



The Law Society of  
Upper Canada

Barreau  
du Haut-Canada

# **The Professional Regulation Division**

## **Quarterly Report**

April – June 2013

## **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, 2013. 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**

### ***Complaints Received***

During the first half of 2013, the Law Society experienced an increase in new complaints when compared to the past two years. There was a 6% increase when compared with 2011 and a 9% increase when compared with 2012. In 2012, there was a slight reduction in the overall number of complaints received, however the trend has reversed during the first part of 2013. Trends indicate that by the end of 2013 the Law Society will have experienced an incremental increase in overall intake in keeping with the annual increases prior to 2012.

Altogether 2710 complaints were registered in the first six months of 2013. The increase is largely attributable to a 5% increase in complaints against lawyers (100 additional complaints) and a 21% increase in complaints against paralegals (59 additional complaints). It should be noted that some investigations involve multiple complaints against the same individual and therefore there can be some variation in complaint numbers over time depending on the nature of the issues. The increase in new complaints during this period was also attributable to an increase in the number of good character files opened respecting applicants for both lawyer and paralegal licenses.

### ***Case Closures***

Fewer cases were closed in the first six months than were received in this period. However, almost the same number of cases were closed in the first half of 2013 (2635 closed) as in the first half of 2012 (2646 closed).

### ***Complaints Resolution and Investigations***

Both of these departments experienced a significant increase in new complaints in the first six months of 2013. It is expected that this increase will moderate during the latter part of the year based, on past yearly cycles.

### ***Complaints Resolution***

In this period the department received 1037 new complaints, 19% higher than the comparable period in 2012 and 9% higher than in 2011. During the same period 897 complaints were completed and either closed or forwarded to Discipline for further action. 43 cases were completed on the basis that they would require additional formal action through referral to the Proceedings Authorization Committee. The department continues to focus on case aging by maintaining the targeted median case age, and also case closure targets. With the influx of additional work, the percentage of cases not older than 8 months has decreased from 90% at the end of the first quarter, to 81% at the end of the current period.

### *Investigations*

In the first half of 2013, the department's input of new cases was 785 complaints, 18% higher than in the first half of 2012 (663) and 4.5% higher than in the first half of 2011 (751). During this period, 664 cases were completed as either closed or forwarded for further action in Discipline. 106 of these cases were completed on the basis that they likely required further formal action through the Proceedings Authorization Committee (PAC). The number of complaints related to unauthorized practice (UAP) allegations (131) was almost identical to the number received in 2012. With the increased input of new complaints the department's inventory increased to 1234 cases. The median case age remains low and the department continues to focus on ensuring that cases remain within targeted time frames.

The department continues to receive notice of lawyers involved in mortgage fraud at the rate of approximately two per month. The continuing reduction in the number of complaints has enabled the department to complete more cases and to reduce case aging in the mortgage fraud caseload.

### *Discipline and Hearings*

The Discipline department inventory of cases remains stable with 192 licenses and applicants relating to 541 cases. In the first half of 2013 78 hearing notices were issued compared with 73 issued in the same period in 2012. During the same period, 66 decisions and orders were rendered by Hearing Panels, compared to 57 in the same period in 2012. A total of 6 appeals were commenced in this period.

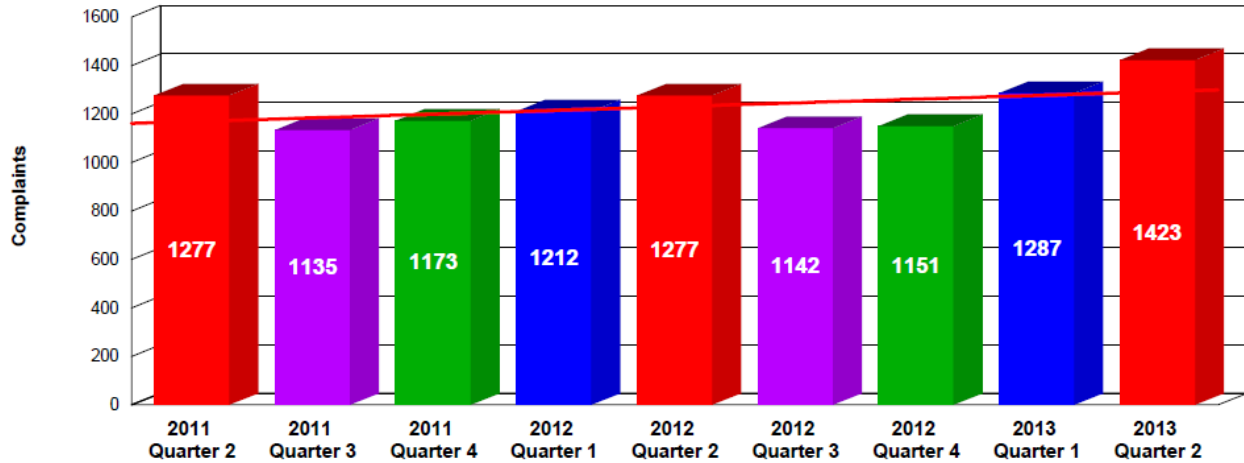
## **SECTION 2**

### **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 second quarter of 2013 increased by approximately 11% when compared to the number received in the first quarter of 2013. An analysis of new complaints received (below) shows that, in Q2 2013, complaints against lawyers, lawyer applicants and paralegal applicants increased while the number of complaints against licensed paralegals and non-licensees/non-applicants decreased slightly from the number received in Q1 2013.

### Detailed Analysis of Complaints Received in the Division

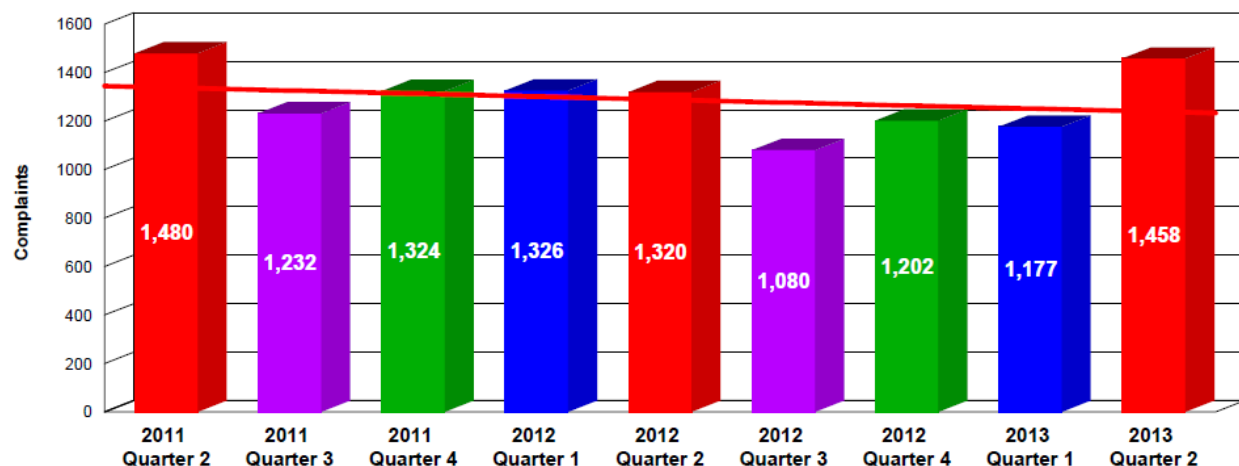
	Q2 2012	Q3 2012	Q4 2012	Q1 2013	Q2 2013
<b>Complaints against Lawyers</b>	944	942	937	1015	1026
<b>Lawyer Applicant Cases ★</b>	59	27	8	18	67
<b>Complaints against Licensed Paralegals</b>	143	118	109	160	152
<b>Paralegal Applicant Cases ★</b>	80	20	26	29	121
<b>Complaints against Non-Licensees/Non-Applicants*</b>	51	35	71	65	57
<b>TOTAL</b>	1277	1142	1151	1287	1423

★ 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 Q2 2013 increased by 24% from the number of cases closed in Q1 2013.

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

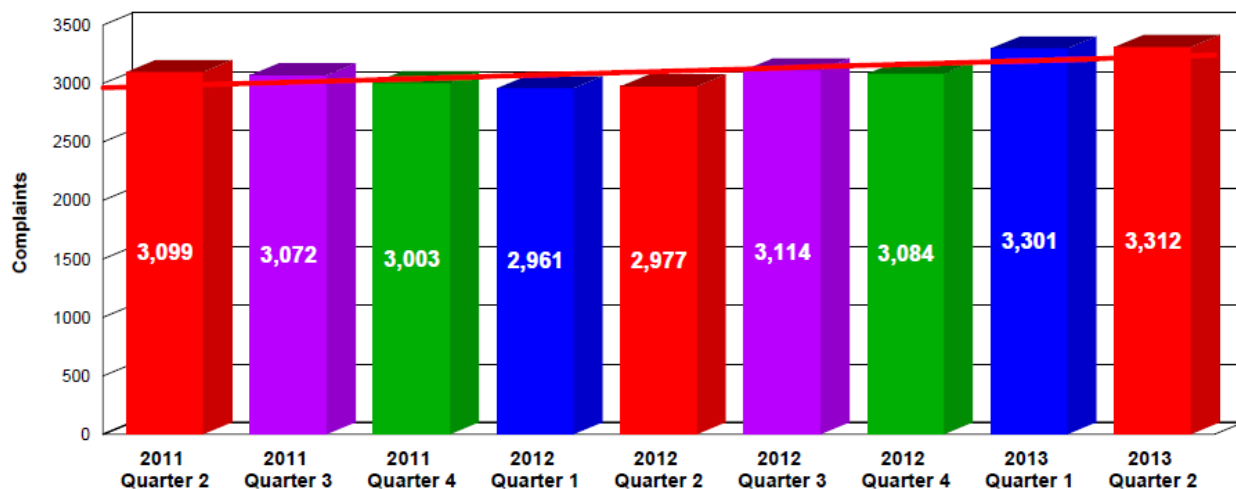
	Q2 2012	Q3 2012	Q4 2012	Q1 2013	Q2 2013
<b>Complaints against Lawyers</b>	1015	827	981	946	1118
<b>Lawyer Applicant Cases ★</b>	56	16	11	13	64
<b>Complaints against Licensed Paralegals</b>	113	139	116	105	127
<b>Paralegal Applicant Cases ★</b>	56	39	32	37	83
<b>Complaints against Non-Licensees/Non-Applicants*</b>	80	59	62	76	66
<b>TOTAL</b>	1320	1080	1202	1177	1458

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

The inventory in the Division at the end of Q2 2013 was approximately the same as at the end of Q1 2013. The breakdown of the inventory in the chart below demonstrates that during the last quarter, the inventory of complaints against lawyers decreased, while the inventory of complaints against all other groups increased.

**Detailed Analysis of Division Inventory**

	Q2 2012	Q3 2012	Q4 2012	Q1 2013	Q2 2013
<b>Complaints against Lawyers</b>	2400	2571	2546	2711	2656
<b>Lawyer Applicant Cases ★</b>	21	34	31	37	39
<b>Complaints against Licensed Paralegals</b>	337	331	322	378	404
<b>Paralegal Applicant Cases ★</b>	86	66	60	55	91
<b>Complaints against Non-Licensees/Non-Applicants*</b>	133	112	125	120	122
<b>TOTAL</b>	2977	3114	3084	3301	3312

★ Applicant cases include good character cases and UAP complaints

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

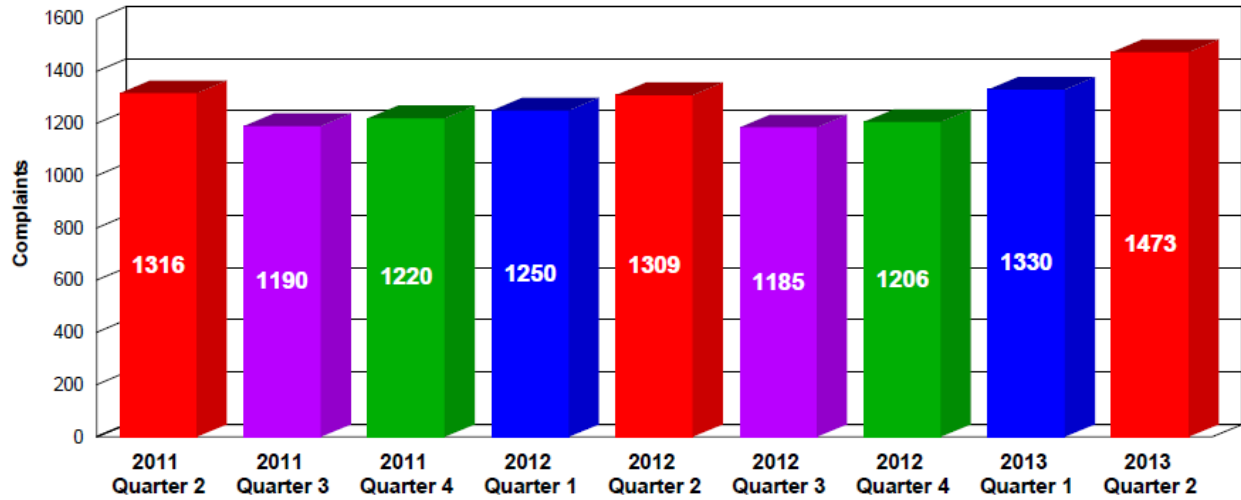
<sup>3</sup> This graph does not include active complaints in the Monitoring & Enforcement Department.

## **SECTION 3**

# **DEPARTMENTAL PERFORMANCE DURING THE QUARTER**

### 3.1 – Intake

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



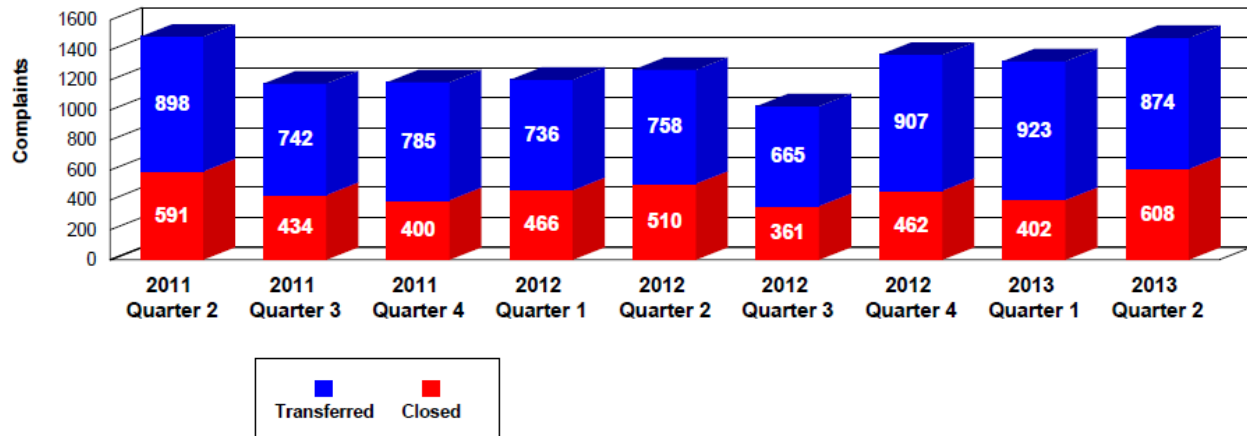
The Intake department processes all new regulatory complaints. In Q2 2013, in addition to the 1423 new cases, Intake re-opened 50 complaints which met the threshold for re-opening a closed matter.

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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 Q2 2013, Intake completed 1482 cases, which represents a 12% increase over the number of cases completed by the department in Q1 2013 (1325) and a 17% increase over the number of cases completed by the department in the same period in 2012 (Q2 2012 – 1268).

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

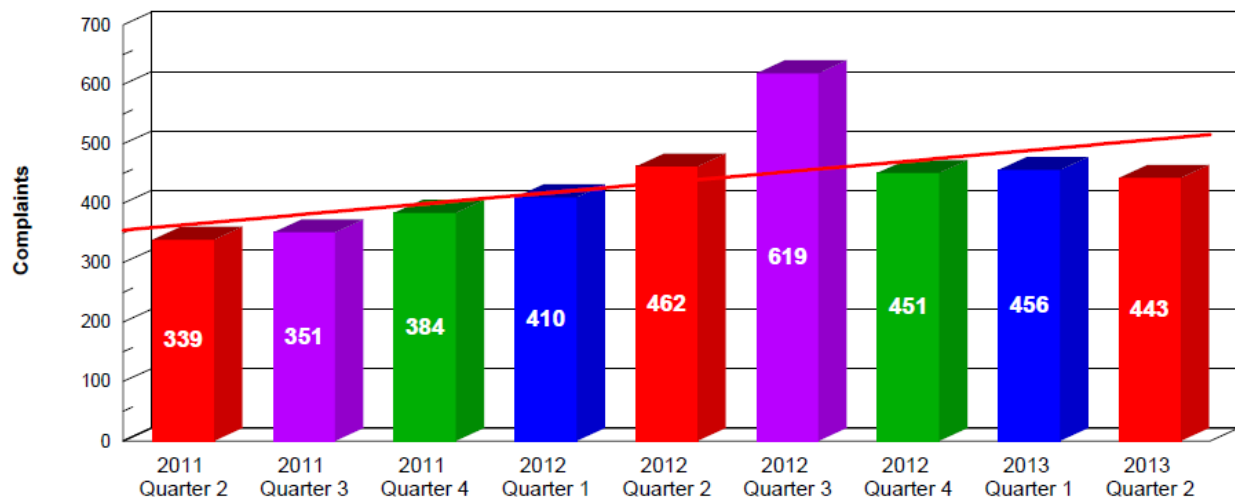
		Q2 2012	Q3 2012	Q4 2012	Q1 2013	Q2 2013
<b>Complaints against Lawyers</b>	Closed	360	278	386	327	425
	Transferred	583	549	734	737	639
<b>Lawyer Applicant Cases ★</b>	Closed	47	10	3	2	45
	Transferred	11	19	4	17	18
<b>Complaints against Licensed Paralegals</b>	Closed	38	42	32	28	39
	Transferred	97	62	116	108	127
<b>Paralegal Applicant Cases ★</b>	Closed	40	14	8	13	69
	Transferred	29	19	18	15	45
<b>Complaints against Non-Licensees/Non-Applicants*</b>	Closed	25	17	33	32	30
	Transferred	38	16	35	46	45
<b>TOTAL</b>	Closed	510	361	462	402	608
	Transferred	758	665	907	923	874

★ 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**



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

The department's inventory decreased slightly (3%) over the past quarter, however the graph demonstrates an increase in inventory over the past two years. 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

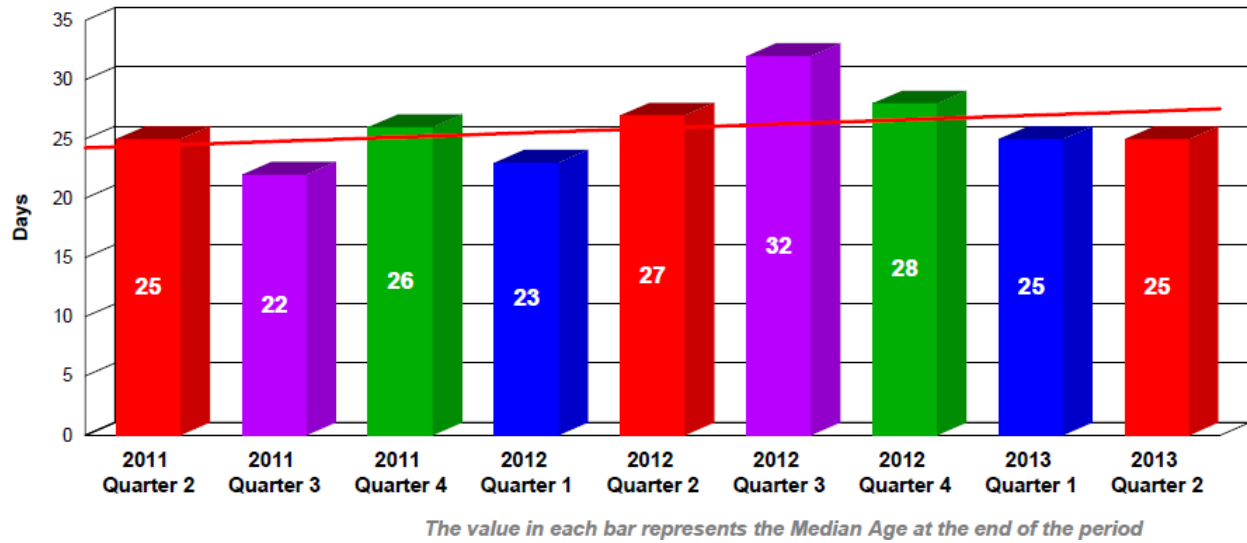
	Q2 2012	Q3 2012	Q4 2012	Q1 2013	Q2 2013
<b>Complaints against Lawyers</b>	389	541	399	387	384
<b>Lawyer Applicant Cases ★</b>	2	1	2	1	5
<b>Complaints against Licensed Paralegals</b>	52	66	32	56	44
<b>Paralegal Applicant Cases ★</b>	13	0	0	1	6
<b>Complaints against Non-Licensees/Non-Applicants*</b>	6	11	18	11	4
<b>TOTAL</b>	462	619	451	456	443

★ 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**

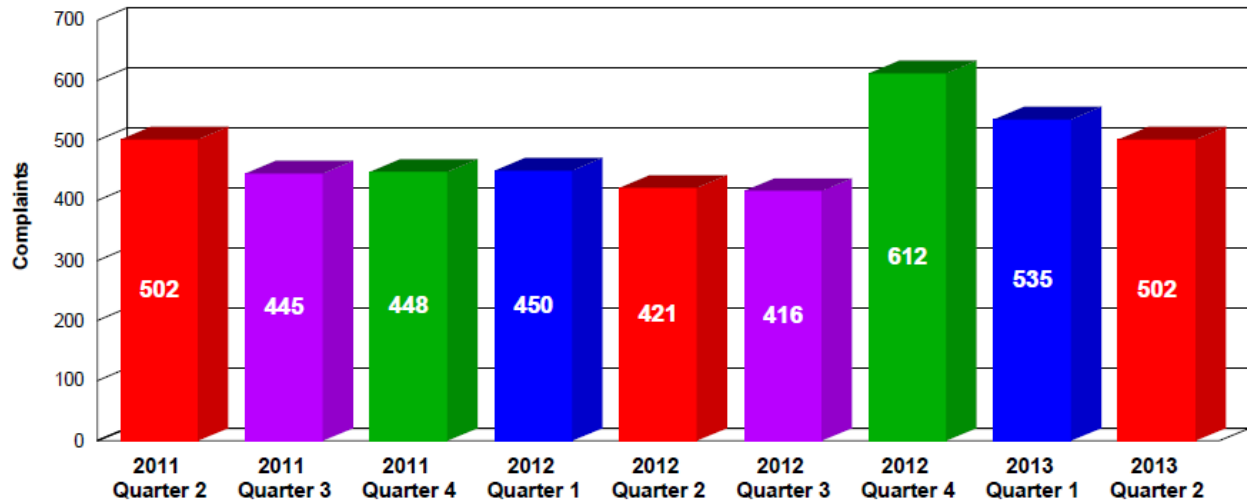


Intake's median age is below the department's 30-day target, indicating a timely case process.



## 3.2 – Complaints Resolution

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



The input of cases into Complaints Resolution in Q2 2013 decreased by approximately 6% from the number received in Q1 2013 (635). When compared to the same period in the previous 2 years, the department's input in Q2 2013 increased by 19% compared to Q2 2012 but was identical to the input in Q2 2011.

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

	Q2 2012	Q3 2012	Q4 2012	Q1 2013	Q2 2013
<b>Complaints against Lawyers</b>	393	377	548	492	443
<b>Lawyer Applicant Cases ★</b>	0	0	0	0	0
<b>Complaints against Licensed Paralegals</b>	28	39	64	43	59
<b>Paralegal Applicant Cases ★</b>	0	0	0	0	0
<b>Complaints against Non-Licensees/Non-Applicants*</b>	0	0	0	0	0
<b>TOTAL</b>	421	416	612	535	502

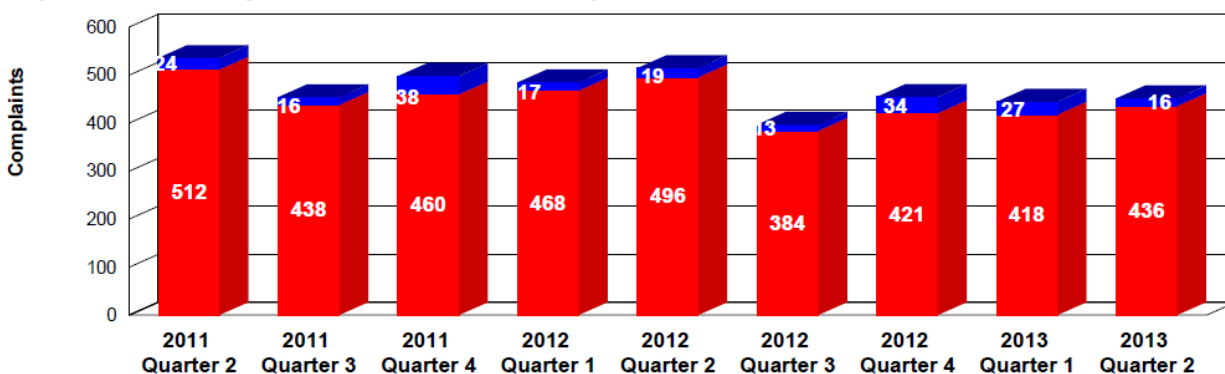
★ Applicant cases include good character cases and UAP complaints

\* 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 Q2 2013 by Complaints Resolution (452) increased by 2% over the number of cases completed in Q4 2012 (445).

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

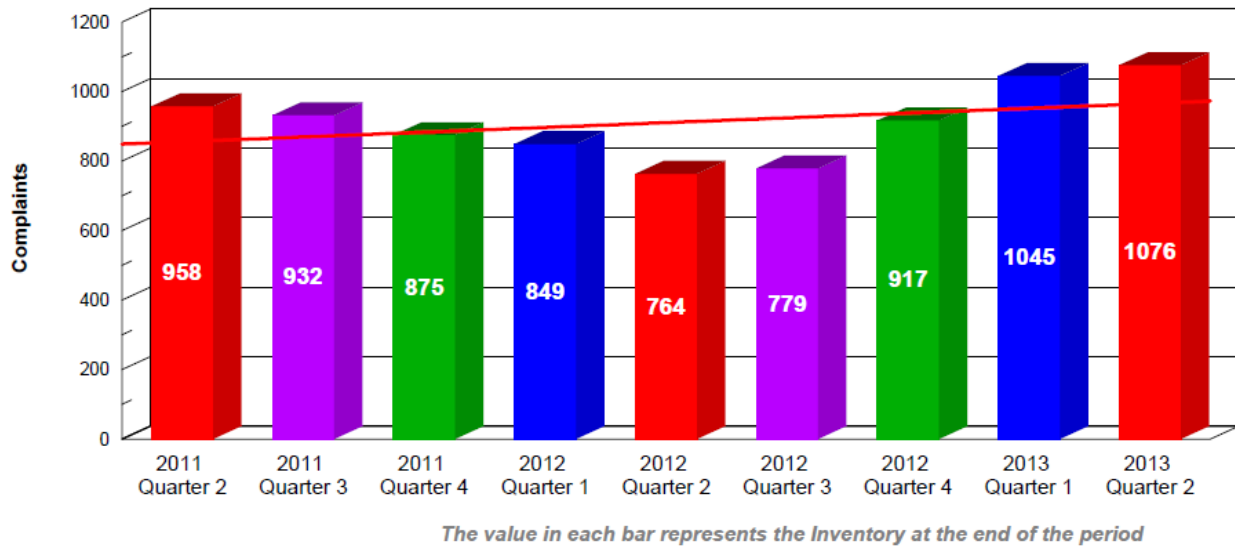
		Q2 2012	Q3 2012	Q4 2012	Q1 2013	Q2 2013
<b>Complaints against Lawyers</b>	Closed	465	357	378	379	408
	Transferred	15	13	31	24	14
<b>Lawyer Applicant Cases★</b>	Closed	0	0	0	0	0
	Transferred	0	0	0	0	0
<b>Complaints against Licensed Paralegals</b>	Closed	31	27	43	39	28
	Transferred	4	0	3	3	2
<b>Paralegal 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	0	0	0	0
<b>TOTAL</b>	Closed	496	384	421	418	436
	Transferred	19	13	34	27	16

★ 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**



At the end of Q2 2013, the department's inventory was 2% higher than at the end of Q1 2013. The inventory continues to consist mostly of complaints against lawyers.

### Detailed Analysis of Complaint Resolution's Inventory

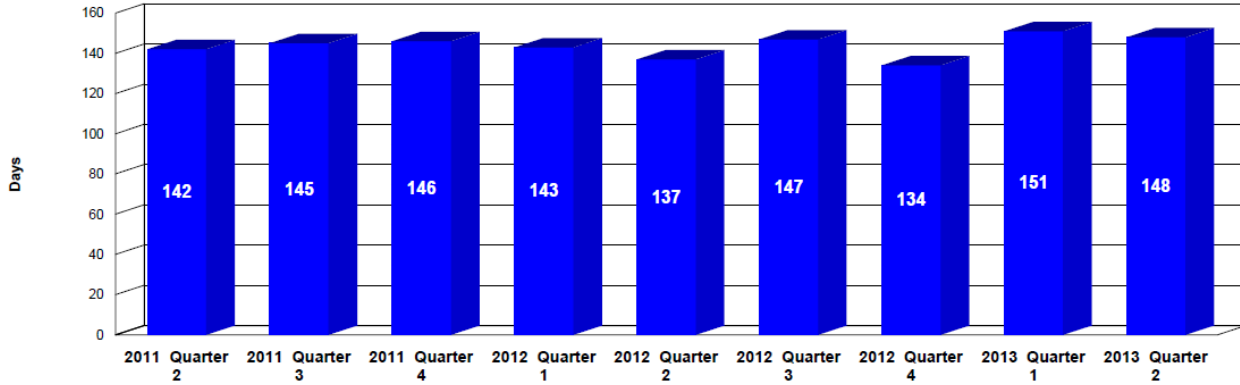
	Q2 2012	Q3 2012	Q4 2012	Q1 2013	Q2 2013
<b>Complaints against Lawyers</b>	708	709	830	957	959
<b>Lawyer Applicant Cases ★</b>	0	0	0	0	0
<b>Complaints against Licensed Paralegals</b>	56	70	87	88	117
<b>Paralegal Applicant Cases ★</b>	0	0	0	0	0
<b>Complaints against Non-Licensees/Non-Applicants*</b>	0	0	0	0	0
<b>TOTAL</b>	764	779	917	1045	1076

★ Applicant cases include good character cases and UAP complaints

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

## 3.2 – Complaints Resolution

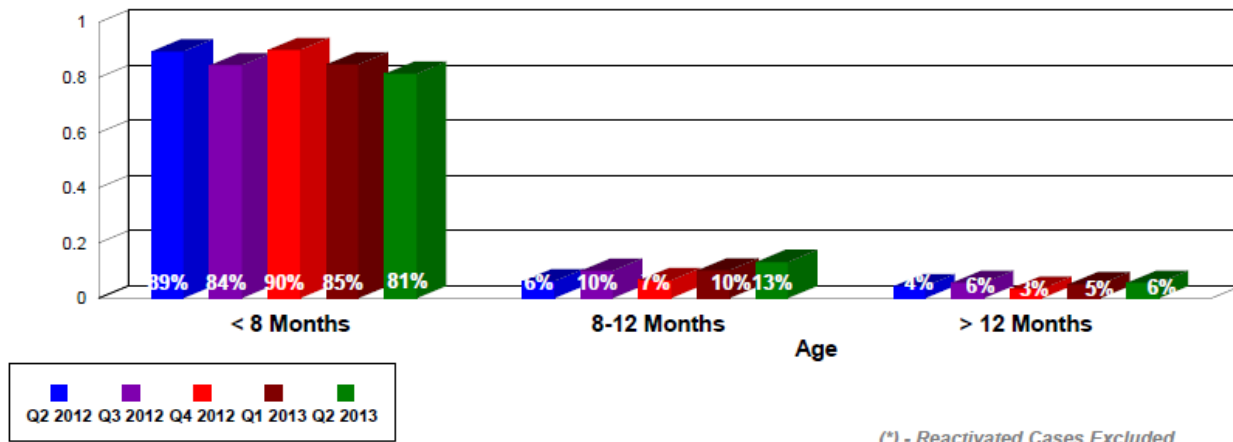
**Graph 3.2D: Complaints Resolution - Median Age of Complaints**



The department's median age decreased from the previous quarter and is slightly below 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 was 993 cases involving 881 subjects. The age distribution of those cases was:

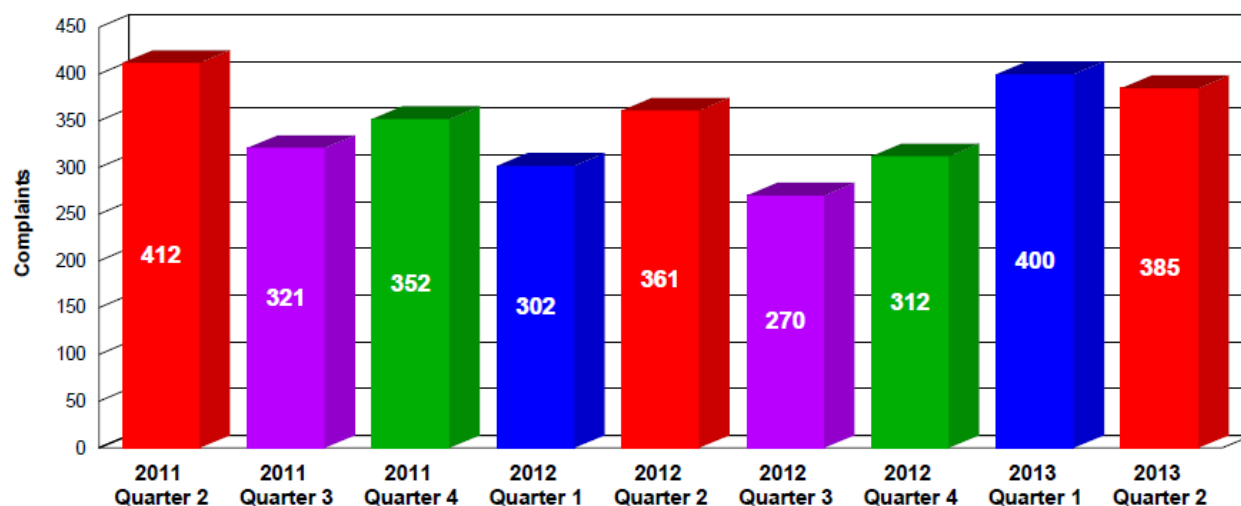
Less than 8 months	808 cases involving 721 subjects
8 to 12 months	130 cases involving 119 subjects
More than 12 months	55 cases involving 41 subjects

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 Q2 2013 decreased by 4% from the input in the last quarter (Q1 2013), largely due to the decrease in the number of complaints against lawyers.

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

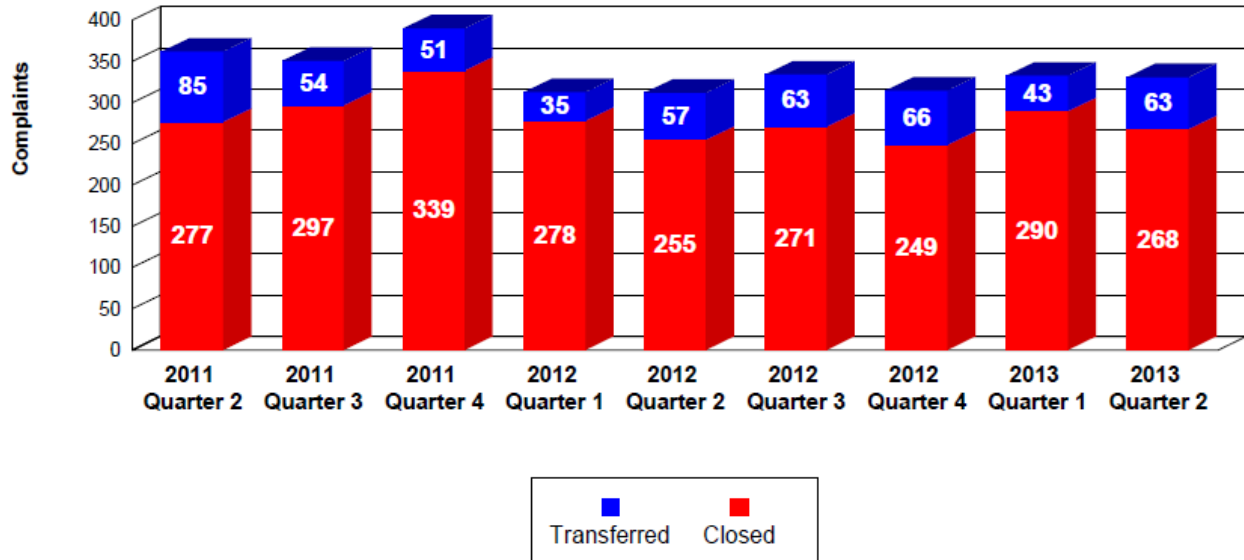
	Q2 2012	Q3 2012	Q4 2012	Q1 2013	Q2 2013
<b>Complaints against Lawyers</b>	209	192	200	254	208
<b>Lawyer Applicant Cases ★</b>	11	19	4	18	18
<b>Complaints against Licensed Paralegals</b>	71	25	54	67	69
<b>Paralegal Applicant Cases ★</b>	31	19	19	15	45
<b>Complaints against Non-Licensees/Non-Applicants*</b>	39	15	35	46	45
<b>TOTAL</b>	361	270	312	400	385

★ 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 Q2 2013 (331 cases) was almost the same as the number completed in Q1 2013 (333 cases) but 6% more than the number completed in the same period in 2012 (i.e. 312 cases in Q2 2012).

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

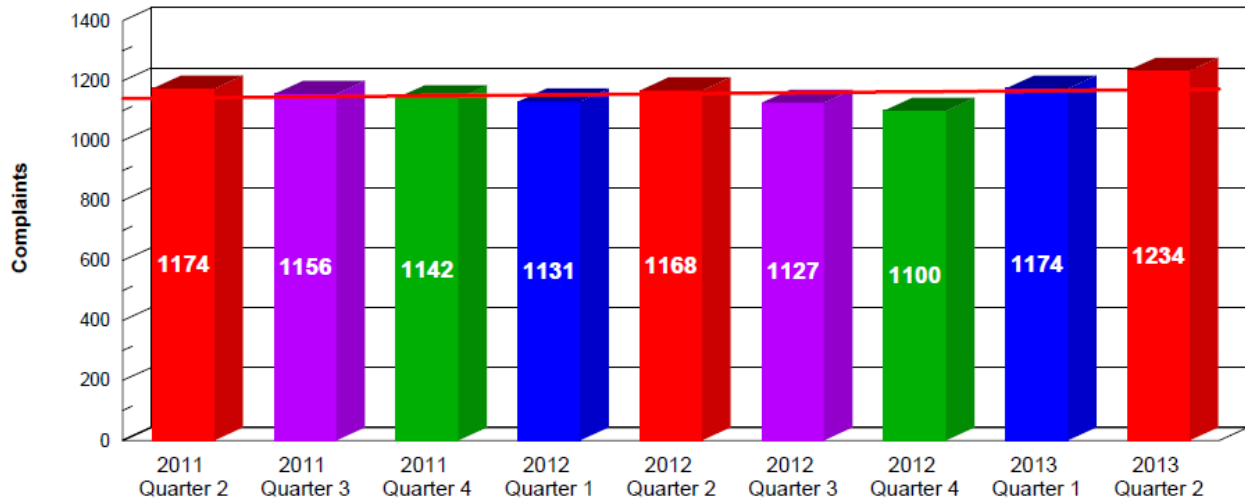
		Q2 2012	Q3 2012	Q4 2012	Q1 2013	Q2 2013
<b>Complaints against Lawyers</b>	Closed	162	146	160	181	171
	Transferred	27	47	60	23	45
<b>Lawyer Applicant Cases★</b>	Closed	8	5	8	11	17
	Transferred	1	0	0	1	0
<b>Complaints against Licensed Paralegals</b>	Closed	23	62	38	32	39
	Transferred	21	10	6	7	17
<b>Paralegal Applicant Cases★</b>	Closed	15	22	17	23	12
	Transferred	0	0	0	4	1
<b>Complaints against Non-Licensees/Non-Applicants*</b>	Closed	47	36	26	43	29
	Transferred	8	6	0	8	0
<b>TOTAL</b>	Closed	255	271	249	290	268
	Transferred	57	63	66	43	63

★ 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*

The number of cases received by the department in Q2 2013 (385) exceeded the number of cases completed in the department (331). Consequently, Investigations' inventory increased by approximately 5% during the second quarter of 2013. The increase in inventory is attributable mainly to paralegal applicant cases and complaints against licensed paralegals and non-licensees.

#### Detailed Analysis of Investigations Inventory

	Q2 2012	Q3 2012	Q4 2012	Q1 2013	Q2 2013
<b>Complaints against Lawyers</b>	816	831	796	851	851
<b>Lawyer Applicant Cases ★</b>	14	29	25	31	31
<b>Complaints against Licensed Paralegals</b>	182	142	145	174	186
<b>Paralegal Applicant Cases ★</b>	47	43	43	32	64
<b>Complaints against Non-Licensees/Non-Applicants*</b>	109	82	91	86	102
<b>TOTAL</b>	1168	1127	1100	1174	1234

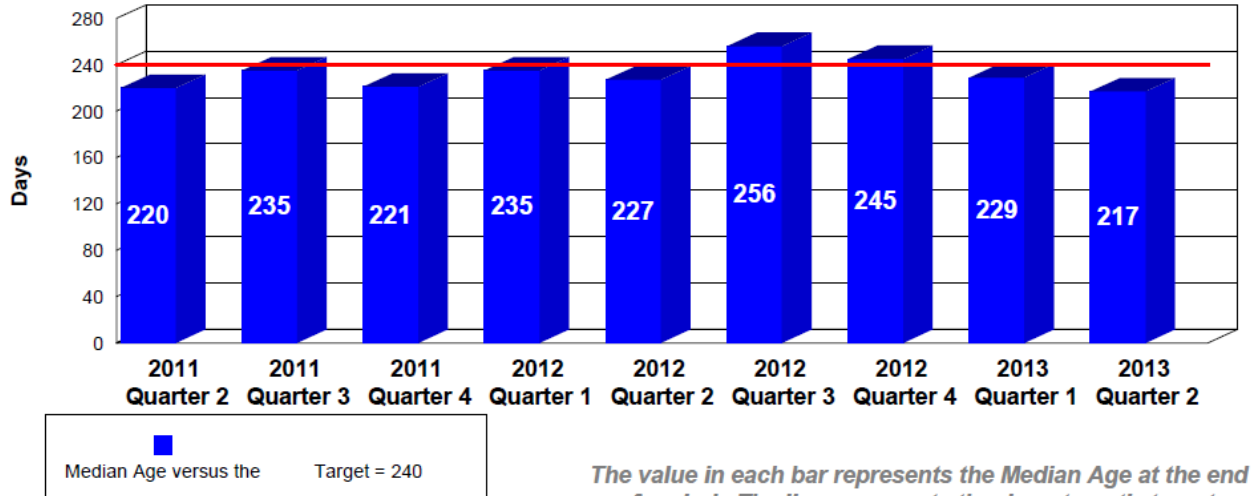
★ Applicant cases include good character cases and UAP complaints

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



### 3.3 – Investigations

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

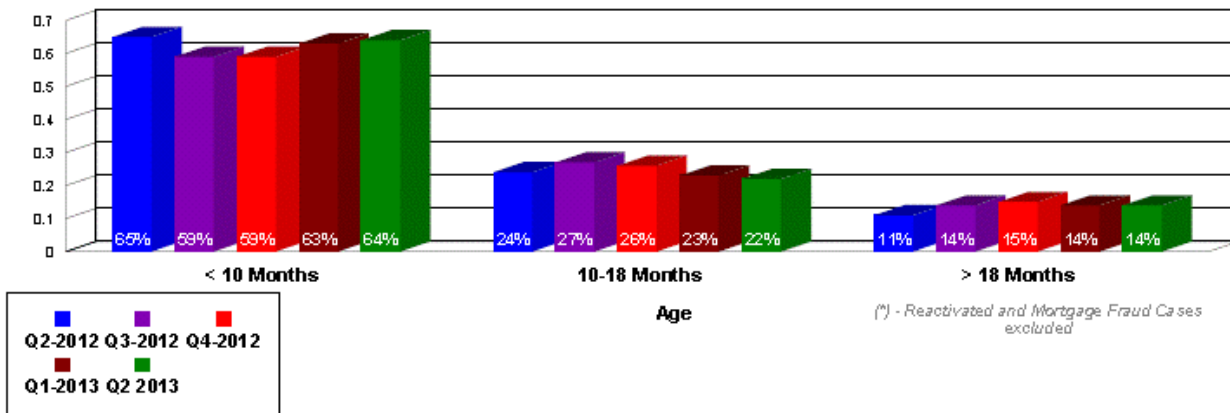


The department's median age decreased in the past quarter to 217 days which is below the target of 240 days.

### 3.3 – Investigations

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

**(a) Core Cases**



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 Q2 2013, excluding reactivated and mortgage fraud cases, was 1027 cases involving 790 subjects. The distribution of those cases was:

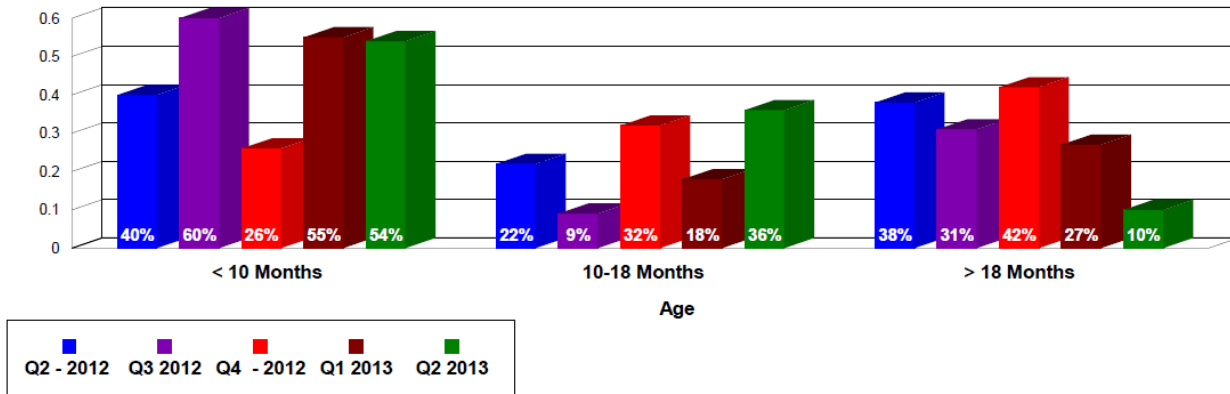
Less than 10 months	658 cases involving 492 subjects
10 to 18 months	223 cases involving 184 subjects
More than 18 months	146 cases involving 114 subjects

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 Q2 2013 was 93 cases involving 81 subjects. The distribution of those cases was:

Less than 10 months	50 cases involving 40 subjects
10 to 18 months	34 cases involving 32 subjects
More than 18 months	9 cases involving 9 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

\* 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 Q2 2013, complaints alleging practicing outside the scope of licensee were received in a total of 6 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 2012, the Division received 4 fewer UAP complaints than it did in the first half of 2012 (131 vs. 135).

### 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>Q1 2010</b>	0	76	12	73	17	79
<b>Q2 2010</b>	0	69	6	54	10	90
<b>Q3 2010</b>	1	50	2	31	8	108
<b>Q4 2010</b>	0	54	8	32	0	124
<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

As noted in the chart above, in Q2 2013, a total of 36 UAP cases were completed and the inventory of UAP cases in Investigations was 143 cases at the end of Q2 2013.

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

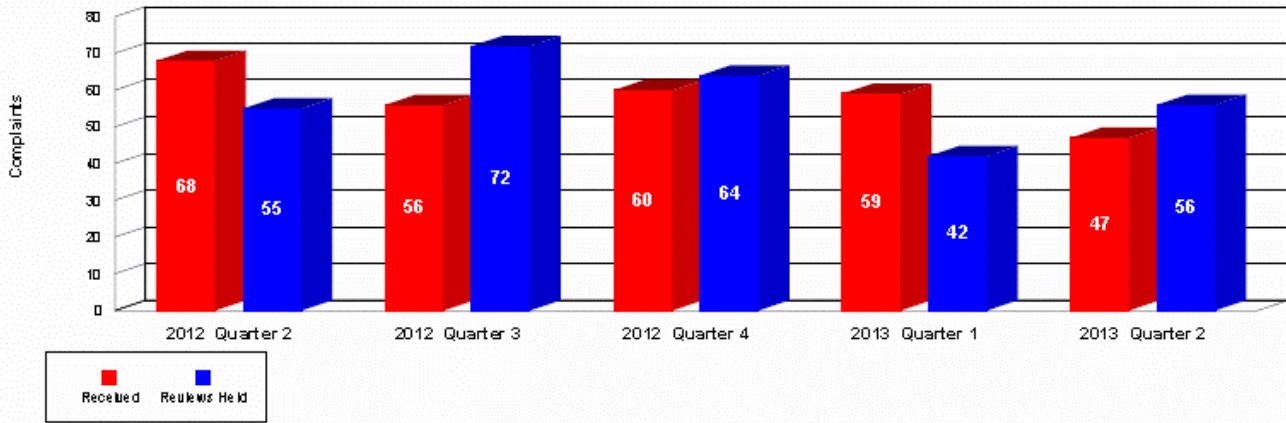
In the second quarter of 2013, an order was obtained prohibiting the respondents from further contravening the provisions of s. 26.1 of the *Law Society Act* in 1 matter.

As at June 30, 2013, there were 3 open UAP matters. In 1 matter a permanent injunction is being sought. In the second matter, a permanent injunction has been ordered, however the order is outstanding. In the third matter, an appeal of a permanent injunction has been filed.

<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.

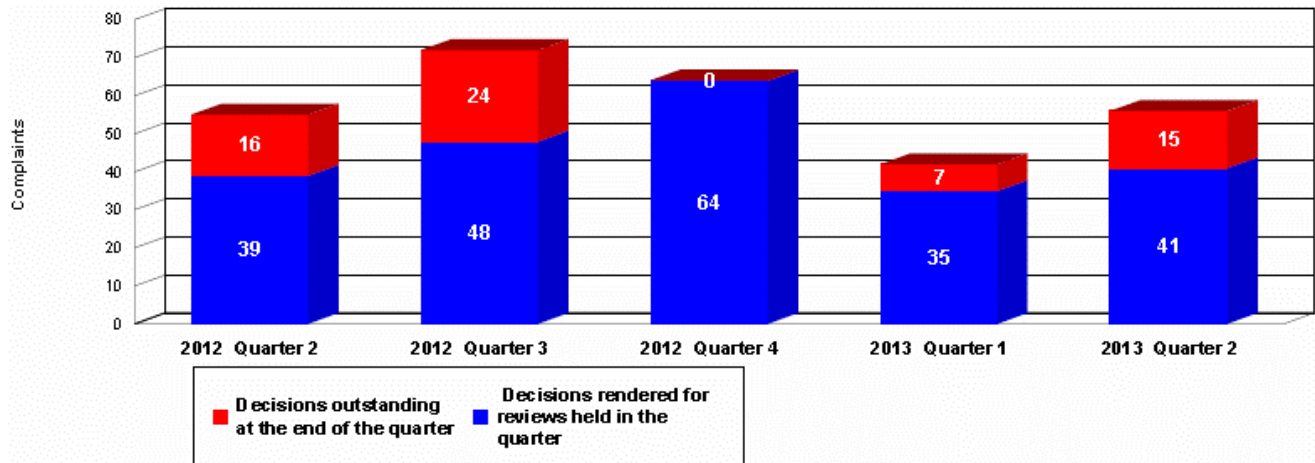
### 3.5 – Complaints Resolution Commissioner

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



In Q2 of 2013, the Complaints Resolution Commissioner received 47 requests for reviews of cases closed in either Complaints Resolution or Investigations and reviewed 56 cases. Eleven of the cases reviewed were conducted in writing.

**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 Q2 of 2013, the Commissioner rendered decisions in 41 of the 56 cases reviewed in that quarter. As at June 30, 2013, decisions were outstanding in 15 of the 56 cases.

### 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%)
Q1 2011	85	79 (93%)	6 (7%)
Q2 2011	60	58 (96%)	2 (4%)
Q3 2011	53	50 (94%)	3 (6%)
Q4 2011	62	61 (98%)	1 (2%)
<b>Total 2011</b>	<b>260</b>	<b>248 (95%)</b>	<b>12 (5%)</b>
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>	<b>242</b>	<b>224 (93%)</b>	<b>18 (7%)</b>
Q1 2013	35	33 (94 %)	2 (6 %)
Q2 2013	47	43 (91%)	4 (9%)

In Q2 2013 the Commissioner rendered 47 decisions. Of those 47 decisions, the Commissioner sent 4 files (9%) back to Professional Regulation. In 3 of those files, the Commissioner was not satisfied that the decision to close was reasonable and recommended further investigation. With respect to the fourth case, while he found the Law Society’s decision to close the case to be reasonable, the Commissioner referred the case back for Professional Regulation to consider new information provided by the Complainant during the review..

With respect to the 3 cases referred back with a recommendation for further investigation, no decision has been rendered by the Director with respect to the Commissioner’s recommendation.

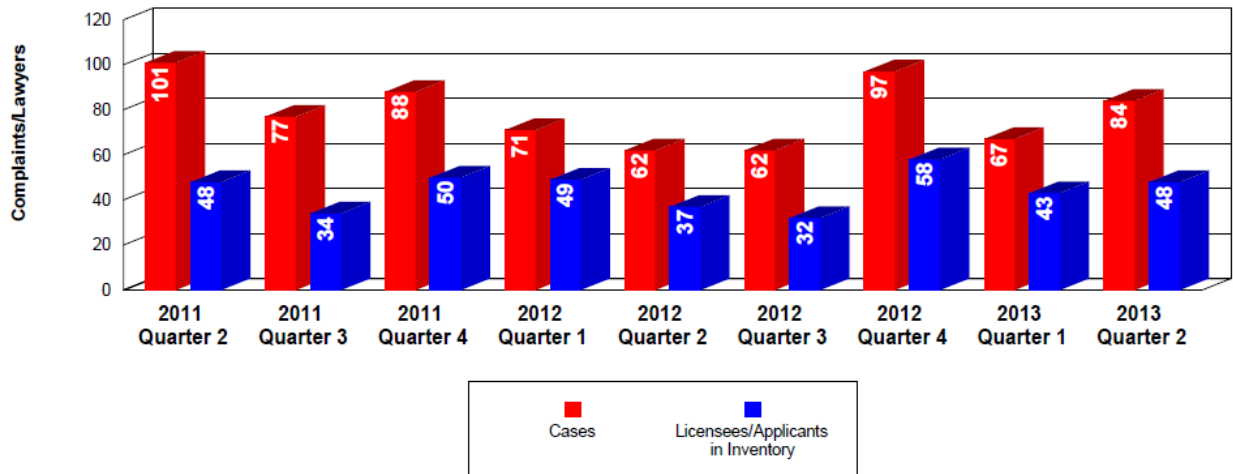
#### Active Inventory

As at June 30, 2013, the Office of the Complaints Resolution Commissioner had an inventory of 141 files:

Request received; awaiting preparation of CRC materials	66 files
Review Meeting Scheduled	52 files
Review Completed Awaiting decision	17 files
Cases in Abeyance	6 Files

### 3.6 – Discipline

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



As noted in the chart below, in Q2 2013, the department received complaints from various departments involving 36 lawyers (relating to 65 cases), 11 licensed paralegals (relating to 18 cases), and 1 paralegal applicant.

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

		Q2 2012	Q3 2012	Q4 2012	Q1 2013	Q2 2013
<b>Lawyers</b>	Cases	31	48	89	47	65
	Lawyers	26*	27*	51*	29*	36*
<b>Lawyer Applicants</b>	Cases	1	0	1	1	0
	Lawyer Applicants	1*	0*	1*	1*	0
<b>Licensed Paralegals</b>	Cases	27	14	8	9	18
	Licensed Paralegals	9*	5*	5*	7*	11*
<b>Paralegal Applicants</b>	Cases	3	5	1	10	1
	Paralegal Applicants	1*	1*	1*	6*	1*
<b>TOTAL</b>	Cases	62	62	99	67	84
	Licensees & Applicants	37*	32*	58*	43*	48*

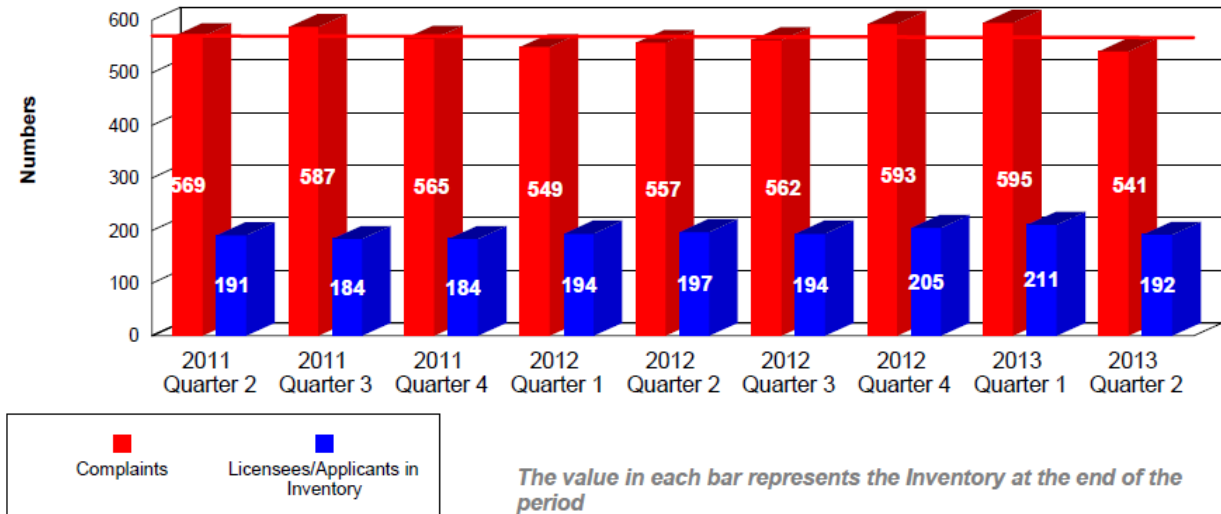
\* The number of new Lawyers and Paralegals cited represents the number coming into the department each quarter. However, there may, in fact, already be cases involving the licensee/applicant in the department.

<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 2013, the department's inventory of licensee/applicants (192) was slightly lower than at the end of Q2 2012 (197) and the same as at the end of Q2 2011 (191).

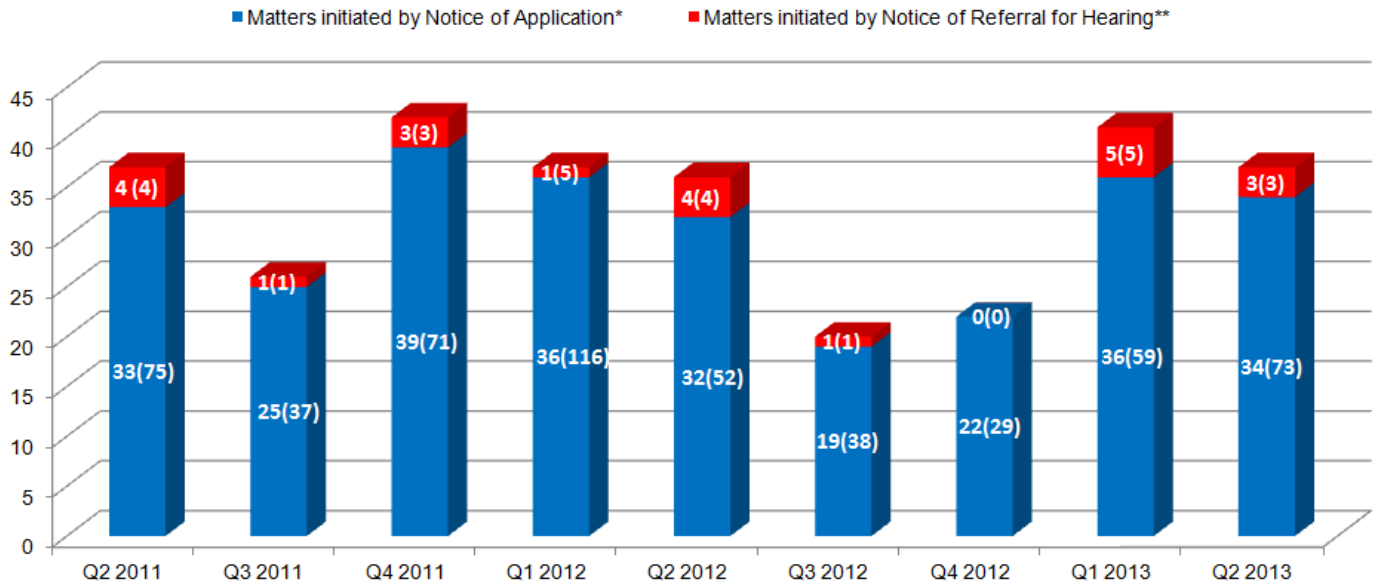
#### Detailed Analysis of Discipline's Inventory

		Q2 2012	Q3 2012	Q4 2012	Q1 2013	Q2 2013
<b>Lawyers</b>	Cases	479	482	514	508	460
	Lawyers	162	162	171	176	160
<b>Lawyer Applicants</b>	Cases	5	4	4	5	3
	Lawyer Applicants	5	4	4	5	3
<b>Licensed Paralegals</b>	Cases	47	53	58	60	57
	Licensed Paralegals	19	18	21	20	20
<b>Paralegal Applicants</b>	Cases	23	23	17	22	21
	Paralegal Applicants	11	10	9	10	9
<b>TOTAL</b>	Cases	557	562	593	595	541
	Licensees & Applicants	197	194	205	211	192

<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 2013, 34 Notices of Application were issued (relating to 73 cases) and 3 Notices of Referral for Hearing were issued (relating to 3 cases).

With respect to the 34 Notices of Application<sup>9</sup>/Notices of Motion for Interim Suspension Order which were issued in Q2 2013:

- 17 were issued less than 1 month after PAC authorization;
- 14 were issued between 1 and 2 months after PAC authorization; and
- 2 were issued between 2 and 3 months after PAC authorization; and
- 1 was issued more than 3 months after PAC authorization.

With respect to the 3 matters for which a Notice of Referral for Hearing were issued in Q2 2013, 2 were issued less than a month after PAC authorization. One matter did not require PAC authorization as it related to a reinstatement matter.

<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 2012	Q2 2012	Q3 2012	Q4 2012	Q1 2013	Q2 2013
<b>Conduct Hearings</b>	Lawyers	17	16	18	31	20	33
	Paralegal Licensees	6	6	4	3	4	2
<b>Interlocutory Suspension Hearings/Orders</b>	Lawyers	2	1	1	-	-	1
	Paralegal Licensees	-	1	-	-	-	-
<b>Capacity Hearings</b>	Lawyers	-	-	1	4	1	-
	Paralegal Licensees	-	-	-	-	-	-
<b>Competency Hearings</b>	Lawyers	-	-	-	-	-	-
	Paralegal Licensees	-	-	-	-	-	-
<b>Non-Compliance Hearings</b>	Lawyers	-	-	-	1	-	-
	Paralegal Licensees	-	-	-	-	-	-
<b>Reinstatement Hearings (incl. Term Disputes)</b>	Lawyers	2	1	-	-	1	-
	Paralegal Licensees	-	-	-	-	-	1
<b>Restoration</b>	Lawyers	-	-	-	-	-	-
	Paralegal Licensees	-	-	-	-	-	-
<b>Licensing Hearings (including Readmission)</b>	Lawyer Applicants	-	1	2	1	-	2
	Paralegal Applicants	3	1	1	-	1	1
<b>TOTAL NUMBER OF HEARINGS</b>	Lawyers*	21	19	22	37	22	36
	Paralegals*	9	8	5	3	5	4
	<b>TOTAL</b>	<b>30</b>	<b>27</b>	<b>27</b>	<b>40</b>	<b>27</b>	<b>40</b>

### 3.6 – Discipline

#### Graph 3.6E: Discipline – Appeals

The following chart sets out the number of appeals filed with the Appeal Panel, the Divisional Court or the Court of Appeal in the calendar years 2008, 2009, 2010, 2011, 2012 and the first quarter of 2013:

Quarter/Year	Appeal Panel	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 1 <sup>st</sup> Quarter	7	1 judicial review	
2013 2 <sup>nd</sup> Quarter	3	3 appeals	

As of June 30, 2013, there are 13 appeals pending before the Appeal Panel, 6 appeals in which the Appeal Panel has reserved on judgment, 1 appeal before the Appeal Panel that has been adjourned sine die, 1 appeal in which the Appeal Panel has rendered a decision but is still seized on the issue of penalty and 2 appeals in which the Appeal Panel has rendered a decision but is still seized on the issue of costs.

With respect to matters before the Divisional Court, there are 4 appeals and 1 judicial review matter pending. There are no matters pending in the Court of Appeal.

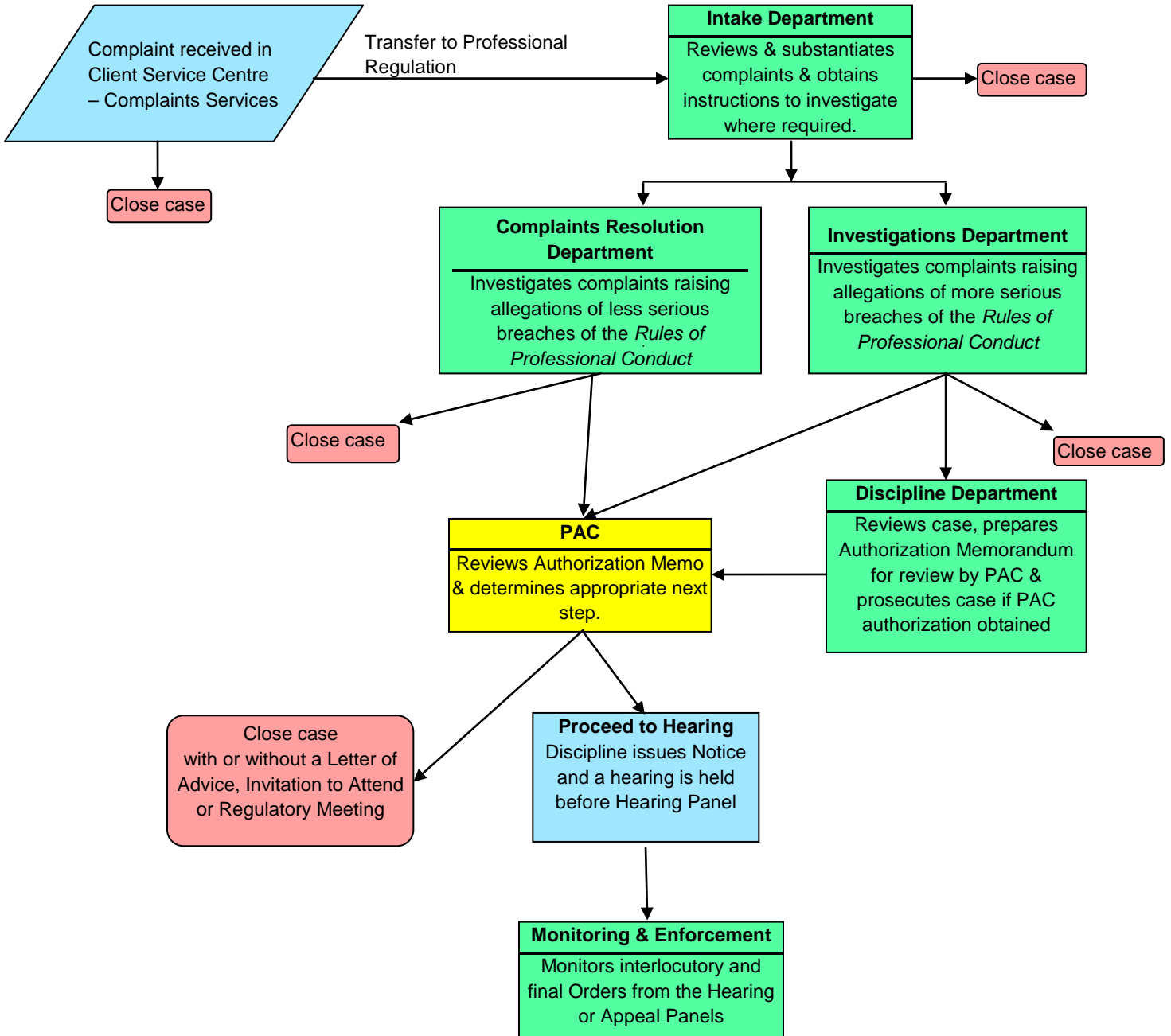
In the second quarter of 2013, decisions were rendered in 4 appeals before the Appeal Panel.

- 2 appeals launched by the licensees were dismissed;
- In the other 2 appeals, the Appeal Panel allowed the licensees' appeals.
  - In one appeal, the Appeal Panel set aside the decision and order of the Hearing Panel and remitted the matter for a new hearing before a differently constituted Hearing Panel:
  - In the other appeal, the Appeal Panel substituted the penalty of a 2-year suspension ordered by the Hearing Panel with a suspension for 12 months.

## **SECTION 4**

## **APPENDICES**

## The Professional Regulation Complaint Process



### PROFESSIONAL REGULATION ORGANIZATIONAL CHART

