

GUIDELINE 21: DUTY TO THE LAW SOCIETY

General

Rule Reference: Rule 9

1. All paralegals and lawyers owe a duty to their governing body, the Law Society, so that it can effectively and efficiently carry out its mandate to govern the legal professions in the public interest. Rule 9 details various obligations owed to the Law Society, many of which focus on measures to protect the public from inappropriate paralegal or lawyer conduct.

Duty to Respond Promptly and to Co-operate With an Investigation

Rule Reference: Rule 9.01(1)

2. In addition to the obligation to reply promptly to communication from the Law Society which is set out in Rule 9.01(1), a paralegal also has a duty to cooperate with a person conducting an investigation under the *Act*. A paralegal who fails to respond promptly and completely to a Law Society inquiry about a complaint, or who fails to cooperate with a Law Society investigation, may be disciplined on that issue, regardless of the merits or outcome of the original complaint.

Duty to Report Misconduct

Rule Reference: Rule 9.01(2) – (8)

3. Unless a paralegal or lawyer who departs from proper professional conduct is checked at an early stage, loss or damage to clients and others may ensue. As such, a paralegal must assist the Law Society in upholding the integrity of the profession by reporting professional misconduct of the type outlined in Rule 9.01(2).
4. Evidence of seemingly isolated events, or “less serious” breaches of the *Rules*, may, under investigation, disclose a more serious situation or may indicate the commencement of a course of conduct that may lead to serious breaches in the future. It is proper therefore (unless it is confidential or otherwise unlawful) for a paralegal to report to the Law Society any instance involving a breach of the *Rules* or the *Rules of Professional Conduct*.
5. The obligation to report misconduct applies to the paralegal’s own conduct, as well as that of other paralegals and lawyers.
6. The onus is on the paralegal to take the necessary steps to carry out his or her obligations to the Law Society and to protect both himself or herself and his or her client. If a paralegal is unsure as to whether to report another paralegal’s or lawyer’s conduct, the paralegal should consider seeking the advice of the Law Society directly (through the Practice Management Helpline at 416-947-3315 or 1-800-668-7380 extension 3315) or indirectly (through another paralegal or lawyer).

Duty to Report Criminal Charges or Convictions

Rule Reference: By-Law 8, subsection 3

Rule 9.01(9)

7. All paralegals have a duty to report themselves to the Law Society if certain charges (identified in By-Law 8, subsection 3) have been laid against them.
8. The By-Law only requires the paralegal to self-report the above-mentioned criminal charges or convictions. A paralegal is only required to report another paralegal or lawyer who is involved in criminal activity in certain circumstances.