

# Law Society of British Columbia

## Law Society of British Columbia

All lawyers in BC must be members of the Law Society of British Columbia, an independent organization founded in 1869 and funded by dues paid by lawyers. Under the provincial Legal Profession Act, the Law Society sets standards for the education, professional conduct and competence of lawyers in BC.



## Concerned About the Conduct of a Lawyer?

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Email: [professionalconduct@lsbc.org](mailto:professionalconduct@lsbc.org)

[www.lawsociety.bc.ca](http://www.lawsociety.bc.ca)

## ■ A lawyer's conduct and competence are important

The Law Society requires lawyers to practise law ethically and competently. For example, a lawyer should:

- be honest and courteous;
- keep clients informed, respond promptly to phone calls or letters, and complete work in a timely fashion;
- respect client confidences;
- not act in a conflict of interest (such as improperly acting against a former client or improperly sharing a business interest with a client);
- safeguard client funds and property and account for money entrusted to the lawyer; and
- maintain adequate skills to represent clients effectively.

The Law Society can review the conduct and competence of all BC lawyers, including lawyers in private practice, legal aid lawyers, government lawyers and Crown prosecutors.

The Law Society can also review a lawyer's conduct outside the practice of law if the conduct affects the integrity of the legal profession.

## ■ If there are problems

If you have questions or concerns about your lawyer's conduct, a good first step is to talk to your lawyer or another member of the lawyer's firm. Misunderstandings can arise because of a lack of communication. Often you can resolve these misunderstandings simply by discussing your concerns. If you are unable to settle your differences, or if you are concerned about a lawyer other than your own, you can call or write to the Law Society's Professional Conduct department. The Professional Conduct department does not charge for its services and you do not need to hire a lawyer to represent you.

If you call the Law Society, a staff member will be available to answer your questions. If you decide to file a complaint, you must put it in writing by email, fax or letter. You should include the name of the lawyer, the details of your concern and your name, address and phone number. You should also include copies of any relevant documents. Please keep in mind that, generally, all information provided to the Law Society will be forwarded to the lawyer.

If you have difficulty speaking or writing English, please ask a friend or someone in the community to help. If that is not possible, contact the Law Society to ask for assistance.

- Refer the matter to the Discipline Committee if there are ethical concerns or serious breaches of Law Society rules. The Discipline Committee will decide if the conduct warrants a disciplinary response. The committee can, for example, order the lawyer to attend a meeting to discuss the conduct. More serious matters may result in a formal disciplinary hearing.

## How long does our process take?

There is no set time. Generally speaking, the more serious or complex the issues, the longer it will take. However, the Law Society does its best to handle all complaints promptly and fairly, and to keep you informed.

## Appealing a decision

If you are unhappy with a staff decision to take no further action about your complaint, you can, in certain circumstances, appeal the decision to the Law Society's Complainants' Review Committee.

## Privacy issues

Under the *Legal Profession Act*, information obtained during an investigation is generally confidential and cannot be used in other proceedings except with consent. The Law Society, however, is subject to the *Freedom of Information and Protection of Privacy Act*. As a result, information gathered by the Law Society may be disclosed, on request, to other persons whose interests are affected by the information.

## Limits of our process

Before contacting the Law Society, you should understand what we can and cannot do for you. The Law Society has no authority to:

- regulate the amount of a lawyer's bill;
- give legal advice;
- pay compensation;
- intervene in a court proceeding;
- change the decision of a court;
- insist that a lawyer take a case, remain on or withdraw from a case, or do something specific in a case;
- make a finding that a lawyer was negligent; and
- review a judge's conduct.

## Fee Mediation Program

If you and your lawyer are unable to resolve a disagreement over fees, the Law Society's Fee Mediation Program may be able to assist you. The Fee Mediation Program is a free, informal process for resolving fee disputes quickly and efficiently without having to go to court. For more information, visit the Law Society's website at [www.lawsociety.bc.ca](http://www.lawsociety.bc.ca) (go to Complaints, Lawyer Discipline and Public Hearings > Complaints > [Complaints about Lawyers' Fees](#)) or contact the Law Society.

You may also have the right to have your lawyer's bill reviewed by a Registrar of the BC Supreme Court. For more information, contact your nearest Supreme Court registry.

THE LAW SOCIETY'S MISSION  
IS TO ENSURE THE PUBLIC IS WELL  
SERVED BY A COMPETENT,  
HONOURABLE AND INDEPENDENT  
LEGAL PROFESSION.

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## ■ Our process

The Professional Conduct department gives top priority to the Law Society's duty to protect the public interest. We have lawyers, legal assistants, investigators and accountants on staff to review your concerns. A file normally follows these steps:

1. The file is assigned to a staff person who decides if there is a basis for investigation (for example, whether the Law Society has jurisdiction to review the matter). You may be asked to provide more information. If there is no basis for investigation, the file will be closed at this stage.
2. If an investigation is required, the staff person will provide your complaint to the lawyer and ask for a response.
3. After receiving the lawyer's response, the staff person may obtain further information from you, the lawyer or anyone else involved.
4. After completing the investigation, the staff person may do one of the following:
  - Close the file and take no further action if the complaint is not valid, cannot be proven, or does not show conduct serious enough to warrant further action. Where appropriate, the staff person may recommend that the lawyer make changes to avoid similar problems in the future.
  - Refer the matter to the Practice Standards Committee if there are competency concerns. The Practice Standards Committee will decide if the lawyer needs to upgrade skills, make changes to her or his practice or seek other kinds of guidance.