

Apology Guidelines

The Apology Guidelines were created by the Law Society of BC to help lawyers and legal professionals apologize to clients for errors or mistakes that may occur during the practice of law.

What is an apology?

An “apology” is defined in British Columbia’s [Apology Act, SBC 2006, c. 19](#) as: “an expression of sympathy or regret, a statement that one is sorry or any other words or actions indicating contrition or commiseration, whether or not the words or actions admit or imply an admission of fault in connection with the matter to which the words or actions relate.”

The Law Society of BC is committed to meaningful reconciliation with Indigenous (First Nations, Métis and Inuit) peoples. We are also responding to the [Report of the Indigenous Engagement in Regulatory Matters Task Force](#) recommendation 1.3.i. which states:

The Law Society should make it as easy as possible for lawyers to apologize without fear of further sanctions, including by increasing opportunities for consent agreements and alternative discipline processes.

Why do apologies matter?

Errors or mistakes can occur anytime during your legal practice. When they do, they may have significant consequences for your client or other affected parties. Delivering a sincere apology can restore trust and resolve conflict when an error or mistake has occurred.

Is an apology an admission of liability?

The *Apology Act* states that an apology does not constitute an admission of liability and is not admissible in any court as evidence of fault.

In the Law Society’s investigation and discipline processes, an apology delivered by a lawyer with respect to their actions will be considered inadmissible for the purposes of proving liability. However, giving an apology is not a means of avoiding liability altogether—liability can still be proven by other means, based on other available evidence.

The Law Society may consider an apology in assessing whether a lawyer is likely to repeat the misconduct. The existence of an apology may be brought to the attention of the:

- Hearing Panel in disciplinary action hearings; or
- to the Chair of the Discipline Committee in alternative discipline processes, such as a consent agreement.

Elements of an effective apology

How you offer an apology is up to you, but one that is not genuine or sincere will have a lower chance of being accepted or well received. The most effective apologies tend to include the following five elements:

1. **Recognition:** A description and recognition of the wrong and an acknowledgement of the harm caused.

“I ignored your phone calls and emails when you attempted to contact me for updates on your file.”

2. **Responsibility:** An acceptance of responsibility for the problem.

“I know that by avoiding your communications I caused you frustration, stress, and concern over the status of your matter.”

3. **Reasons:** An explanation of the cause of the problem, or a promise to investigate the cause.

“I became overwhelmed with my workload and did not want you to know that I had not completed your request.”

4. **Regret:** An expression of sincere regret.

“I am sorry that I did not respond to you in a timely manner to explain what was going on.”

5. **Remedy:** An explanation of what you are going to do to address the problem.

“I have now completed your request and can provide you a full update on your file. This experience has taught me the importance of maintaining contact and providing regular updates to my clients even if I am behind on my work for them.”

Additional tips

- Avoid offering an apology that questions whether the person was really harmed.
- Avoid offering an apology in the passive voice, which avoids responsibility.
- Avoid offering an apology that does not identify the specific mistake or error that occurred.

Cultural sensitivity and trauma-informed lawyering

Trauma-informed lawyering positions the client as the expert in their own experience (for example, in their own culture, religion, or gender) and invites the lawyer to think about their own biases and challenge their own sources of knowledge and what they think they know.

Understanding the effects of trauma that may be experienced by Indigenous people as a result of colonialism in Canada is also part of trauma-informed lawyering.

In making an apology, it is important to consider whether your actions might have been culturally insensitive or caused any further trauma or harm to the affected party.

Acknowledgement of and recognition of this can be very meaningful for both you and the affected party.

Another important consideration is how the recipient would prefer to receive your apology. Some individuals may prefer a written apology while others might prefer a verbal apology, either in-person or over the phone.