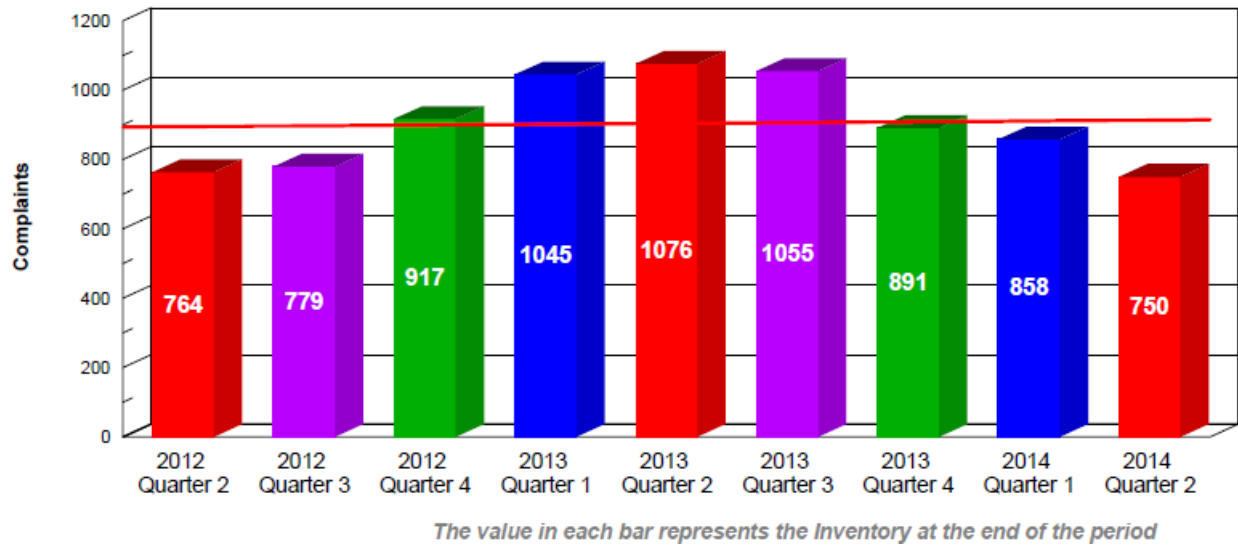
		Q2 2013	Q3 2013	Q4 2013	Q1 2014	Q2 2014
<b>Complaints against Lawyers</b>	Closed	408	434	405	416	389
	Transferred	14	23	22	25	30
<b>Lawyer Applicant Cases*</b>	Closed	0	0	0	0	0
	Transferred	0	0	0	0	0
<b>Complaints against Licensed Paralegals</b>	Closed	28	42	53	66	29
	Transferred	2	7	5	8	2
<b>Paralegal Applicant Cases*</b>	Closed	0	0	0	0	0
	Transferred	0	0	0	0	0
<b>Complaints against Non-Licensees/Non-Applicants*</b>	Closed	0	0	0	0	0
	Transferred	0	1	0	0	0
<b>TOTAL</b>	Closed	436	476	458	482	418
	Transferred	16	31	27	33	32

★ Applicant cases include good character cases and UAP complaints

\* For a complete analysis of UAP complaints see section 3.4.

## 3.2 – Complaints Resolution

**Graph 3.2C: Complaints Resolution – Department Inventory**



Since a high of 1076 cases at the end of Q2 2013, the department's inventory has decreased by 30% to 750 cases at the end of Q2 2014. The inventory continues to consist mostly of complaints against lawyers.

### Detailed Analysis of Complaint Resolution's Inventory

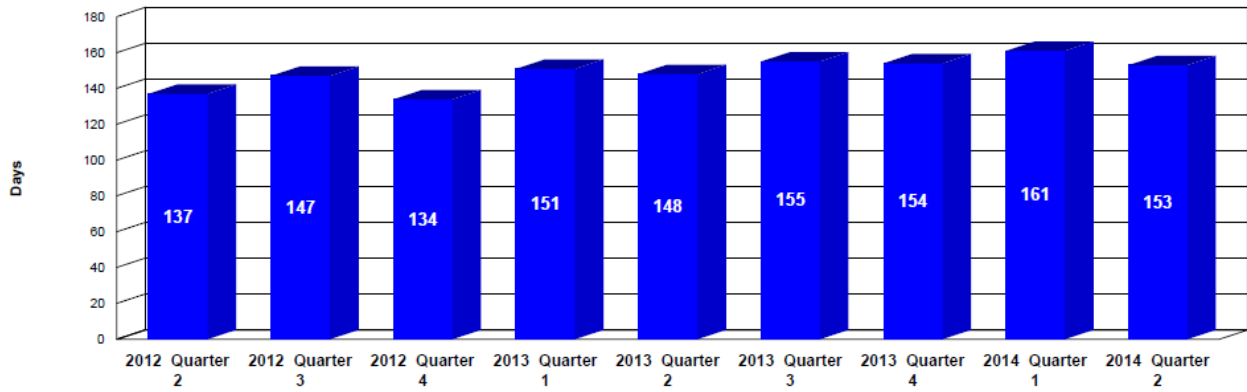
	Q2 2013	Q3 2013	Q4 2013	Q1 2014	Q2 2014
<b>Complaints against Lawyers</b>	959	928	811	779	669
<b>Lawyer Applicant Cases ★</b>	0	0	0	0	0
<b>Complaints against Licensed Paralegals</b>	117	127	80	78	80
<b>Paralegal Applicant Cases ★</b>	0	0	0	0	0
<b>Complaints against Non-Licensees/Non-Applicants*</b>	0	0	0	1	1
<b>TOTAL</b>	1076	1055	891	858	750

★ Applicant cases include good character cases and UAP complaints

\* For a complete analysis of UAP complaints see section 3.4.

## 3.2 – Complaints Resolution

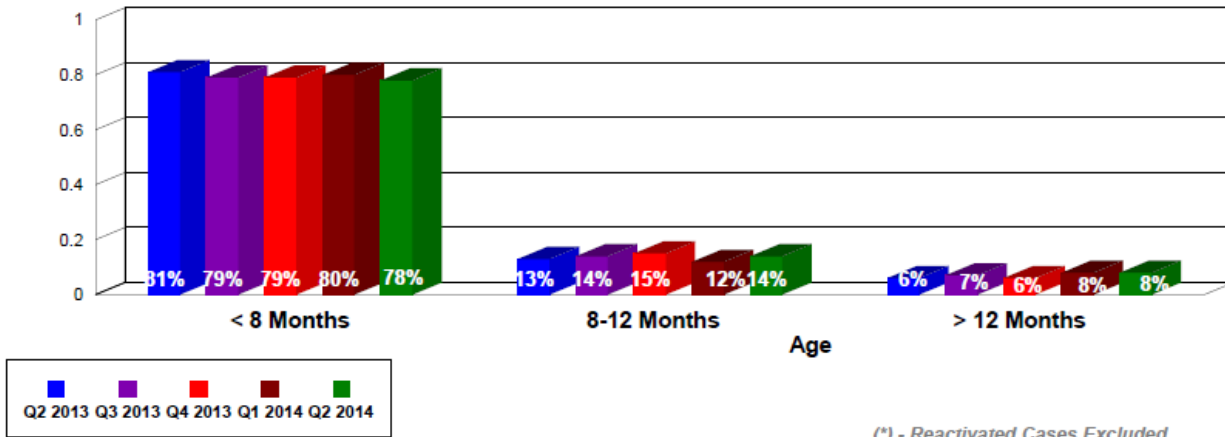
**Graph 3.2D: Complaints Resolution - Median Age of Complaints**



The department's median age decreased from the previous quarter and remains within the department's target range of 150-170 days.

## 3.2 – Complaints Resolution

**Graph 3.2E: Complaints Resolution – Aging of Complaints**



The above graph sets out the spectrum of aging in the department’s inventory (excluding reactivated cases) at the end of each of the 5 quarters displayed. Excluding reactivated cases, Complaints Resolution’s department inventory at the end of Q2 2014 was 687 cases involving 624 subjects. The age distribution of those cases was:

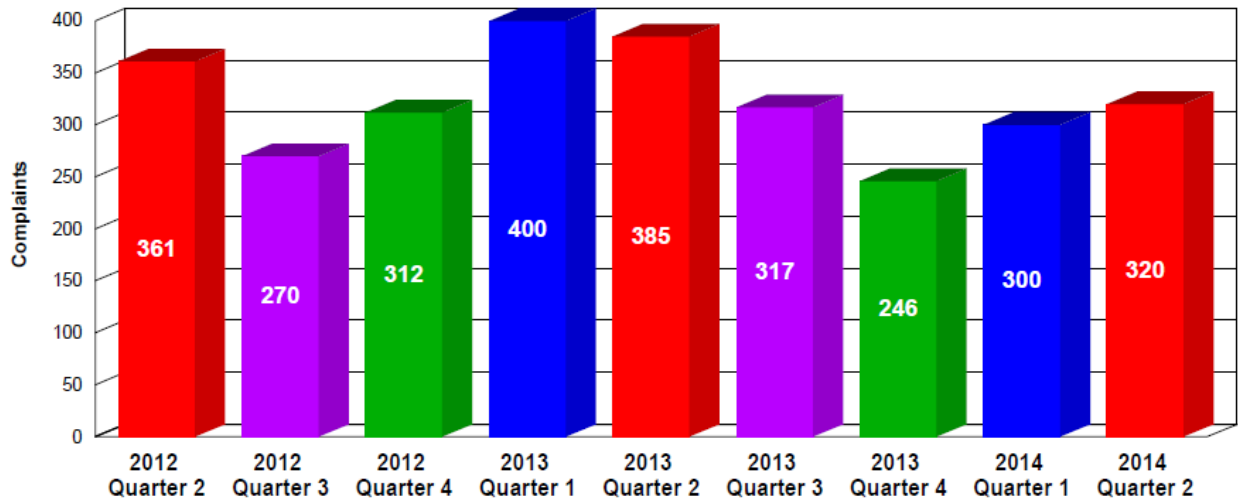
Less than 8 months	534 cases involving 487 subjects
8 to 12 months	100 cases involving 95 subjects
More than 12 months	53 cases involving 42 subjects

The goal is to reduce the proportion of cases in the older time frames and increase the proportion of cases in the youngest time frame. However, it is recognized that there will always be cases that are older than 12 months in Complaints Resolution for the following reasons:

- Newer complaints against the lawyer/paralegal are received. In some cases existing cases await the completion of younger cases relating to the same licensee;
- Delays on the part of licensees in providing representations and in responding to the investigators’ requests. In a number of instances, the Summary Hearing process is required;
- Delays on the part of complainants in responding to licensee’s representations and to investigators’ requests for additional information; and
- New issues raised by the complainant requiring additional investigation

### 3.3 –Investigations

**Graph 3.3A: Investigations - Input**



The input of cases into the Investigations department in the first half of 2014 (620) decreased by 21% from the input in the first half of 2013 (785) and by 7% from the first half of 2012 (663).

#### Detailed Analysis of New and Re-opened Complaints Received in Investigations

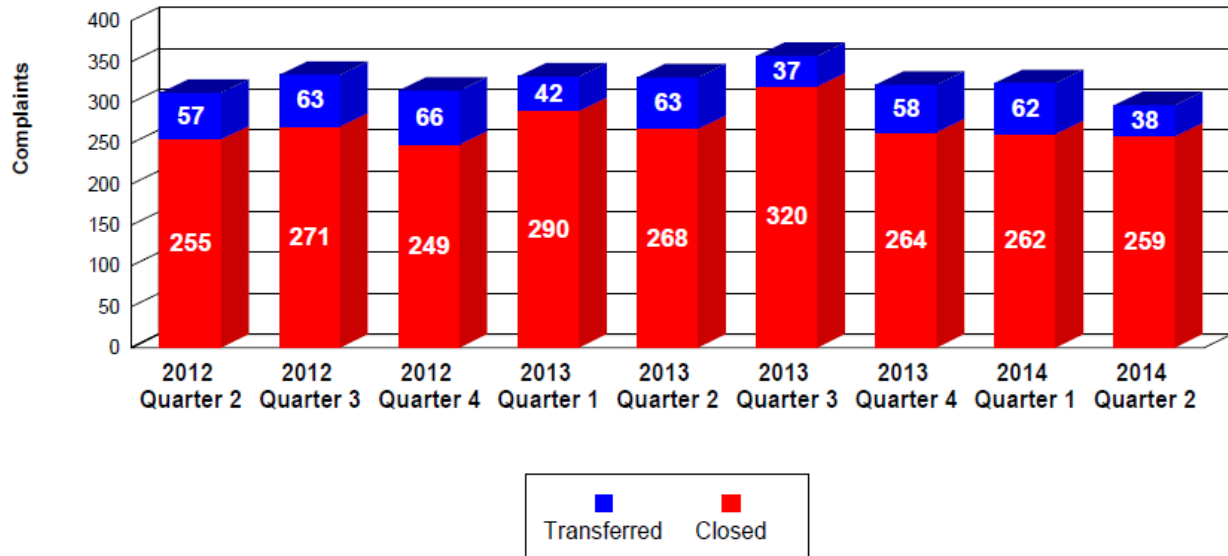
	Q2 2013	Q3 2013	Q4 2013	Q1 2014	Q2 2014
<b>Complaints against Lawyers</b>	208	197	164	190	201
<b>Lawyer Applicant Cases ★</b>	18	11	0	4	12
<b>Complaints against Licensed Paralegals</b>	69	54	40	44	42
<b>Paralegal Applicant Cases ★</b>	45	19	6	6	30
<b>Complaints against Non-Licensees/Non-Applicants*</b>	45	36	36	45	35
<b>TOTAL</b>	385	317	246	300	320

★ Applicant cases include good character cases and UAP complaints

\* For a complete analysis of UAP complaints see section 3.4.

### 3.3 –Investigations

**Graph 3.3B Investigations - Complaints Closed and Transferred Out**



The number of cases closed/transferred out of the department in the first half of 2014 (621 cases) was approximately 6% lower than the number completed in the first half of 2013 (663) but almost the same as the number completed in the first half of 2012 (625 cases).

#### Detailed Analysis of Complaints Closed and Transferred Out of Investigations

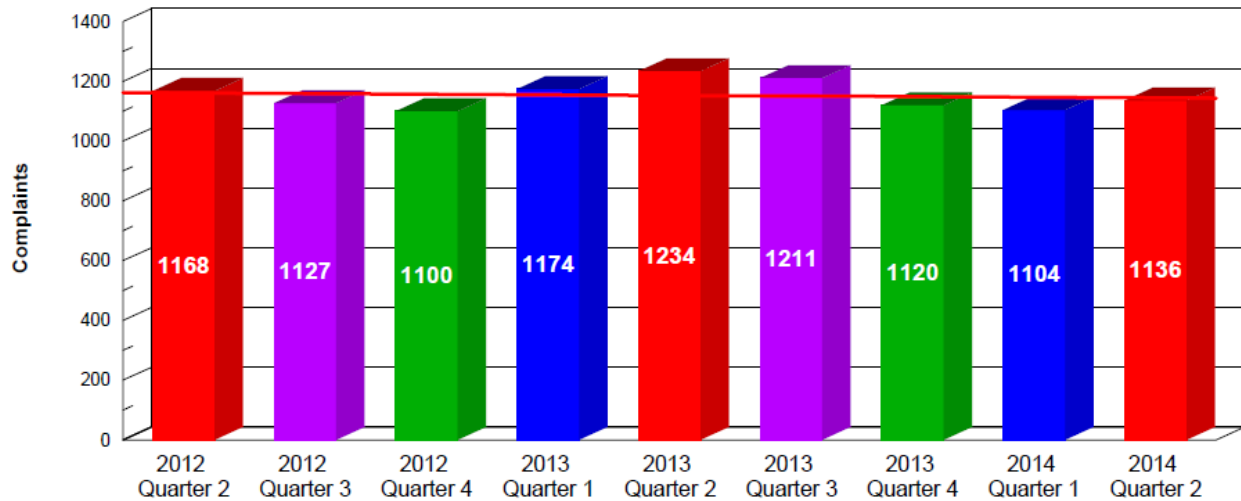
		Q2 2013	Q3 2013	Q4 2013	Q1 2014	Q2 2014
<b>Complaints against Lawyers</b>	Closed	171	194	183	158	166
	Transferred	45	32	46	45	31
<b>Lawyer Applicant Cases ★</b>	Closed	17	14	9	5	3
	Transferred	0	0	0	1	1
<b>Complaints against Licensed Paralegals</b>	Closed	39	39	27	38	32
	Transferred	17	4	10	5	1
<b>Paralegal Applicant Cases ★</b>	Closed	12	31	22	13	8
	Transferred	1	2	0	1	1
<b>Complaints against Non-Licensees/Non-Applicants*</b>	Closed	29	42	23	48	50
	Transferred	0	0	2	10	4
<b>TOTAL</b>	Closed	268	320	264	262	259
	Transferred	63	38	58	62	38

★ Applicant cases include good character cases and UAP complaints

\* For a complete analysis of UAP complaints see section 3.4.

### 3.3 – Investigations

**Graph 3.3C: Investigations – Department Inventory**



*The value in each bar represents the Inventory at the end of the period*

As the input of cases (320) into the department exceeded the number of cases completed by the department in Q2 2014 (297), Investigations' inventory increased slightly (by 3%) from 1104 cases at the end of Q1 2014 to 1136 cases at the end of Q2 2014. However, the department's inventory at the end of Q2 2014 (1136) was approximately 8% less than its inventory at the end of Q2 2013 (1234)

#### Detailed Analysis of Investigations Inventory

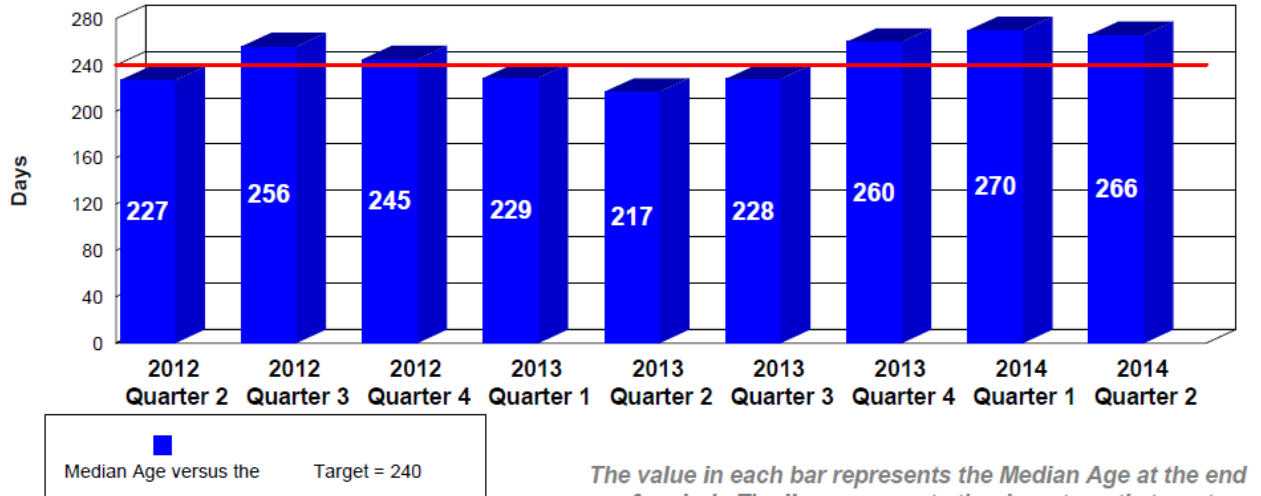
	Q2 2013	Q3 2013	Q4 2013	Q1 2014	Q2 2014
<b>Complaints against Lawyers</b>	851	837	759	750	761
<b>Lawyer Applicant Cases ★</b>	31	28	20	15	23
<b>Complaints against Licensed Paralegals</b>	186	200	202	219	227
<b>Paralegal Applicant Cases ★</b>	64	52	36	28	49
<b>Complaints against Non-Licensees/Non-Applicants*</b>	102	94	103	92	76
<b>TOTAL</b>	1234	1211	1120	1104	1136

★ Applicant cases include good character cases and UAP complaints

\* For a complete analysis of UAP complaints see section 3.4.

### 3.3 – Investigations

**Graph 3.3D: Investigations - Median Age of All Complaints**

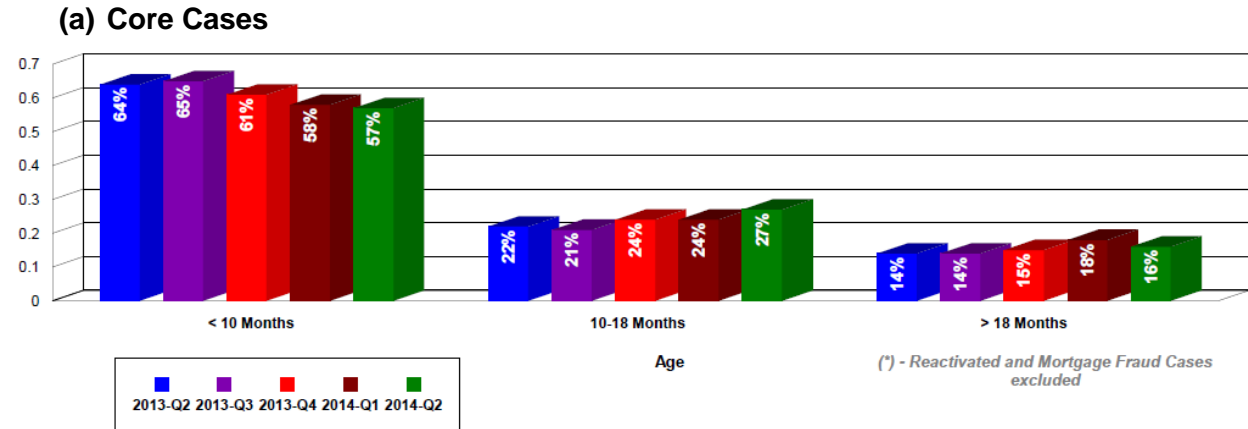


Investigations' median age at the end of Q2 2014 was slightly lower than the median age at the end of Q1 2014, decreasing from 270 days to 266 days.



### 3.3 – Investigations

**Graph 3.3E: Investigations – Aging of Complaints**



The above graph sets out the spectrum of aging in the department’s inventory (excluding reactivated and mortgage fraud cases) at the end of each of the 5 quarters displayed. The inventory of Investigations at the end of the second quarter of 2014, excluding reactivated and mortgage fraud cases, was 965 cases involving 731 subjects. The distribution of those cases was:

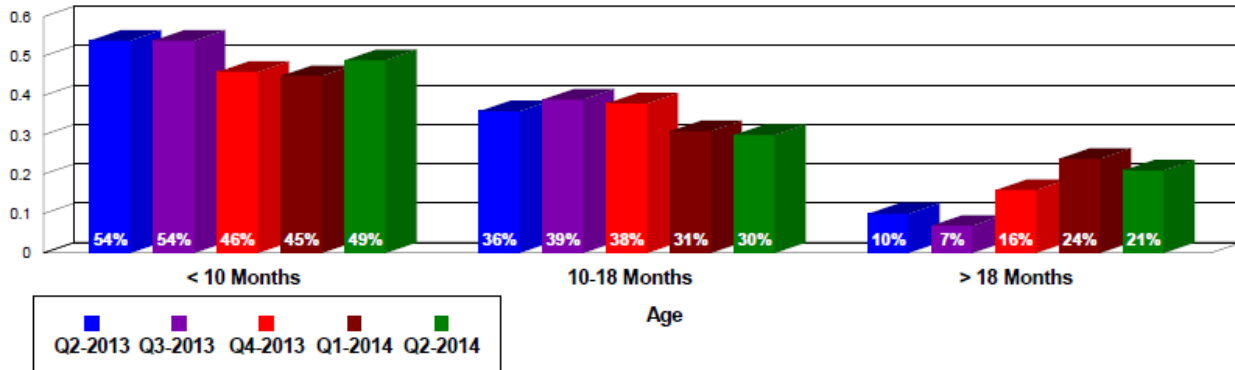
Less than 10 months	549 cases involving 433 subjects
10 to 18 months	256 cases involving 178 subjects
More than 18 months	160 cases involving 120 subjects

While the department strives to reduce the proportion of cases in the older time frame and to increase the proportion of cases in the youngest time frame, it is recognized that there are cases that are older than 18 months in Investigations for the following reasons:

- The investigator has to wait for evidence from a third party (i.e. not the complainant or the licensee/subject), for example psychiatric evaluation, court transcripts, or a key witness;
- Newer complaints are received against the licensee/subject. In order to move forward together to the Proceedings Authorization Committee, the older cases await the completion of younger cases;
- A need to coordinate investigations between different licensees/subject where the issues arise out of the same set of circumstances (e.g. a complainant complains about 2 lawyers in relation to the same matter);
- Multiple cases involve one lawyer. These investigations are complex and time consuming;
- Where capacity issues are raised during a conduct investigation.

### 3.3 – Investigations

#### (b) Mortgage Fraud Cases



The above graph sets out the spectrum of aging in the department’s mortgage fraud case inventory at the end of each of the 5 quarters displayed. The inventory of mortgage fraud cases at the end of the second quarter of 2014 was 100 cases involving 84 subjects. The distribution of those cases was:

Less than 10 months	49 cases involving 41 subjects
10 to 18 months	30 cases involving 24 subjects
More than 18 months	21 cases involving 19 subjects

As noted above, the department strives to reduce the proportion of mortgage fraud cases in the older time frame and to increase the proportion of cases in the youngest time frame. However, it is recognized that there will always be mortgage fraud cases that are older than 18 months in Investigations for the reasons cited above, particularly:

- When newer complaints against the licensee/subject are received, existing investigations may have to await their completion in order that all the cases can be taken to Proceedings Authorization Committee together.
- There is a need to coordinate investigations between different licensees/subject where the issues arise out of the same set of circumstances (e.g. a complainant complains about 2 lawyers in relation to the same matter).
- There are multiple cases involve one lawyer resulting in greater complexity.

### 3.4 – Unauthorized Practice (UAP)

**Graph 3.4A: Unauthorized Practice Complaints in Intake**

Quarter	New	Closed/Transferred			Active at end of Quarter
		Closed	Transfer to CR	Transfer to Inv	
<b>Totals: 2008</b>	337	122	50	168	
<b>Totals: 2009</b>	445	165	86	192	
<b>Q1 2010</b>	94	42	0	76	36
<b>Q2 2010</b>	89	32	0	69	32
<b>Q3 2010</b>	67	32	1	50	29
<b>Q4 2010</b>	80	45	0	54	18
<b>Totals - 2010 (+ POL)</b>	330* (398)	151	1	249	
<b>Q1 2011 (+ POL)</b>	61 (74)	24	0	41	20
<b>Q2 2011 (+ POL)</b>	61 (84)	20	1	54	12
<b>Q3 2011 (+ POL)</b>	70 (80)	27	0	49	28
<b>Q4 2011 (+ POL)</b>	63 (83)	16	1	62	15
<b>Totals – 2011 (+POL)</b>	255 (321)	87	2	206	
<b>Q1 2012 (+ POL)</b>	77(91)	16	0	61	17
<b>Q2 2012 (+POL)</b>	58 (80)	22	0	49	6
<b>Q3 2012 (+POL)</b>	41 (44)	16	0	27	11
<b>Q4 2012 (+POL)</b>	80 (84)	32	0	45	19
<b>Totals – 2012 (+POL)</b>	256 (299)	86	0	182	
<b>Q1 2013 (+POL)</b>	71(93)	29	0	59	11
<b>Q2 2013 (+POL)</b>	60(66)	26	0	51	5
<b>Q3 2013 (+POL)</b>	69 (81)	27	0	46	9
<b>Q4 2013 (+POL)</b>	60(71)	20	0	41	11
<b>Totals – 2013 (+POL)</b>	260 (311)	102	0	197	11
<b>Q1 2014 (+POL)</b>	64(76)	26	0	51	6
<b>Q2 2014 (+POL)</b>	52(63)	15	0	38	7

\* In response to the number of UAP complaints being received in the division, a new allegation of “Practising Outside the Scope of Licence” (“POL”) was added to the division’s case management system in Q1 2010. This allows for improved identification of the nature of these complaints. In 2014 Q2, complaints alleging practicing outside the scope of licence were received in a total of 11 cases. Prior to Q1 2010, these would have been included in the UAP figures.

As noted in the chart above, in the first half of 2014, the Division received 12% fewer UAP complaints (116) than it did in the same period in 2013 (131).

### 3.4 – Unauthorized Practice (UAP)

**Graph 3.4B: Unauthorized Practice investigations (in Complaints Resolution and Investigations)**

	New		Closed <sup>6</sup>		Inventory	
	CR	Inv	CR	Inv	CR	Inv
<b>Totals: 2008</b>	52	171	64	126	106	
<b>Totals: 2009</b>	77	187	48	138	168	
<b>Totals: 2010</b>	1	249	28	190	124	
<b>Q1 2011</b>	0	41	0	61	0	104
<b>Q2 2011</b>	1	54	0	56	1	102
<b>Q3 2011</b>	0	49	0	45	1	106
<b>Q4 2011</b>	1	62	0	26	1	139
<b>Totals: 2011</b>	2	206	0	188	140	
<b>Q1 2012</b>	0	61	1	45	0	156
<b>Q2 2012</b>	0	49	0	65	0	140
<b>Q3 2012</b>	0	27	0	41	0	120
<b>Q4 2012</b>	0	45	0	34	0	131
<b>Totals: 2012</b>	0	182	1	185	131	
<b>Q1 2013</b>	0	59	0	62	0	128
<b>Q2 2013</b>	0	51	0	36	0	143
<b>Q3 2013</b>	0	46	0	58	0	129
<b>Q4 2013</b>	0	40	0	31	0	137
<b>Totals: 2013</b>	0	197	0	187	137	
<b>Q1 2014</b>	0	51	0	66	0	122
<b>Q2 2014</b>	0	38	0	82	0	82

As more UAP investigations were completed in Q2 2014 (82) than were received (38), the inventory of UAP cases in Investigations was reduced from 122 cases at the end of Q1 2014 to 82 cases at the end of Q2 2014.

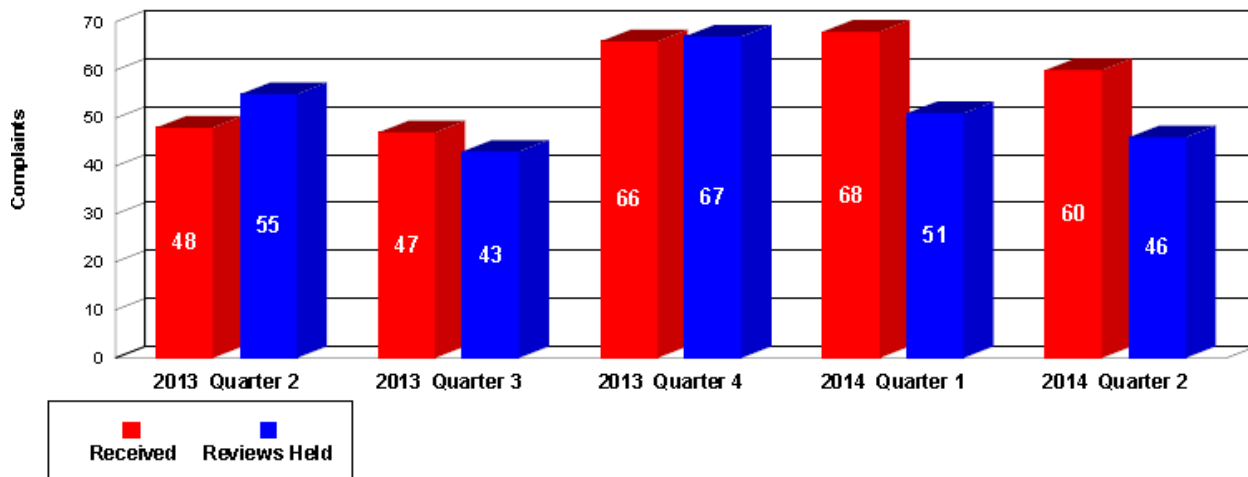
#### **Graph 3.4C: UAP Enforcement Actions**

As at June 30, 2014, there were 5 open UAP matters; in four matters, permanent injunctions are being sought; in another matter, a motion brought for breach of an injunction is ongoing.

<sup>6</sup> “Closed” refers to completed investigations and therefore consists of both those investigations that were closed by the Law Society and those that were referred for prosecution/injunctive relief.

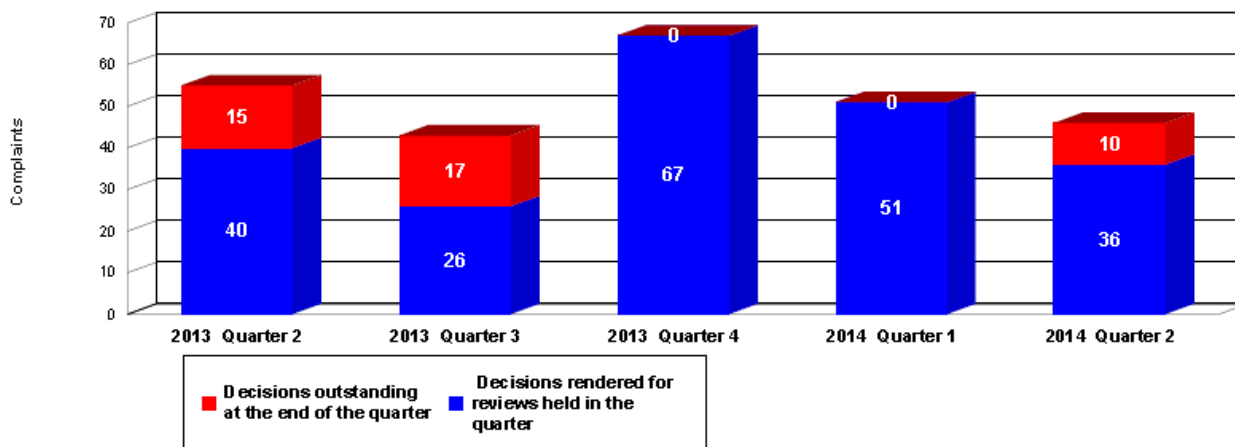
### 3.5 – Complaints Resolution Commissioner

**Graph 3.5A: Reviews Requested and Files Reviewed (by Quarter)**



In the first half of 2014, the Complaints Resolution Commissioner received 128 requests for review of cases closed in either Investigations or Complaints Resolution, a 16% increase from the number of requests received in the same period in 2013 (110) and a 12% decrease from the number of requests received in the first half of 2012 (146). The Commissioner reviewed 97 cases in the first half of 2014; almost the same number as were reviewed in 2013 (95) and about 8% less than were reviewed in the first half of 2012 (106).

**Graph 3.5B: Status of Files Reviewed in each Quarter**



While the files may be reviewed in one quarter, the final decision by the Commissioner may not be rendered in the same quarter. In the second quarter of 2014, the Commissioner rendered decisions in 36 of the 46 cases reviewed in that quarter. As at June 30, 2014, there were 10 decisions outstanding.

### 3.5 – Complaints Resolution Commissioner

**Graph 3.5C: Decisions Rendered, by Quarter**

Quarter	Decisions Rendered (# of decisions where review in previous quarter(s))	Files to Remain Closed	Files Referred Back to PRD
<b>Total 2009</b>	194	174 (90%)	20 (10%)
<b>Total 2010</b>	193	160 (83%)	33 (17%)
<b>Total 2011</b>	260	248 (95%)	12 (5%)
Q1 2012	36	32 (89%)	4 (11%)
Q2 2012	50	48 (96%)	2 (4%)
Q3 2012	67	63 (94%)	4 (6%)
Q4 2012	89	81 (91%)	8(9%)
<b>Total 2012</b>	242	224 (93%)	18 (7%)
Q1 2013	40	38 (95 %)	2 (5 %)
Q2 2013	55	49 (89%)	6 (11%)
Q3 2013	43	40 (93%)	3 (7%)
Q4 2013	67	65 (97%)	2 (3%)
<b>Total 2013</b>	205	192 (94%)	13 (6%)
Q1 2014	51	50(98%)	1(2%)
Q2 2014	36	33(92%)	3(8%)

Of the 36 decisions rendered in Q2 2014, the Commissioner referred 3 files back to Professional Regulation. With respect to 2 of these files, the Commissioner recommended further investigation as he was not satisfied that the decision to close was reasonable. With respect to the third file, while he found the Law Society’s decision to close the case to be reasonable, the Commissioner referred the case back to consider new information provided by the complainant at the review meeting.

As of the date of this Quarterly Report, The Director's decisions remain outstanding with respect to the 2 files referred back with a recommendation for further investigation.

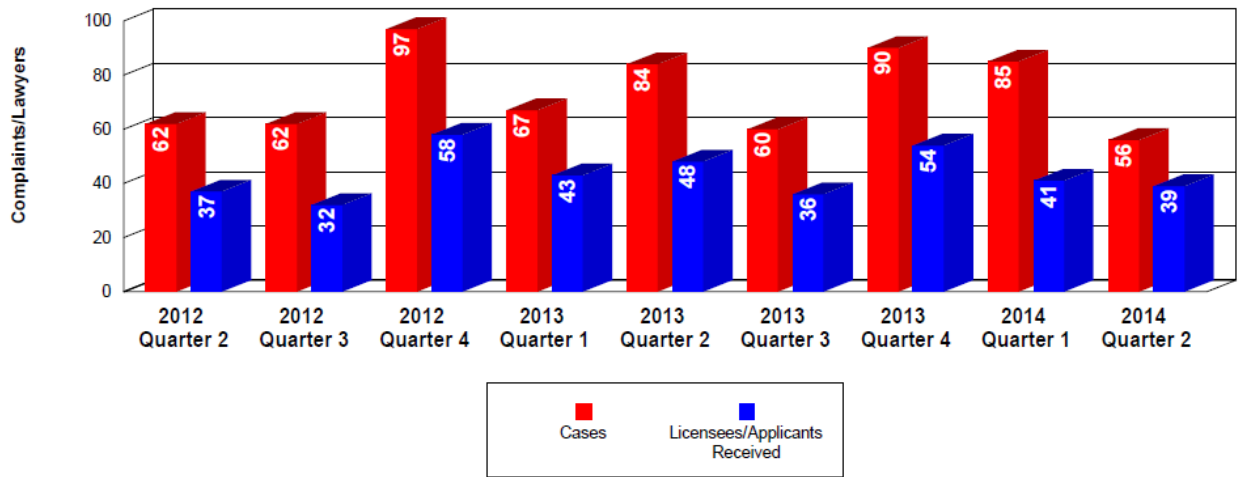
#### Active Inventory

As at June 30, 2014, the Office of the Complaints Resolution Commissioner had an inventory of 139 files:

Request received; awaiting preparation of CRC materials	69 files
Review Meeting Scheduled	44 files
Ready for Scheduling	1 file
In Abeyance	15 files
Awaiting for Decision	10 files

### 3.6 – Discipline

**Graph 3.6A: Discipline - Input<sup>7</sup>**



As noted in the chart below, in Q2 2014, the department received complaints from various departments involving 33 lawyers (relating to 45 cases), 4 licensed paralegals (relating to 8 cases), 1 lawyer applicant and 1 paralegal applicant.

#### Detailed Analysis of New Cases Received in Discipline

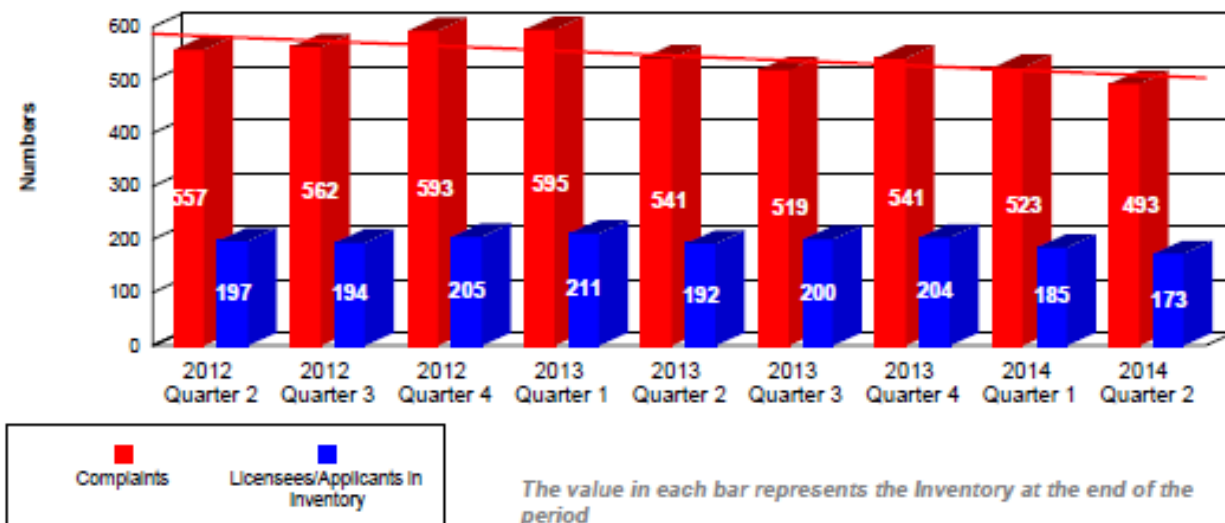
		Q2 2013	Q3 2013	Q4 2013	Q1 2014	Q2 2014
<b>Lawyers</b>	Cases	65	50	76	72	45
	Lawyers	36*	27*	43*	32*	33*
<b>Lawyer Applicants</b>	Cases	0	0	0	0	1
	Lawyer Applicants	0	0	0	0	1*
<b>Licensed Paralegals</b>	Cases	18	8	14	12	8
	Licensed Paralegals	11*	8*	11*	8*	4*
<b>Paralegal Applicants</b>	Cases	1	2	0	1	1
	Paralegal Applicants	1*	1*	0*	1*	1*
<b>TOTAL</b>	Cases	84	60	90	90	61
	Licensees & Applicants	48*	36*	54*	41*	39*

\* The number of new Lawyers and Paralegals cited represents the number coming into the department each quarter. However, there may, in fact, already be cases involving the licensee/applicant in the department.

<sup>7</sup> "Input" refers to complaints that were transferred into Discipline from various other departments during the specific quarter. Includes new complaints/cases received in Discipline and the lawyers/applicants to which the new complaints relate.

### 3.6 – Discipline

**Graph 3.6B: Discipline – Department Inventory<sup>8</sup>**



This graph shows the total number of licensees/applicants and related complaints that are in the Discipline process at the end of each of the last 9 quarters. At the end of Q2 2014, the department's inventory of licensee/applicants (173) was approximately 10% lower than at the end of Q2 2013 (192) and 12% lower than at the end of Q2 2012 (197).

#### Detailed Analysis of Discipline's Inventory

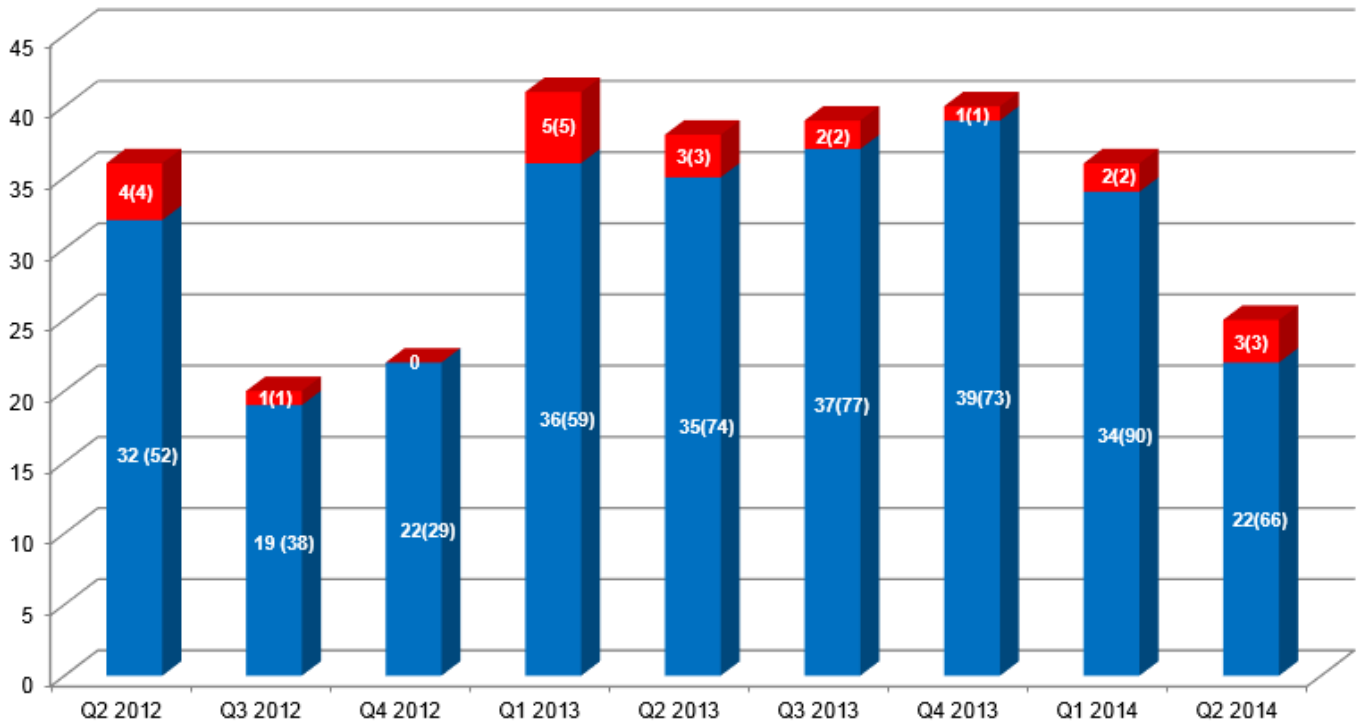
		Q2 2013	Q3 2013	Q4 2013	Q1 2014	Q2 2014
<b>Lawyers</b>	Cases	460	433	458	454	430
	Lawyers	160	164	169	156	151
<b>Lawyer Applicants</b>	Cases	3	1	1	0	1
	Lawyer Applicants	3	1	1	0	1
<b>Licensed Paralegals</b>	Cases	57	62	60	52	51
	Licensed Paralegals	20	26	26	22	18
<b>Paralegal Applicants</b>	Cases	21	23	22	17	11
	Paralegal Applicants	9	9	8	7	5
<b>TOTAL</b>	Cases	541	519	541	523	493
	Licensees & Applicants	192	200	204	185	175

<sup>8</sup> Consists primarily of complaints and lawyers/applicants that are in scheduling and are with the Hearing Panel or on appeal.



### 3.6 – Discipline

**Graph 3.6C: Discipline - Notices Issued**



\* Matters which are initiated by Notice of Application include conduct, capacity, non-compliance and competency matters. Also included in this category are interlocutory suspension/restriction motions.

\*\* Matters which are initiated by Notice of Referral for Hearing (formerly Notice of Hearing) include licensing (including readmission matters), reinstatement and restoration matters.

The above graph shows the number of notices issued by the Discipline department in the past 9 quarters. The numbers in each bar indicate the number of notices issued and, in brackets, the number of cases relating to those notices. One notice may relate to more than one case. For example, in Q2 2014, 22 Notices of Application were issued (relating to 66 cases) and 3 Notices of Referral for Hearing were issued (relating to 3 cases).

With respect to the 22 Notices of Application<sup>9</sup>/Notices of Motion for Interim Suspension Order which were issued in Q2 2014: All 22 were issued less than 1 month after PAC authorization.

<sup>9</sup> Notices of Application are issued with respect to conduct, competency, capacity and non-compliance matters and require authorization by the Proceedings Authorization Committee (PAC).

### 3.6 – Discipline

**Graph 3.6D: Discipline – Completed Matters**

		Q1 2013	Q2 2013	Q3 2013	Q4 2013	Q1 2014	Q2 2014
<b>Conduct Hearings</b>	Lawyers	20	32	18	24	30	21
	Paralegal Licensees	4	2	3	9	10	6
<b>Interlocutory Suspension Hearings/Orders</b>	Lawyers	-	1	-	2	2	3
	Paralegal Licensees	-	-	-	-	-	-
<b>Capacity Hearings</b>	Lawyers	1	-	-	1	1	-
	Paralegal Licensees	-	-	-	-	-	-
<b>Competency Hearings</b>	Lawyers	-	-	-	-	-	-
	Paralegal Licensees	-	-	-	-	-	-
<b>Non-Compliance Hearings</b>	Lawyers	-	-	-	-	-	-
	Paralegal Licensees	-	-	-	-	-	-
<b>Reinstatement Hearings</b>	Lawyers	1	-	-	-	2	1*
	Paralegal Licensees	-	-	1	-	-	-
<b>Restoration</b>	Lawyers	-	-	-	-	-	-
	Paralegal Licensees	-	-	-	-	-	-
<b>Licensing Hearings (including Readmission)</b>	Lawyer Applicants	-	2	2	-	-	1
	Paralegal Applicants	1	1	1	-	1	2
<b>TOTAL NUMBER OF HEARINGS</b>	Lawyers	22	35	20	27	35	26
	Paralegals	5	3	5	9	11	8
	<b>TOTAL</b>	<b>27</b>	<b>38</b>	<b>25</b>	<b>36</b>	<b>46</b>	<b>34</b>

\* The Q2 2014 reinstatement matter was heard at the same time as a conduct matter. For the purposes of this report it is only being counted with the reinstatement matters.

### 3.6 – Discipline

#### Graph 3.6F: Discipline – Appeals

The following chart sets out the number of appeals filed with the Appeal Division, the Divisional Court or the Court of Appeal in the calendar years 2008 to 2013 and the first half of 2014.

Quarter/Year	Appeal Division	Divisional Court	Court of Appeal
2008	14	8 appeal	
2009	19	1 appeal	3 motions for leave; 2 appeals
2010	27	3 appeals; 2 judicial reviews	4 motions for leave
2011	18	6 appeals, 2 judicial reviews	2 motions for leave
2012	23	4 appeals; 5 judicial reviews	2 motions for leave
2013	20	3 appeals; 3 judicial reviews	
2014 1 <sup>st</sup> Quarter	2	5 appeals; 1 judicial review	1 motion for leave
2014 2 <sup>nd</sup> Quarter	8 <sup>10</sup>	5 appeals; 1 judicial review	1 motion for leave

As of June 30, 2014, there are 10 appeals pending before the Appeal Division, 1 motion for an extension of time in which to file an appeal, 5 appeals in which the Appeal Division has reserved on judgment, 1 appeal before the Appeal Division that has been adjourned sine die and 2 appeals in which the Appeal Division has rendered a decision except on the issue of costs.

With respect to matters before the Divisional Court, there are 12 appeals and 2 judicial review matters pending. There is one motion for leave to appeal pending in the Court of Appeal.

In the second quarter of 2014, 4 appeals before the Appeal Division were completed. All appeals were launched by licensees:

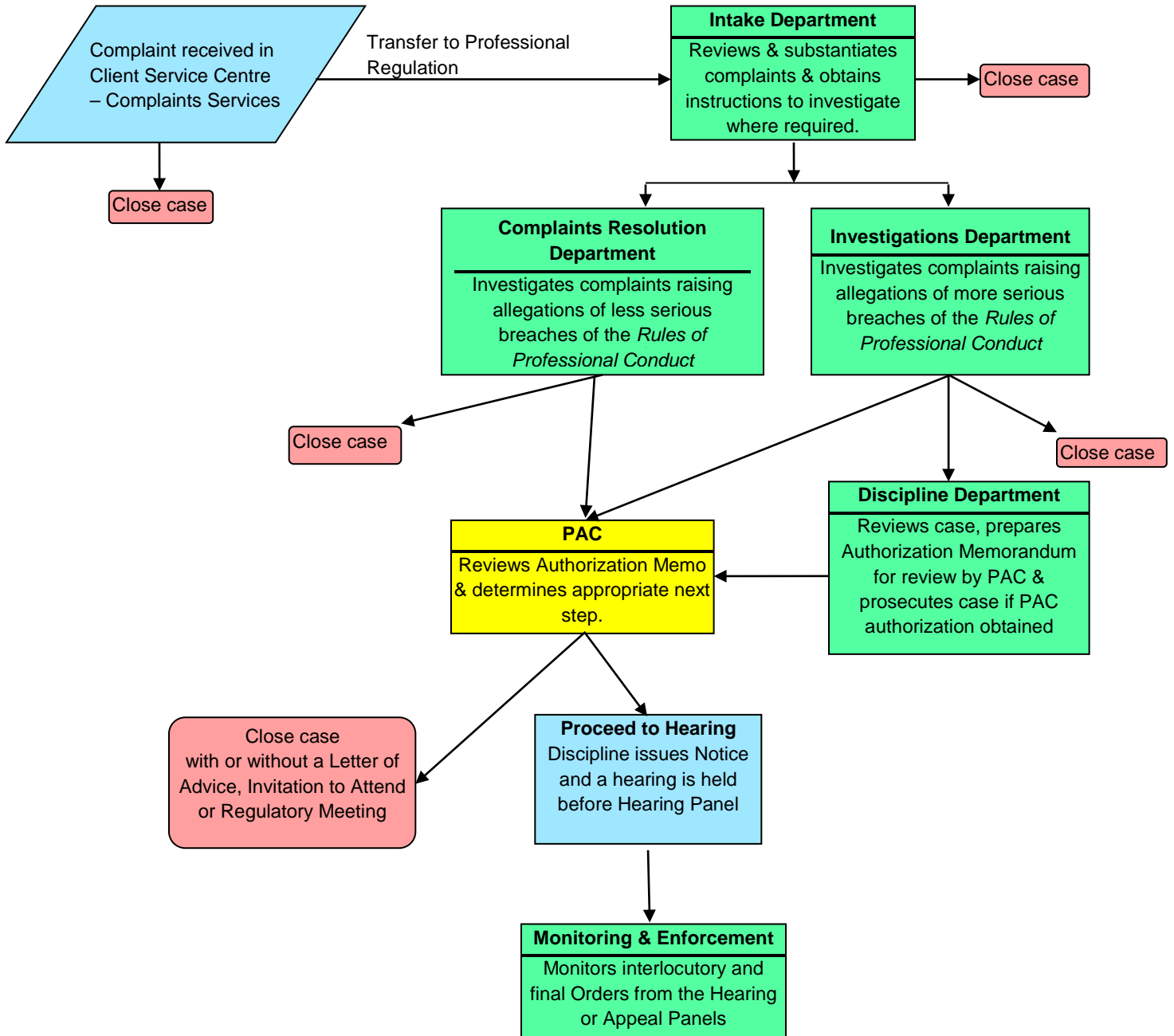
- With respect to 2 appeals, the Appeal Division dismissed the appeals with costs to the Law Society.
- With respect to 1 appeal, the Appeal Division allowed the appeal, substituting a 7 month suspension for the penalty imposed by the Hearing Division (permission to surrender licence).
- With respect to the 4<sup>th</sup> appeal, the Appeal Division upheld the Hearing Panel's decision and order with respect to all but 2 of the particulars, ordering a re-hearing of the two particulars before the Hearing Division. The Appeal Division also ordered that, if the Law Society decided not to re-prosecute the 2 particulars, the Appeal Division would determine the appropriate penalty on the remaining particulars. Subsequently, the Appeal Division heard submissions on penalty and ordered that, based on the remaining particulars, revocation was the appropriate disposition. The Appeal Division also ordered that the costs payable to the Law Society imposed by the Hearing Division be reduced to \$75,000 and that \$30,000 in costs for the appeal also be paid to the Law Society.

<sup>10</sup> 1 of the matters is a motion seeking an extension of time in which to file an appeal.

## **SECTION 4**

## **APPENDICES**

## The Professional Regulation Complaint Process



### PROFESSIONAL REGULATION ORGANIZATIONAL CHART

