

Rule 9

Rule 9 Responsibility to the Law Society

9.01 RESPONSIBILITY TO THE LAW SOCIETY

Communications from the Law Society

9.01 (1) A paralegal shall reply promptly to any communication from the Law Society and shall provide a complete response to any request from the Law Society.

Duty to Report Misconduct

(2) A paralegal shall report to the Law Society, unless to do so would be unlawful or would involve a breach of confidentiality between the paralegal and his or her client,

- (a) the misappropriation or misapplication of trust monies by a licensee;
- (b) the abandonment of a law practice by a lawyer or a legal services practice by a paralegal;
- (c) participation in serious criminal activity related to a licensee's practice;
- (d) the mental instability of a licensee of such a serious nature that the licensee's clients are likely to be seriously prejudiced; and
- (e) any other situation where a licensee's clients are likely to be severely prejudiced.

(3) Nothing in subrule (2) is meant to interfere with the paralegal's duty to the client.

(4) A report under subrule (2) must be made in good faith and without malice or ulterior motive.

(5) A paralegal shall attempt to persuade a client who has a claim against an apparently dishonest licensee to report the facts to the Law Society before pursuing private remedies.

(6) If the client refuses to report a claim against an apparently dishonest licensee to the Law Society, the paralegal shall obtain instructions in writing to proceed with the client's private remedies without notice to the Law Society.

(7) A paralegal shall inform the client of the provision of the *Criminal Code of Canada* dealing with the concealment of an indictable offence in return for an agreement to obtain valuable consideration. (section 141).

(8) If the client wishes to pursue a private agreement with the apparently dishonest licensee, the paralegal shall not continue to act if the agreement constitutes a breach of section 141 of the *Criminal Code of Canada*.

Duty to Report Criminal Charges and Convictions

(9) If a paralegal is charged with an offence described in By-Law 8 of the Law Society, he or she shall inform the Law Society of the charge and of its disposition in accordance with the By-Law.

Disciplinary Authority

(10) A paralegal is subject to the disciplinary authority of the Law Society regardless of where the paralegal's conduct occurs.

Professional Misconduct

(11) The Law Society may discipline a paralegal for professional misconduct.

Conduct Unbecoming a Paralegal

(12) The Law Society may discipline a paralegal for conduct unbecoming a paralegal.

Definitions

(13) In subrules (11) and (12),

“conduct unbecoming a paralegal” means conduct in a paralegal's personal or private capacity that tends to bring discredit upon the paralegal profession including,

- (a) committing a criminal act that reflects adversely on the paralegal's honesty, trustworthiness, or fitness as a paralegal,
- (b) taking improper advantage of the youth, inexperience, lack of education, unsophistication, ill health, vulnerability or unbusinesslike habits of another, or
- (c) engaging in conduct involving dishonesty;

“professional misconduct” means conduct by a paralegal that tends to bring discredit upon the paralegal profession, including,

- (a) violating or attempting to violate one of these Rules, a requirement of the Law Society Act or the regulations or by-laws under that Act,
- (b) knowingly assisting or inducing another licensee to violate or attempt to violate these Rules, a requirement of the Law Society Act or the regulations or by-laws under that Act,
- (c) knowingly assisting or inducing a non-licensee partner or associate of a multi-discipline practice to violate or attempt to violate the rules in the *Paralegal Rules of Conduct* or a requirement of the *Law Society Act* or its regulations or by-laws,

[Amended October 2008]

- (d) misappropriating or otherwise dealing dishonestly with a client's or a third party's money or property,
- (e) engaging in conduct that is prejudicial to the administration of justice,
- (f) stating or implying an ability to influence improperly a government agency or official, or
- (g) knowingly assisting a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law.