



The Law Society of
Upper Canada | Barreau
du Haut-Canada

The Professional Regulation Division

Quarterly Report
January – March 2014

The Quarterly Report

The Quarterly Report provides a summary of the Professional Regulation Division's activities and achievements during the past quarter, January 1 to March 31, 2014. 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

The Division

Overall the intake of cases into the Division continues to be variable by quarter and by year. In the first quarter of 2014 the observed trend is a lower intake of new cases than in 2013, mirroring our experience in 2012.

During the first three months of 2014, Professional Regulation received 1215 new complaints. This was an 11% increase when compared with the fourth quarter of 2013 but a 6% decrease from the first quarter in 2013.

In the same period, Professional Regulation closed 1451 complaint files. As the division closed more complaints than were received, the inventory decreased during the period to 2966 cases.

Complaints Resolution

While the input of complaints into this department in Q1 2014 (448) increased by 16% from the input in Q4 2013 (373), it decreased by 24% from the input received in the first quarter of 2013 (535). During the first quarter of 2014, Complaints Resolution completed 515 cases, 6% more than it completed in Q4 2013 (485) and 16% more than it completed in the first quarter of 2013 (445). As the department completed more cases than it received, its inventory decreased to 858 cases at the end of Q1 2014. The median age of the inventory continues to be within the targeted range at 161 days.

Investigations Department

Investigations received 300 new cases in the first quarter of 2014, 25% less than in the same period in 2013 (400 cases) but 22% more than in Q4 2013 (246 cases). The department completed more cases (324) than were received, resulting in a slight decrease (1.4%) in its inventory from the end of 2013.

Discipline and Hearings

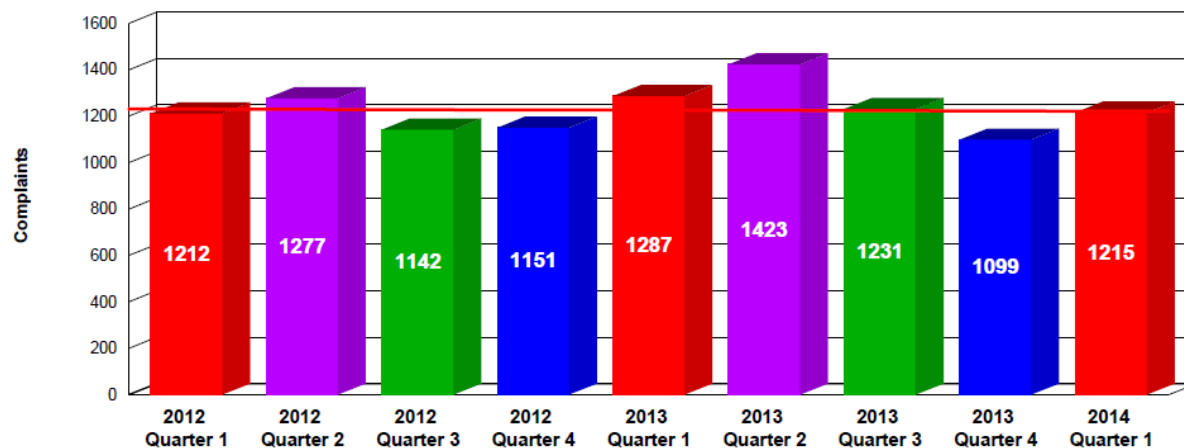
The inventory of cases for prosecution in the Discipline department remains stable at 523 cases relating to 185 licensees or applicants at the end of Q1 2014. There were 36 notices issued to commence proceedings in the first quarter, with 46 hearings completed, and 4 new appeals launched, 2 in the Appeal Division and 2 in Divisional Court.

SECTION 2

DIVISIONAL PERFORMANCE DURING THE QUARTER

PERFORMANCE IN THE PROFESSIONAL REGULATION DIVISION

Graph 2A: Complaints¹ Received in the Division



The number of new complaints received in the first quarter of 2014 (1215) increased by approximately 11% when compared to the number received in Q4 2013 (1099); the number was approximately 6% lower than the number of new complaints received in the first quarter of 2013 (1287). The analysis of new complaints/cases received (below) shows that, in Q1 2014, the number of complaints/cases increased for all groups when compared to the numbers received in Q4 2012.

Detailed Analysis of Complaints Received in the Division

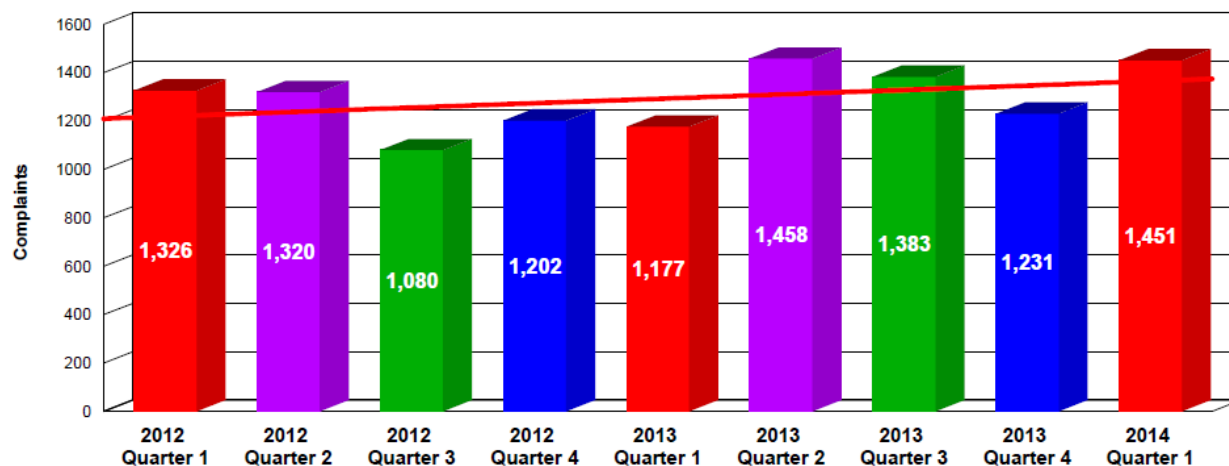
	Q1 2013	Q2 2013	Q3 2013	Q4 2013	Q1 2014
Complaints against Lawyers	1015	1026	969	886	912
Lawyer Applicant Cases★	18	67	21	9	69
Complaints against Licensed Paralegals	160	152	143	129	150
Paralegal Applicant Cases★	29	121	34	21	22
Complaints against Non-Licensees/Non-Applicants*	65	57	64	54	62
TOTAL	1287	1423	1231	1099	1215

★ Applicant cases include good character cases and UAP complaints

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

¹ Includes all complaints received in PRD from Complaints Services.

Graph 2B: Complaints Closed² in the Division (by Quarters)



The number of cases closed in the Division in Q1 2014 increased by 18% from the number of cases closed in Q4 2013.

Detailed Analysis of Complaints Closed in the Division

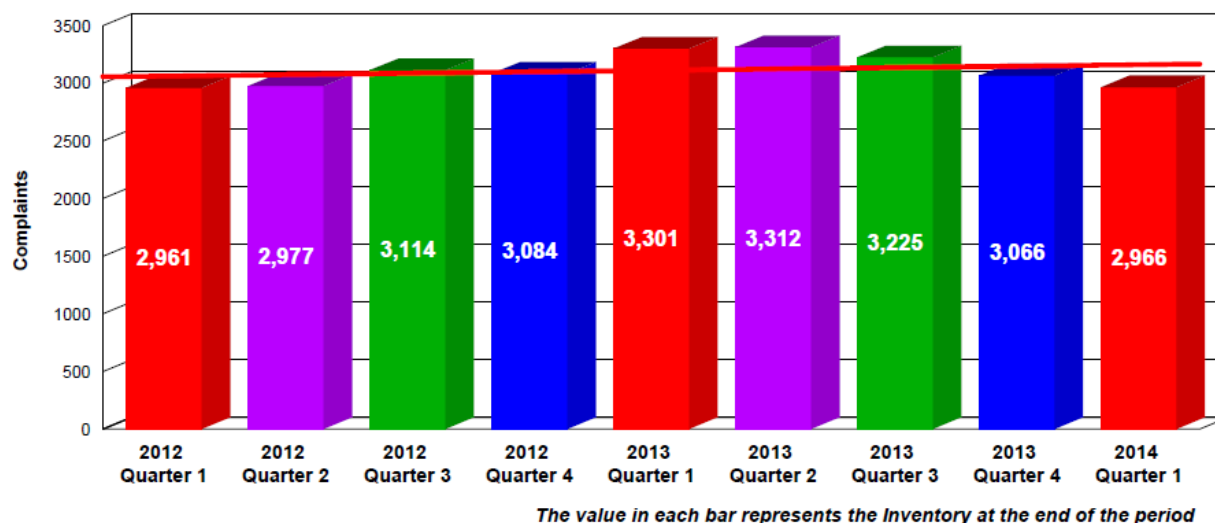
	Q1 2013	Q2 2013	Q3 2013	Q4 2013	Q1 2014
Complaints against Lawyers	946	1118	1101	1009	1140
Lawyer Applicant Cases★	13	64	31	14	13
Complaints against Licensed Paralegals	105	127	124	131	181
Paralegal Applicant Cases★	37	83	53	33	41
Complaints against Non-Licensees/Non-Applicants*	76	66	74	44	76
TOTAL	1177	1458	1383	1231	1451

★ Applicant cases include good character cases and UAP complaints

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

² This graph includes all complaints closed in Intake, Complaints Resolution, Investigations and Discipline.

Graph 2C: Total Inventory³



The inventory in the Division at the end of Q1 2014 was approximately 3% lower than at the end of 2013 and approximately 10% lower than the inventory in the Division at the end of Q1 2013. The breakdown of the inventory in the chart below demonstrates that decreases have occurred in the inventory of complaints against lawyers however, the inventory of complaints against licensed paralegals increased slightly from the end of 2013 to the end of the first quarter of 2014.

Detailed Analysis of Division Inventory

	Q1 2013	Q2 2013	Q3 2013	Q4 2013	Q1 2014
Complaints against Lawyers	2711	2656	2575	2449	2315
Lawyer Applicant Cases★	37	39	29	25	78
Complaints against Licensed Paralegals	378	404	427	398	404
Paralegal Applicant Case★	55	91	77	67	42
Complaints against Non-Licensee s/Non-Applicants*	120	122	117	127	127
TOTAL	3301	3312	3225	3066	2966

★ Applicant cases include good character cases and UAP complaints

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

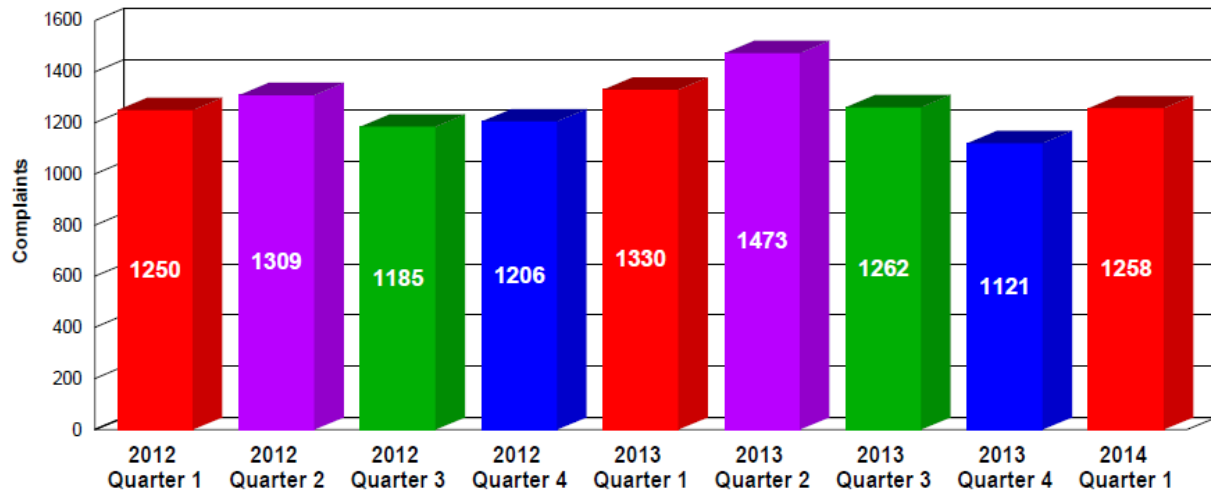
³ This graph does not include active complaints in the Monitoring & Enforcement Department.

SECTION 3

DEPARTMENTAL PERFORMANCE DURING THE QUARTER

3.1 – Intake

Graph 3.1A: Intake - Input⁴

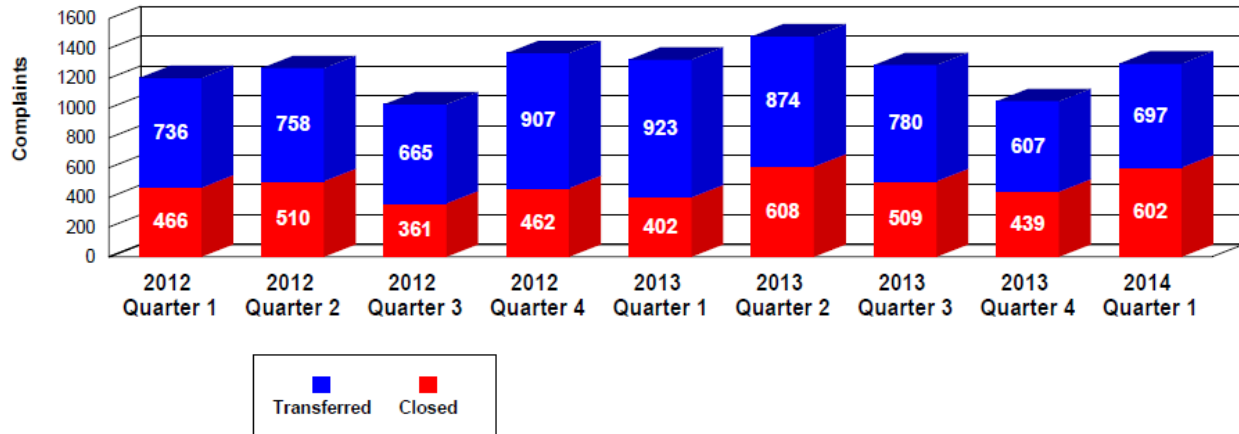


The Intake department processes all new regulatory complaints. In Q1 2014, in addition to the 1215 new cases, Intake re-opened 43 complaints which met the threshold for re-opening a closed matter.

⁴ Includes new complaints received and re-opened complaints

3.1 – Intake

Graph 3.1B: Intake - Complaints Closed and Transferred Out



In Q1 2014, Intake completed 1299 cases, which represents a 24% increase over the number of cases completed by the department in Q4 2013 (1046).

Detailed Analysis of Complaints Closed and Transferred From Intake

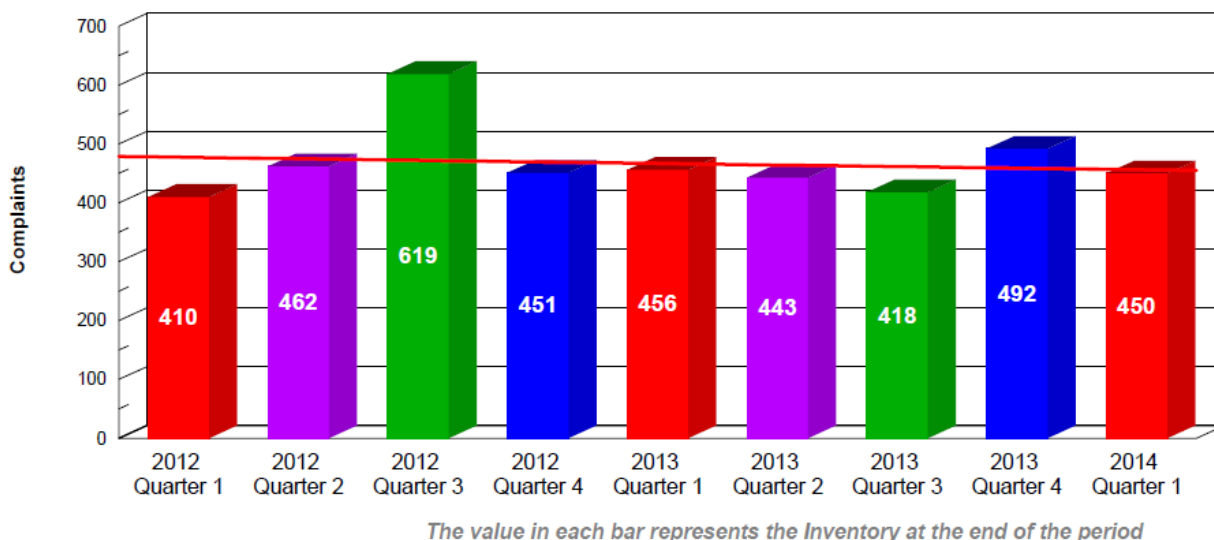
		Q1 2013	Q2 2013	Q3 2013	Q4 2013	Q1 2014
Complaints against Lawyers	Closed	327	425	404	368	489
	Transferred	737	639	605	486	545
Lawyer Applicant Cases★	Closed	2	45	15	5	7
	Transferred	17	18	11	0	4
Complaints against Licensed Paralegals	Closed	28	39	40	35	58
	Transferred	108	127	111	80	96
Paralegal Applicant Cases★	Closed	13	69	22	10	22
	Transferred	15	45	18	5	6
Complaints against Non-Licensees/Non-Applicants*	Closed	32	30	28	21	26
	Transferred	46	45	35	36	46
TOTAL	Closed	402	608	509	439	602
	Transferred	923	874	780	607	697

★ 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



In the first quarter of 2014, the department's inventory decreased by 9% from the end of 2013 (from 492 to 450 cases). 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

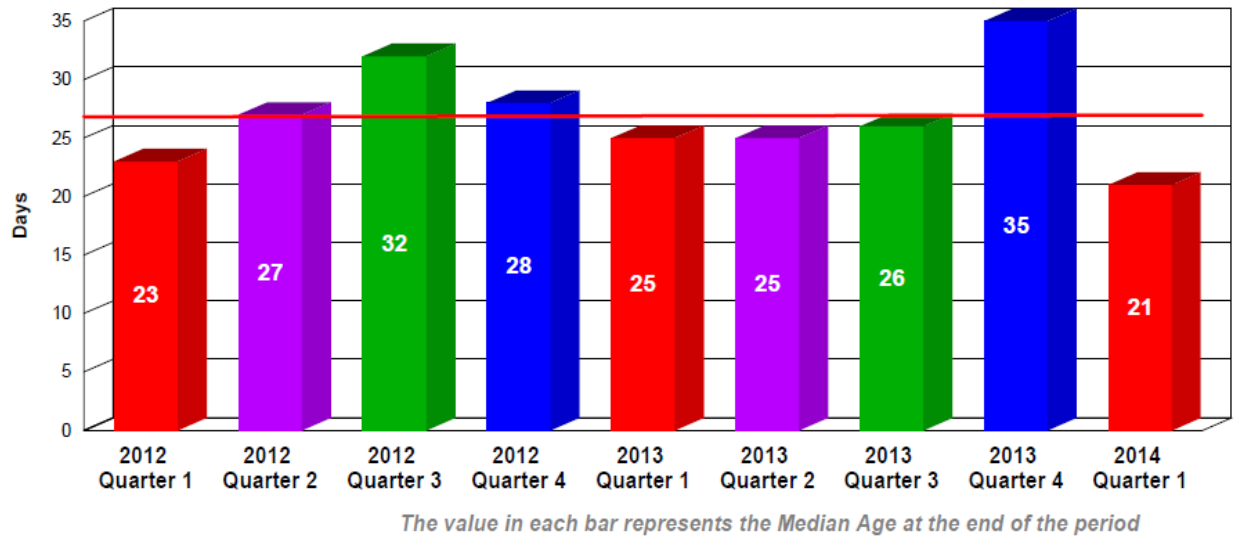
	Q1 2013	Q2 2013	Q3 2013	Q4 2013	Q1 2014
Complaints against Lawyers	387	384	369	415	327
Lawyer Applicant Cases★	1	5	0	4	62
Complaints against Licensed Paralegals	56	44	36	54	52
Paralegal Applicant Cases★	1	6	2	9	2
Complaints against Non-Licensees/Non-Applicants*	11	4	11	10	7
TOTAL	456	443	418	492	450

★ Applicant cases include good character cases and UAP complaints

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

3.1 – Intake

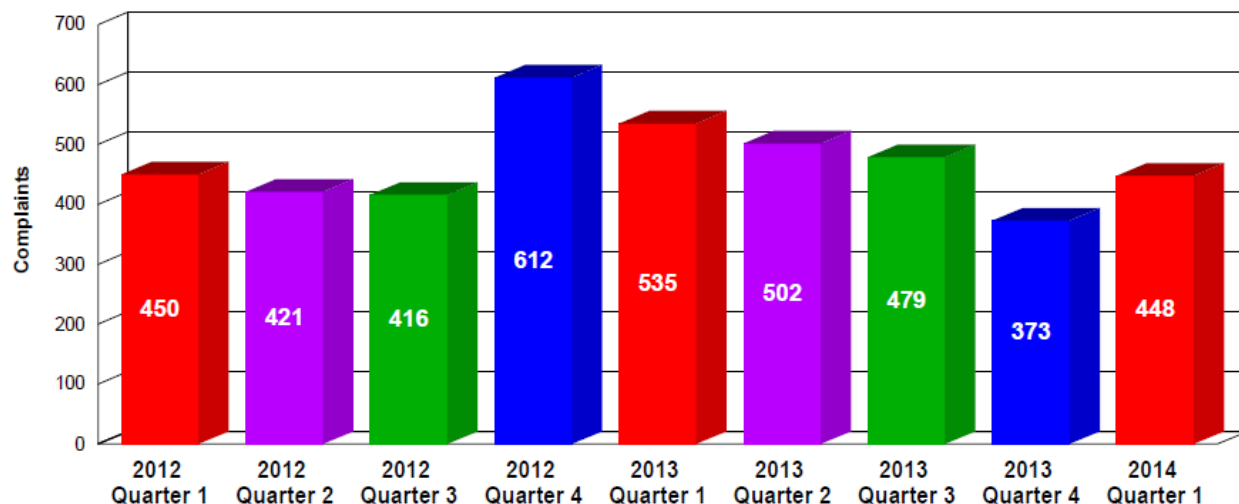
Graph 3.1D: Intake - Median Age of Complaints



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 – Input⁵



While the input of cases into Complaints Resolution in Q1 2014 (448) increased by 16% from the input received in Q4 2013 (373), it was 24% lower than the same period in 2013 (536).

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

	Q1 2013	Q2 2013	Q3 2013	Q4 2013	Q1 2014
Complaints against Lawyers	492	443	418	330	375
Lawyer Applicant Cases★	0	0	0	0	0
Complaints against Licensed Paralegals	43	59	60	43	72
Paralegal Applicant Cases★	0	0	0	0	0
Complaints against Non-Licensees/Non-Applicants*	0	0	1	0	1
TOTAL	535	502	479	373	448

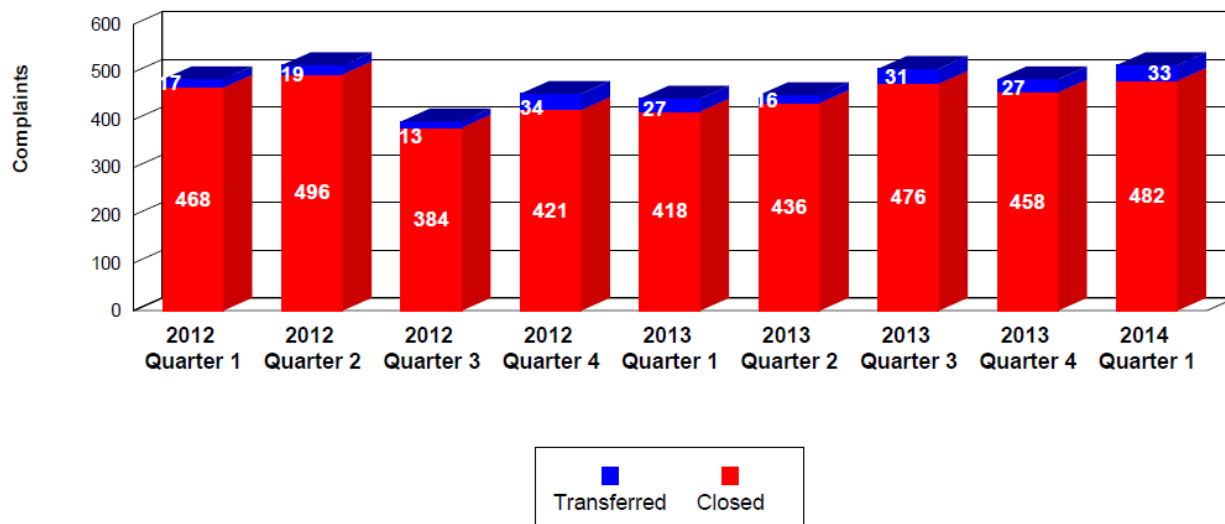
★ Applicant cases include good character cases and UAP complaints

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

⁵ 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 Q1 2014 by Complaints Resolution (515) increased by approximately 6% over the number of cases completed in Q4 2013 (485).

Detailed Analysis of Complaints Closed and Transferred From Complaints Resolution

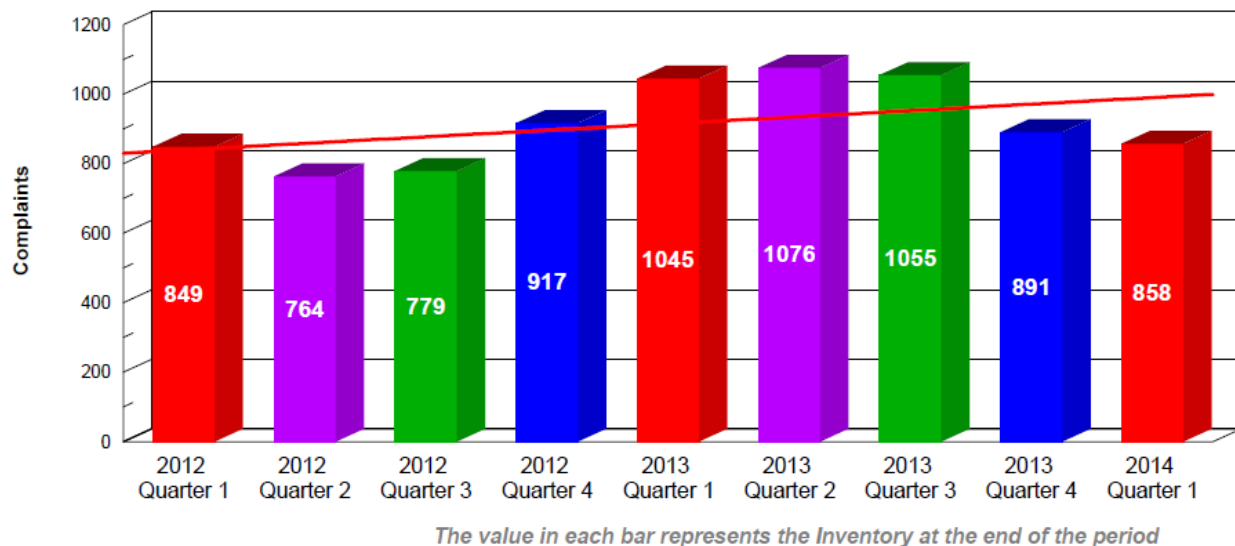
		Q1 2013	Q2 2013	Q3 2013	Q4 2013	Q1 2014
Complaints against Lawyers	Closed	379	408	434	405	416
	Transferred	24	14	23	22	25
Lawyer Applicant Cases★	Closed	0	0	0	0	0
	Transferred	0	0	0	0	0
Complaints against Licensed Paralegals	Closed	39	28	42	53	66
	Transferred	3	2	7	5	8
Paralegal Applicant Cases★	Closed	0	0	0	0	0
	Transferred	0	0	0	0	0
Complaints against Non-Licensees/Non-Applicants*	Closed	0	0	0	0	0
	Transferred	0	0	1	0	0
TOTAL	Closed	418	436	476	458	482
	Transferred	27	16	31	27	33

★ 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



Since a high of 1076 cases at the end of Q2 2013, the department's inventory has decreased by 20% to 858 cases at the end of Q1 2014. The inventory continues to consist mostly of complaints against lawyers.

Detailed Analysis of Complaint Resolution's Inventory

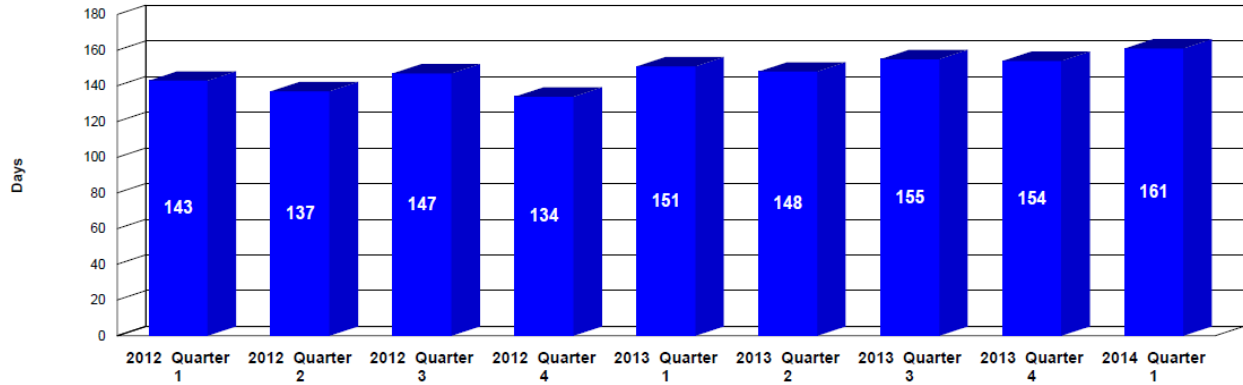
	Q1 2013	Q2 2013	Q3 2013	Q4 2013	Q1 2014
Complaints against Lawyers	957	959	928	811	779
Lawyer Applicant Cases★	0	0	0	0	0
Complaints against Licensed Paralegals	88	117	127	80	78
Paralegal Applicant Cases★	0	0	0	0	0
Complaints against Non-Licensees/Non-Applicants*	0	0	0	0	1
TOTAL	1045	1076	1055	891	858

★ Applicant cases include good character cases and UAP complaints

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

3.2 – Complaints Resolution

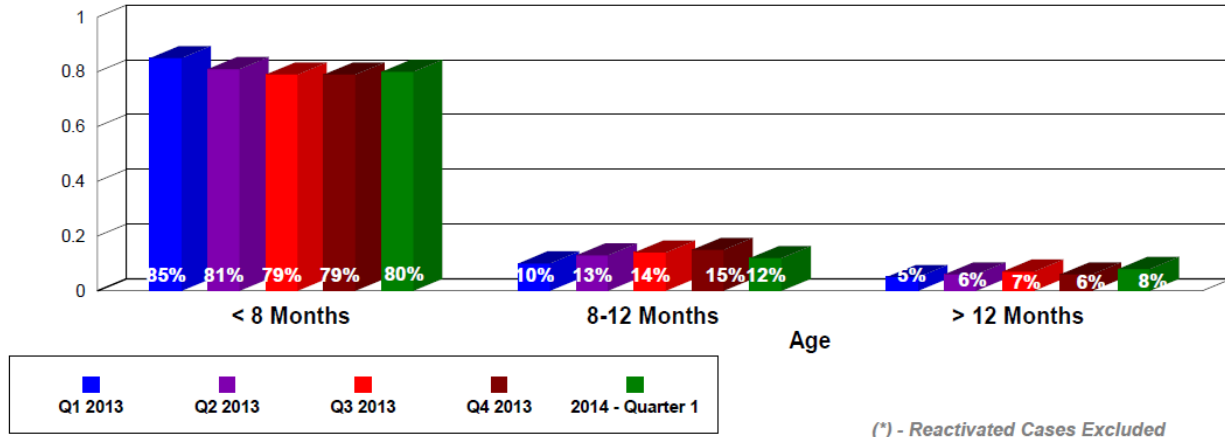
Graph 3.2D: Complaints Resolution - Median Age of Complaints



While the department's median age increased from the previous quarter, it remains within 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 at the end of Q1 2014 was 793 cases involving 725 subjects. The age distribution of those cases was:

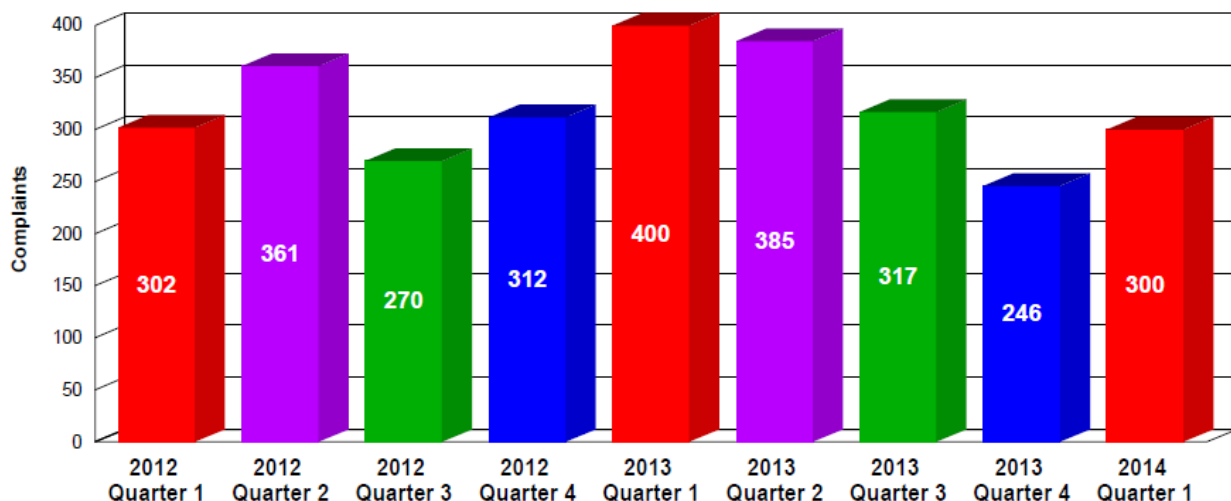
Less than 8 months	635 cases involving 584 subjects
8 to 12 months	96 cases involving 88 subjects
More than 12 months	62 cases involving 53 subjects

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 Q1 2014 increased by 22% from the input in the last quarter (Q4 2013). However, it was 25% less from the input received in the same period last year (i.e. Q1 2013) and virtually identical to the input received in Q1 2012.

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

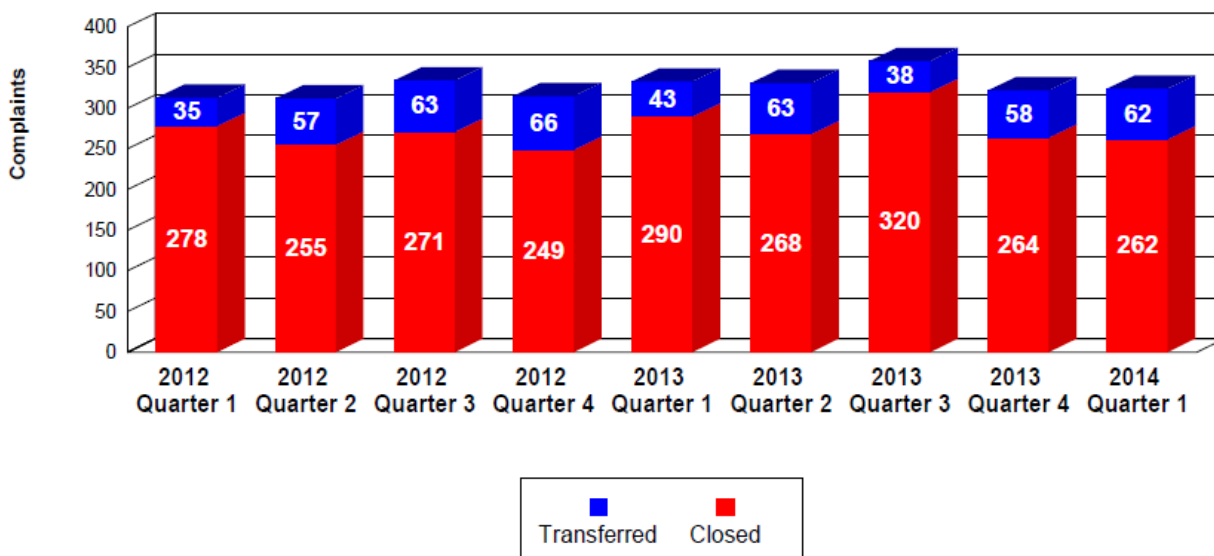
	Q1 2013	Q2 2013	Q3 2013	Q4 2013	Q1 2014
Complaints against Lawyers	254	208	197	164	190
Lawyer Applicant Cases★	18	18	11	0	4
Complaints against Licensed Paralegals	67	69	54	40	44
Paralegal Applicant Cases★	15	45	19	6	6
Complaints against Non-Licensees/Non-Applicants*	46	45	36	36	45
TOTAL	400	385	317	246	300

★ 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 Q1 2014 (324 cases) was almost the same as the number completed in Q4 2013 (322 cases) and approximately 3% less than the number of cases completed in the first quarter of 2013.

Detailed Analysis of Complaints Closed and Transferred Out of Investigations

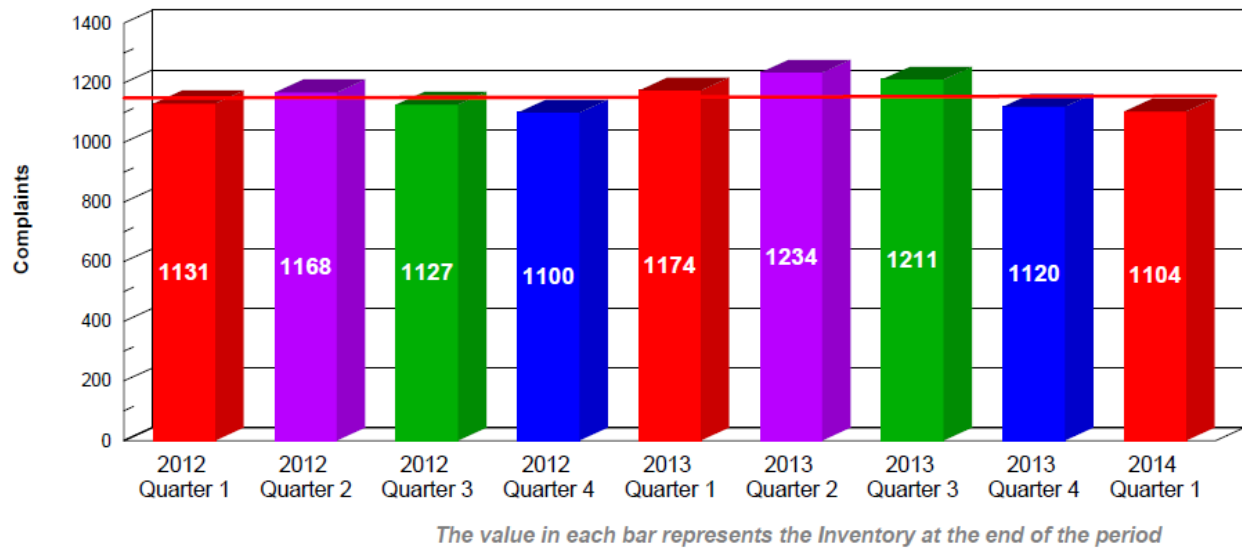
		Q1 2013	Q2 2013	Q3 2013	Q4 2013	Q1 2014
Complaints against Lawyers	Closed	181	171	194	183	158
	Transferred	23	45	32	46	45
Lawyer Applicant Cases★	Closed	11	17	14	9	5
	Transferred	1	0	0	0	1
Complaints against Licensed Paralegals	Closed	32	39	39	27	38
	Transferred	7	17	4	10	5
Paralegal Applicant Cases★	Closed	23	12	31	22	13
	Transferred	4	1	2	0	1
Complaints against Non-Licensees/Non-Applicants*	Closed	43	29	42	23	48
	Transferred	8	0	0	2	10
TOTAL	Closed	290	268	320	264	262
	Transferred	43	63	38	58	62

★ 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 number of cases completed by the department in Q1 2014 (324) exceeded the input of cases into the department (300). Hence, Investigations' inventory decreased slightly (by 1.4%) from 1120 at the end of 2013 to 1104 at the end of Q1 2014.

Detailed Analysis of Investigations Inventory

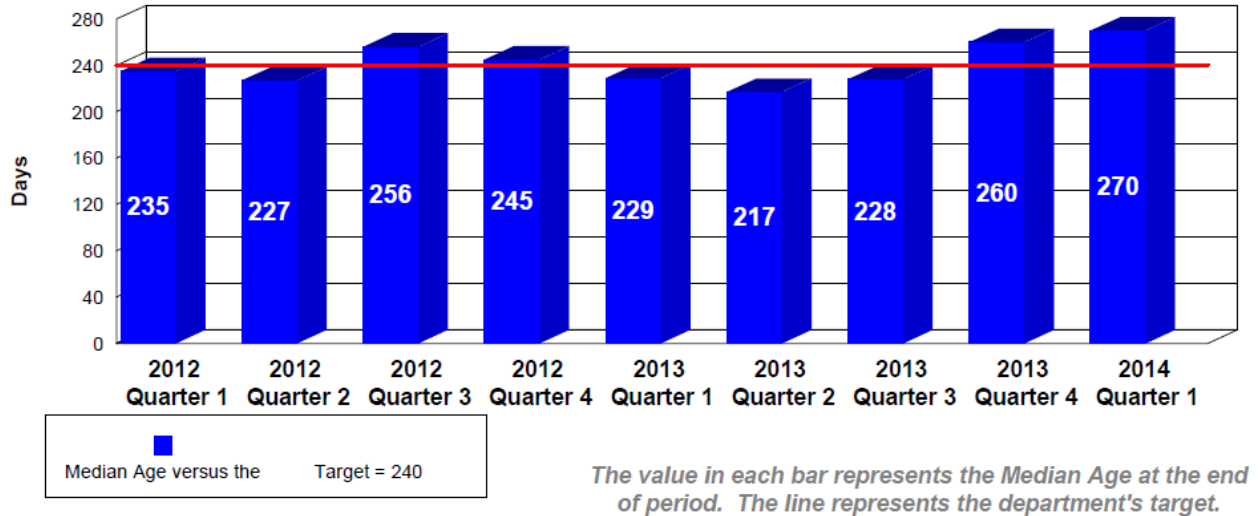
	Q1 2013	Q2 2013	Q3 2013	Q4 2013	Q1 2014
Complaints against Lawyers	851	851	837	759	750
Lawyer Applicant Cases★	31	31	28	20	15
Complaints against Licensed Paralegals	174	186	200	202	219
Paralegal Applicant Cases★	32	64	52	36	28
Complaints against Non-Licensees/Non-Applicants*	86	102	94	103	92
TOTAL	1174	1234	1211	1120	1104

★ 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

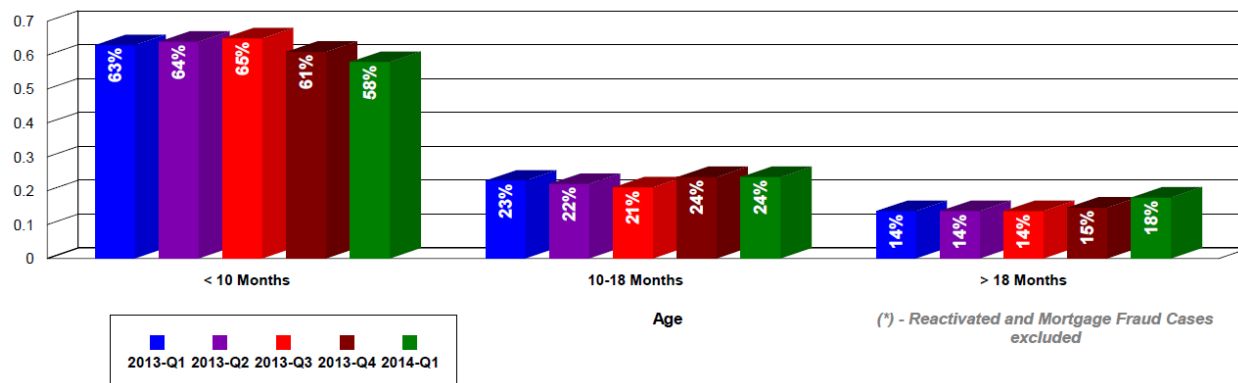


Investigations' median age at the end of Q1 2014 was 4% higher than the median age at the end of Q4 2013, increasing from 260 days to 270 days.

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 the first quarter of 2014, excluding reactivated and mortgage fraud cases, was 936 cases involving 705 subjects. The distribution of those cases was:

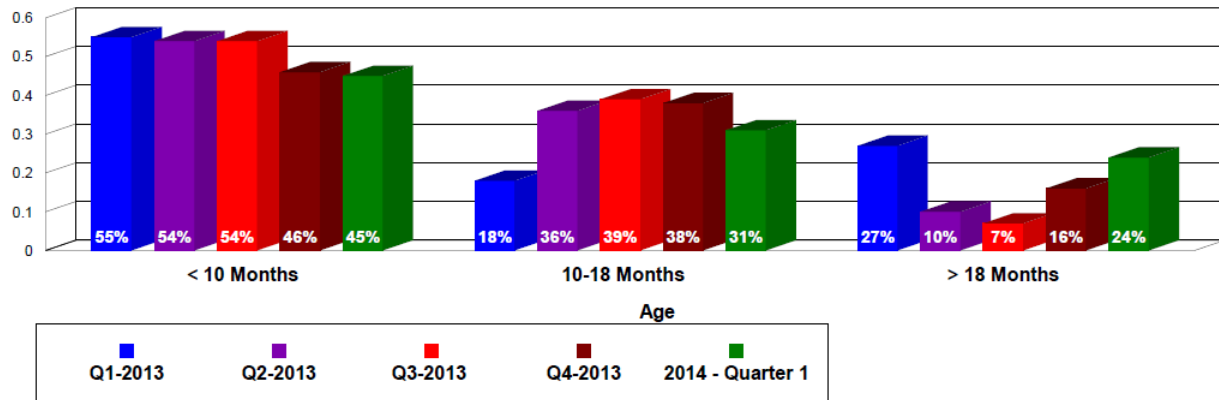
Less than 10 months	544 cases involving 423 subjects
10 to 18 months	227 cases involving 160 subjects
More than 18 months	165 cases involving 122 subjects

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 the first quarter of 2014 was 89 cases involving 75 subjects. The distribution of those cases was:

Less than 10 months	40 cases involving 33 subjects
10 to 18 months	28 cases involving 23 subjects
More than 18 months	21 cases involving 19 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	
Totals: 2008	337	122	50	168	
Totals: 2009	445	165	86	192	
Q1 2010	94	42	0	76	36
Q2 2010	89	32	0	69	32
Q3 2010	67	32	1	50	29
Q4 2010	80	45	0	54	18
Totals - 2010 (+ POL)	330* (398)	151	1	249	
Q1 2011 (+ POL)	61 (74)	24	0	41	20
Q2 2011 (+ POL)	61 (84)	20	1	54	12
Q3 2011 (+ POL)	70 (80)	27	0	49	28
Q4 2011 (+ POL)	63 (83)	16	1	62	15
Totals – 2011 (+POL)	255 (321)	87	2	206	
Q1 2012 (+ POL)	77(91)	16	0	61	17
Q2 2012 (+POL)	58 (80)	22	0	49	6
Q3 2012 (+POL)	41 (44)	16	0	27	11
Q4 2012 (+POL)	80 (84)	32	0	45	19
Totals – 2012 (+POL)	256 (299)	86	0	182	
Q1 2013 (+POL)	71(93)	29	0	59	11
Q2 2013 (+POL)	60(66)	26	0	51	5
Q3 2013 (+POL)	69 (81)	27	0	46	9
Q4 2013 (+POL)	60(71)	20	0	41	11
Totals – 2013 (+POL)	260 (311)	102	0	197	11
Q1 2014 (+POL)	64(76)	26	0	51	6

* 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 2014 Q1, complaints alleging practicing outside the scope of licence were received in a total of 12 cases. Prior to Q1 2010, these would have been included in the UAP figures.

As noted in the chart above, in Q1 2014 the Division received 4 UAP complaints more than it did in Q4 2013 (64 vs. 60) but 7 UAP complaints less than it did in Q1n2013 (64 vs. 71).

3.4 – Unauthorized Practice (UAP)

Graph 3.4B: Unauthorized Practice investigations (in Complaints Resolution and Investigations)

	New		Closed ⁶		Inventory	
	CR	Inv	CR	Inv	CR	Inv
Totals: 2008	52	171	64	126	106	
Totals: 2009	77	187	48	138	168	
Totals: 2010	1	249	28	190	124	
Q1 2011	0	41	0	61	0	104
Q2 2011	1	54	0	56	1	102
Q3 2011	0	49	0	45	1	106
Q4 2011	1	62	0	26	1	139
Totals: 2011	2	206	0	188	140	
Q1 2012	0	61	1	45	0	156
Q2 2012	0	49	0	65	0	140
Q3 2012	0	27	0	41	0	120
Q4 2012	0	45	0	34	0	131
Totals: 2012	0	182	1	185	131	
Q1 2013	0	59	0	62	0	128
Q2 2013	0	51	0	36	0	143
Q3 2013	0	46	0	58	0	129
Q4 2013	0	40	0	31	0	137
Totals: 2013	0	197	0	187	137	
Q1 2014	0	51	0	66	0	122

As more UAP investigations were completed in Q1 2014 (66) than were received (51), the inventory of UAP cases in Investigations was reduced from 137 cases at the end of Q4 2013 to 121 cases at the end of Q1 2014

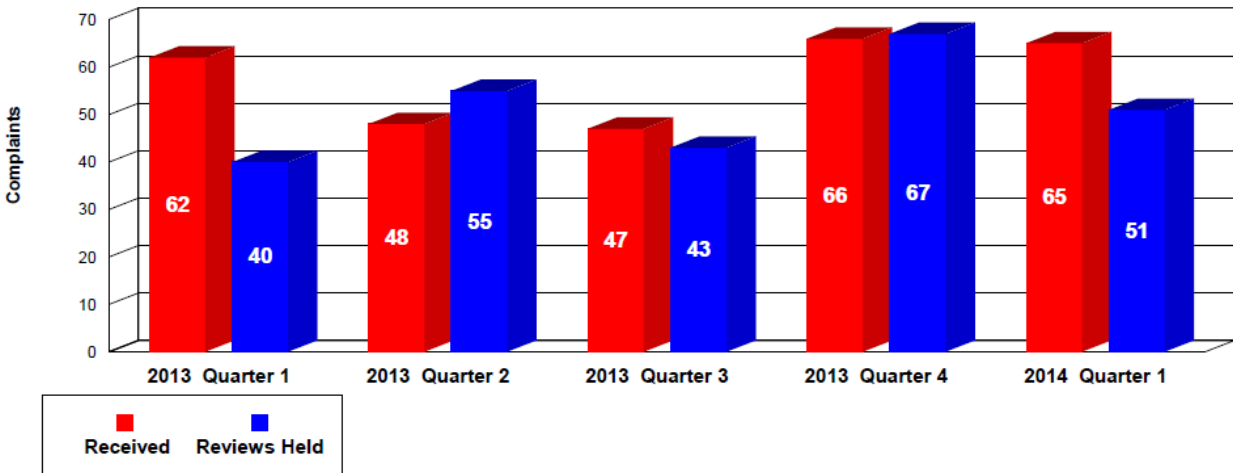
Graph 3.4C: UAP Enforcement Actions

As at March 31, 2014, there were 4 open UAP matters; in two matters, permanent injunctions are being sought; in another matter, a motion has been brought for breach of an injunction; in the fourth matter, the non-licensee has appealed the permanent injunction ordered by the Superior Court.

⁶ "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.

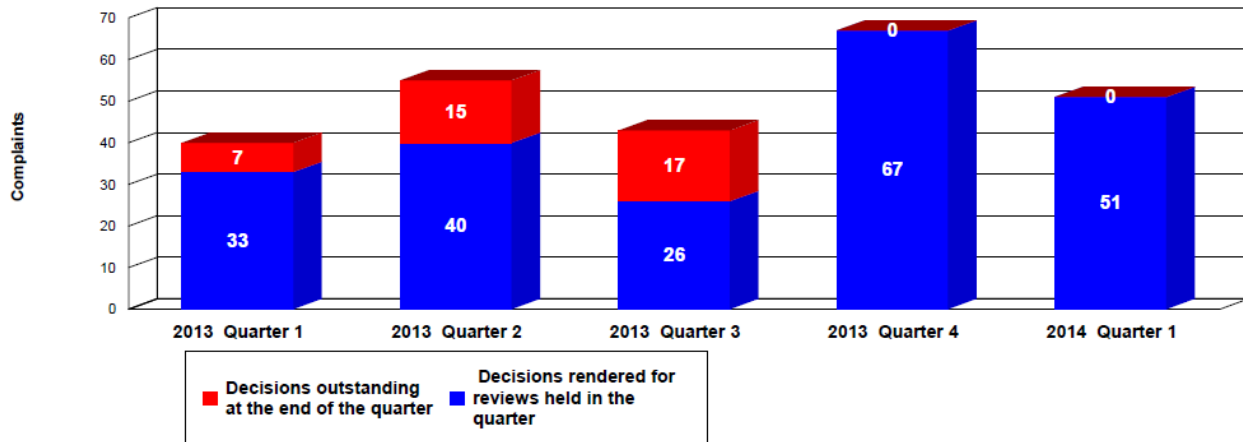
3.5 – Complaints Resolution Commissioner

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



In the first quarter of 2014, the Complaints Resolution Commissioner received 65 requests for review of cases closed in either Investigations or Complaints Resolution and reviewed 51 cases. Fifteen 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 the first quarter of 2014, the Commissioner rendered decisions in all 51 cases reviewed in that quarter. As at March 31, 2014, there were no decisions outstanding.

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
Total 2009	194	174 (90%)	20 (10%)
Total 2010	193	160 (83%)	33 (17%)
Total 2011	260	248 (95%)	12 (5%)
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%)
Total 2012	242	224 (93%)	18 (7%)
Q1 2013	40	38 (95 %)	2 (5 %)
Q2 2013	55	49 (89%)	6 (11%)
Q3 2013	43	40 (93%)	3 (7%)
Q4 2013	67	65 (97%)	2 (3%)
Total 2013	205	192 (94%)	13 (6%)
Q1 2014	51	50(98%)	1(2%)

Of the 51 decisions rendered in Q1 2014, the Commissioner referred 1 file back to Professional Regulation with a recommendation for further investigation as he was not satisfied that the decision to close was reasonable. As of the date of this Quarterly Report, The Director's decision concerning the Commissioner's recommendation remains outstanding.

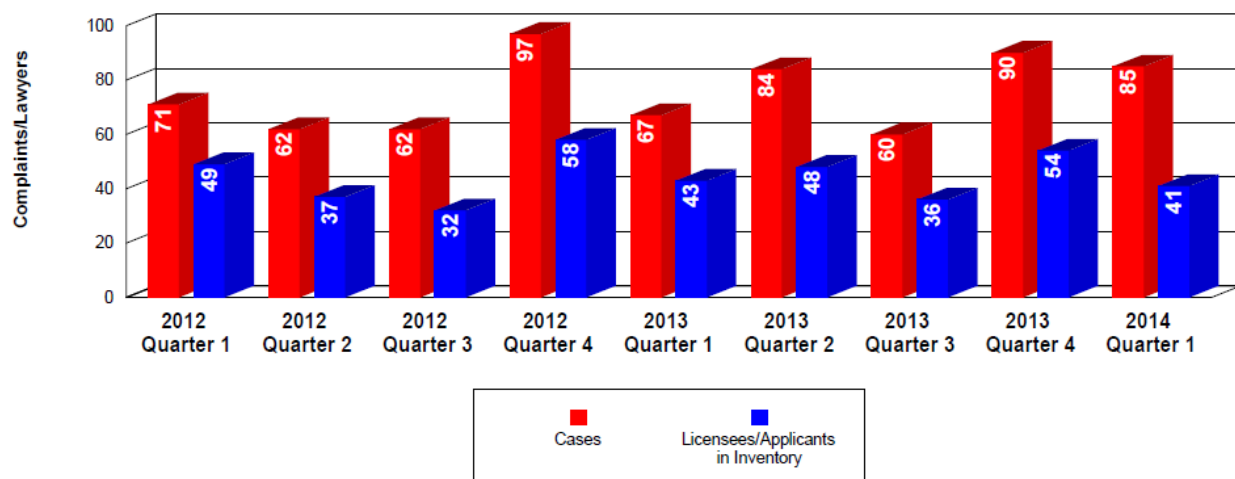
Active Inventory

As at March 31, 2014, the Office of the Complaints Resolution Commissioner had an inventory of 119 files:

Request received; awaiting preparation of CRC materials	73 files
Review Meeting Scheduled	36 files
Ready for Scheduling	5 files
In Abeyance	5 files

3.6 – Discipline

Graph 3.6A: Discipline - Input⁷



As noted in the chart below, in Q1 2014, the department received complaints from various departments involving 32 lawyers (relating to 72 cases), 8 licensed paralegals (relating to 12 cases) and 1 paralegal applicant.

Detailed Analysis of New Cases Received in Discipline

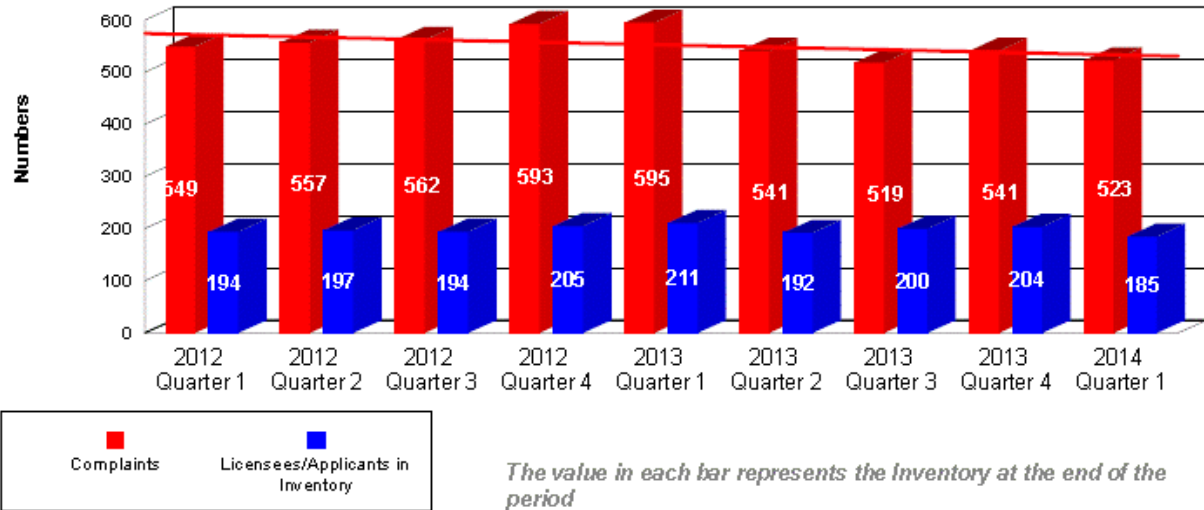
		Q1 2013	Q2 2013	Q3 2013	Q4 2013	Q1 2014
Lawyers	Cases	47	65	50	76	72
	Lawyers	29*	36*	27*	43*	32*
Lawyer Applicants	Cases	1	0	0	0	0
	Lawyer Applicants	1*	0	0	0	0
Licensed Paralegals	Cases	9	18	8	14	12
	Licensed Paralegals	7*	11*	8*	11*	8*
Paralegal Applicants	Cases	10	1	2	0	1
	Paralegal Applicants	6*	1*	1*	0*	1*
TOTAL	Cases	67	84	60	90	85
	Licensees & Applicants	43*	48*	36*	54	41

* 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.

⁷ "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 Inventory⁸



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 Q1 2014, the department's inventory of licensee/applicants (185) was approximately 12% lower than at the end of Q1 2013 (211) and 5% lower than at the end of Q1 2012 (194).

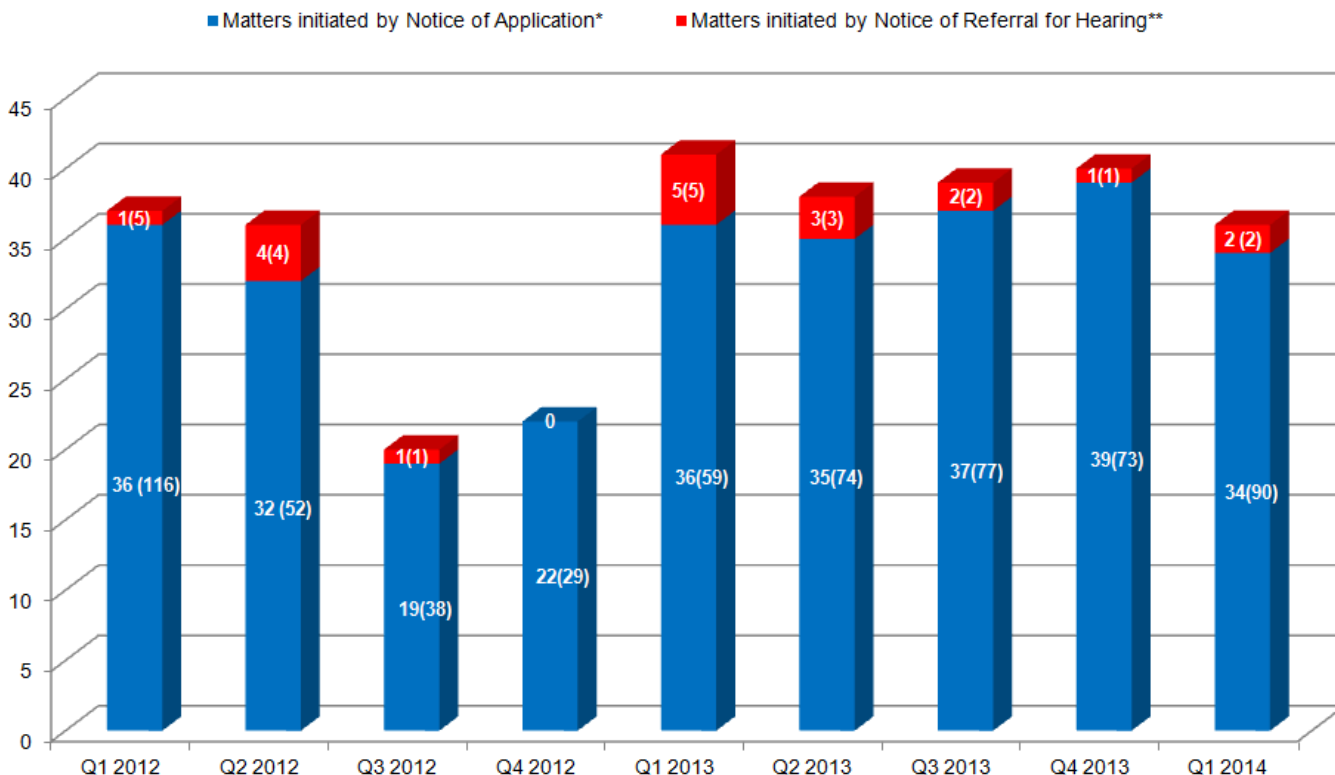
Detailed Analysis of Discipline's Inventory

		Q1 2013	Q2 2013	Q3 2013	Q4 2013	Q1 2014
Lawyers	Cases	508	460	433	458	454
	Lawyers	176	160	164	169	156
Lawyer Applicants	Cases	5	3	1	1	0
	Lawyer Applicants	5	3	1	1	0
Licensed Paralegals	Cases	60	57	62	60	52
	Licensed Paralegals	20	20	26	26	22
Paralegal Applicants	Cases	22	21	23	22	17
	Paralegal Applicants	10	9	9	8	7
TOTAL	Cases	595	541	519	541	523
	Licensees & Applicants	211	192	200	204	185

⁸ 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 Q1 2014, 34 Notices of Application were issued (relating to 90 cases) and 2 Notices of Referral for Hearing were issued (relating to 2 cases).

With respect to the 34 Notices of Application⁹/Notices of Motion for Interim Suspension Order which were issued in Q1 2014:

- 21 were issued less than 1 month after PAC authorization;
- 7 were issued between 1 and 2 months after PAC authorization; and
- 6 were issued more than 2 months after PAC authorization.

⁹ 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 2013	Q2 2013	Q3 2013	Q4 2013	Q1 2014
Conduct Hearings	Lawyers	20	32	18	24	30
	Paralegal Licensees	4	2	3	9	10
Interlocutory Suspension Hearings/Orders	Lawyers	-	1	-	2	2
	Paralegal Licensees	-	-	-	-	-
Capacity Hearings	Lawyers	1	-	-	1	1
	Paralegal Licensees	-	-	-	-	-
Competency Hearings	Lawyers	-	-	-	-	-
	Paralegal Licensees	-	-	-	-	-
Non-Compliance Hearings	Lawyers	-	-	-	-	-
	Paralegal Licensees	-	-	-	-	-
Reinstatement Hearings	Lawyers	1	-	-	-	2
	Paralegal Licensees	-	-	1	-	-
Restoration	Lawyers	-	-	-	-	-
	Paralegal Licensees	-	-	-	-	-
Licensing Hearings (including Readmission)	Lawyer Applicants	-	2	2	-	-
	Paralegal Applicants	1	1	1	-	1
TOTAL NUMBER OF HEARINGS	Lawyers*	22	35	20	27	35
	Paralegals*	5	3	5	9	11
	TOTAL	27	38	25	36	46

3.6 – Discipline

Graph 3.6F: Discipline – Appeals

The following chart sets out the number of appeals filed with the Appeal Division, the Divisional Court or the Court of Appeal in the calendar years 2008 to 2013 and the first quarter of 2014.

Quarter/Year	Appeal Division	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	20	3 appeals; 3 judicial reviews	
2014 1 st Quarter	2	5 appeals	1 motion for leave

As of March 31, 2014, there are 7 appeals pending before the Appeal Division, 8 appeals in which the Appeal Division has reserved on judgment, 1 appeal before the Appeal Division that has been adjourned sine die and 1 appeal which the Appeal Division had sent back for re-hearing however, as the Law Society elected not to re-prosecute the matter, the Appeal Division is considering the issue of penalty.

With respect to matters before the Divisional Court, there are 9 appeals and 1 judicial review matter pending. There is one motion for leave to appeal pending in the Court of Appeal.

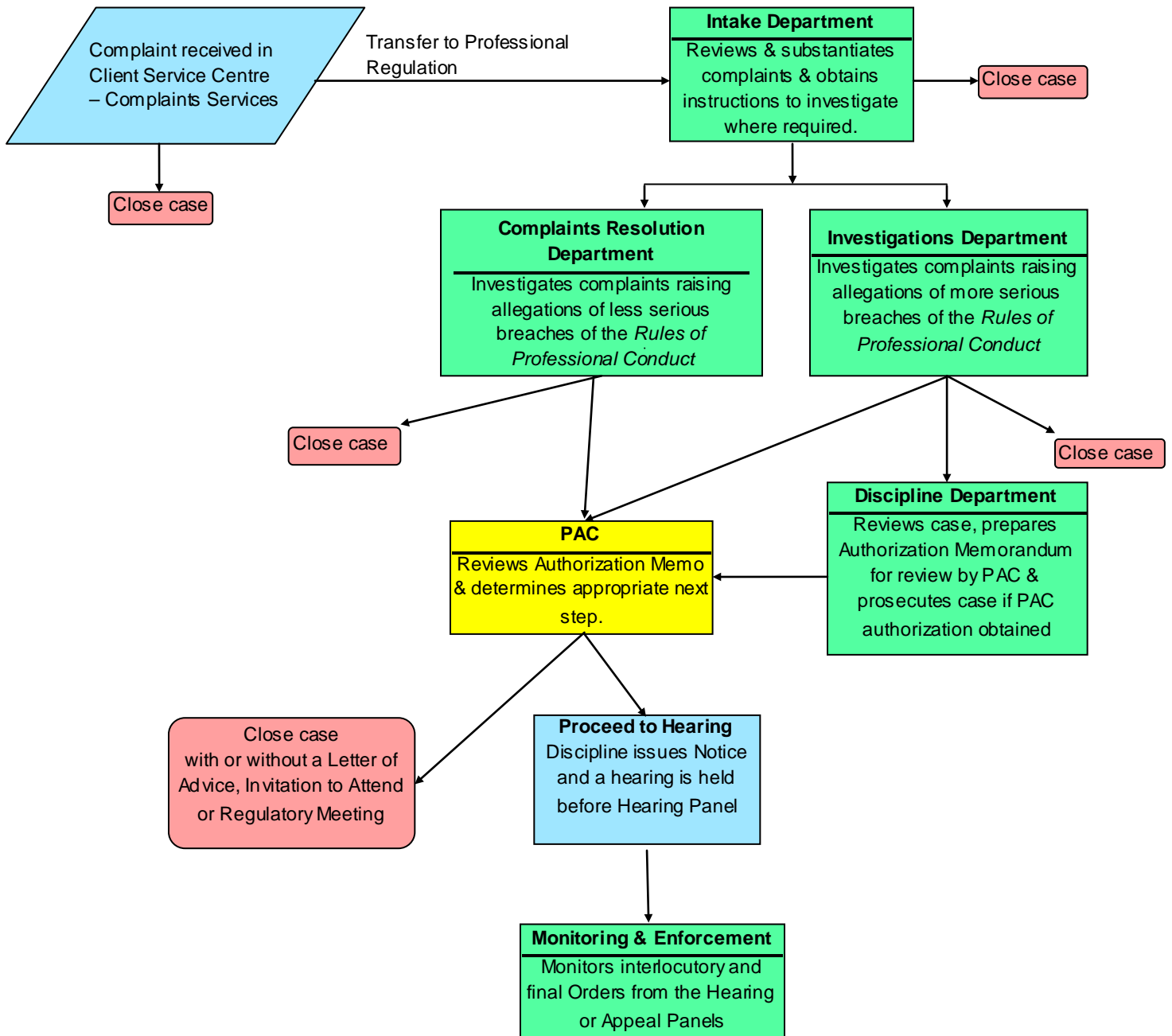
In the first quarter of 2014, 10 appeals before the Appeal Division were completed:

- With respect to 6 appeals launched by the licensee/applicant,
 - 1 appeal was abandoned;
 - the Appeal Division dismissed 2 of the appeals
 - the Appeal Division allowed or allowed in part 3 of the appeals.
 - In one appeal, the appellant was granted an L1 licence;
 - In another appeal, the Decision and Order of the Hearing Division was set aside and a new hearing was ordered and
 - In the third appeal, the costs ordered by the Hearing Division were varied.
- With respect to 4 appeals launched by the Law Society, the Appeal Division allowed all 4 appeals:
 - In two appeals, the Decisions and Orders of the Hearing Division were set aside and new hearings ordered.
 - In the third appeal, the Decision and Order of the Hearing Division was amended and
 - In the fourth appeal, in which the licensee cross-appealed, the Appeal Division granted the Law Society's appeal against the penalty ordered by the Hearing Division, substituting the ordered reprimand with a 3 month suspension and increasing the costs ordered from \$5,000 to \$20,000. The licensee's cross-appeal was dismissed.

SECTION 4

APPENDICES

The Professional Regulation Complaint Process



PROFESSIONAL REGULATION ORGANIZATIONAL CHART

