

Terms of Reference for the Fitness to Practice Committee

These terms of Reference should be read in conjunction with the Law Society Act, Rules and any Benchers policies relating to the Committees.

Fitness to Practice Committee – Terms of Reference	
Type	Statutory
Mandate	<ul style="list-style-type: none"> • The Committee is to review matters where concerns are raised about the capacity of a member. Capacity meaning the member’s ability to practice law with reasonable skill and judgment that is not substantially impaired by a physical, mental or emotional condition, disorder or addiction.
Responsibilities	<ul style="list-style-type: none"> • The Committee is responsible for carrying out the mandate specified above, in accordance with the Act and Rule 9. • The Committee may, where it is in the public interest to do so and the respondent consents, enter into one or more agreements with the respondent. (s. 44.2, the Act) • The Committee may summon a respondent or other person and require the respondent or other person to give evidence, orally or in writing, upon oath or affirmation, and produce the documents and things that any of them considers necessary for the full investigation and hearing of an allegation or complaint and shall have the powers, privileges and immunities that are conferred on a commissioner appointed under the Public Inquiries Act, 2006. (s. 42(9), the Act)
Composition	<ul style="list-style-type: none"> • Benchers shall appoint 2 members who are not elective benchers to the Committee. (s.42(3.1), the Act) • Benchers shall appoint 4 members who are not elective benchers to be alternates for the Committee. (s.42(3.2), the Act) • Any vacancies for the members appointed by Benchers shall be filled by Benchers. • Members are appointed for a term of three years and are eligible for reappointment for one further term of three years. (Rule 2.15) • Members who have served for a total of six years are ineligible to be reappointed to that committee until a period of one year has expired. (Rule 2.15) • A member of a committee continues to be a member until they are re-appointed or their replacement is appointed. (Rule 2.15)

	<ul style="list-style-type: none"> • Benchers may, in their discretion, extend the term of a member of a committee where they consider it necessary or desirable. (Rule 2.15) • Experience related to physical, mental or emotional conditions, disorders or addictions, would be considered an asset to the Committee.
Procedures and Work Product	<ul style="list-style-type: none"> • The Committee shall operate in accordance with the Act and Rule 9.
Reporting	<ul style="list-style-type: none"> • In performing regulatory functions, the Committee is independent of Benchers.
Staff Support	<ul style="list-style-type: none"> • Director of Professional Responsibility