

Policy: Professional Responsibility – Publication of Discipline Proceedings

Applicable Section of the Law Society Act, 1999 and Law Society Rules	<i>Law Society Act, 1999,</i> Sections 47, 49, 50, 51, and 81 Law Society Rules 9.07(4) and 9.06(6)
Date Approved by Benchers	Last approved, December 13, 2021

Background

1. The Law Society of Newfoundland and Labrador (LSNL), pursuant to the *Law Society Act, 1999* (the Act), regulates the practice of law and the legal profession in the public interest. Part II of the Act - Discipline Proceedings - outlines the investigative and hearing processes. Law Society Rule 9 outlines the procedure for the investigative and hearing processes.
2. In recognition of the requirement for openness, transparency and accountability in Discipline Proceedings, the following policies will apply to the LSNL's distribution of information.

Discipline Proceedings Before the Complaints Authorization Committee ("CAC")

3. Subject to the Act and the Law Society Rules (LSR), the LSNL will not provide public notices and information concerning the following discipline proceedings:
 - a) Files at the pre-authorization stage;
 - b) Files resulting in a letter of counsel;

- c) Files resulting in a letter of caution;
 - d) Files which have been resolved and/or dismissed; and
 - e) Files in which a CAC determination and/or dismissal is the subject of an appeal or a judicial review application.
- 4. For purposes of this policy, pre-authorization stage is defined as matters in which the CAC has not made a final determination.
 - 5. This policy is subject to the CAC's discretion to provide notice of the circumstances giving rise to letters of counsel and letters of caution pursuant to LSR 9.07(4) and also the requirement to notify the complainant pursuant to LSR 9.06(6).

Discipline Proceedings Before the Adjudication Tribunal

Decisions and Orders of an Adjudication Tribunal

- 6. Subject to a non-publication order, the Law Society shall:
 - a) give notice of all decisions and/or orders electronically to the Courts, the appointed Benchers and members of the Society following the expiry of the 30-day statutory appeal period; and
 - b) provide a copy of all decisions and/or orders to CanLII for publication following the expiry of the 30-day statutory appeal period.
- 7. The notice and the decisions provided shall not include the name and identifying information of the complaint or witnesses unless the complainant or witness requests that such information be published.