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- *Summary & Chart*
- *Description of Roles*
- *Timelines and National Standards*

1.2. THE LEGAL FRAMEWORK

- *Key Provisions of the LPA*
- *Rules of the Law Society of Nunavut*
- *The Code of Conduct*
- *Professional Misconduct*
- *Conduct Unbecoming*

1.3. THE INVESTIGATION

- *The Key issues:*
- *i) is the conduct sufficiently improper that it amounts to conduct deserving of sanction?*
- *ii) if so, what is the likely sanction and/or range of sanction?*
- *Recommendation*

* While Individuals conducting investigations are members of the LSN Discipline Committee and should generally be familiar with the process/legal underpinnings and roles an overview of the Discipline Process is included in the Handbook. It serves first as a reminder; second to situate the investigation within the process and describe the roles of the various participants (e.g. Chair, Investigator, LSN Counsel, Special Counsel etc); and provide a timeline re: expectation for completion of the investigation. In addition, this section will highlight the key provisions of the LPA that inform the process; key terms and definitions are included to set-out the legal framework that defines professional misconduct and conduct unbecoming including the rules/codes that set conduct standards. The final section explains in plain language the role of the investigation.

PART 2 – CONDUCTING THE INVESTIGATION

2.1. OVERVIEW

- *Procedural Steps*
- *The role of the complainant*
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- *The Investigation Reveals Additional Conduct Concerns*
- *The requested information/documents are unavailable*
- *The Lawyer Fails to Cooperate*
- *When the assistance of an expert may become necessary*
- *The Complainant's Role and Requests*
- *Member Wellness Concerns*

* This section begins with an explanation of the 'next steps' that the investigator should take after appointment (and any steps taken by the LSN). If any letters are required to be sent – suggested wording or a template will be provided. The overview section also provides information on specific issues relating to the role of the complainant in the investigation and the obligations of the subject lawyer. The remaining focus of this section is on providing guidance on how to gather information; manage the information (e.g. keeping records of emails/documents provided); and what supports are available from the law society (e.g. use of boardroom for interviews; interpreters). Some members of the Discipline Committee may be familiar with the role of being an investigator vs advocate, but others might not know how to go about gathering

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information in an impartial and objective way. Tips and reminders will be included. In addition, a final section on some 'unusual' outcomes will also be provided to guide the investigator.

PART 3 –THE INVESTIGATION REPORT

3.1 OVERVIEW & PURPOSE

- *Summarizing and Assessing the Evidence*
- *Research and jurisprudence on the relevant issues*
- *Conclusions and Recommendations*
- *Audience & Language*
- *Writing Tips*

3.2 TEMPLATES AND SAMPLE REPORTS

- *Guidance on the Report Format*

3.3 ADDITIONAL INFORMATION FOR THE LSN

- *Plain Language Summary*
- *Lessons Learned/issues identified*

* This section provides guidance on the writing of the Report with respect to both form and content. A standard template will be provided and explained– not only to show what should be included but so that there is consistency as between investigations. Guidance on how to consider/analyse the information and evidence gathered during the investigation will be provided. Direction on the nature of conclusions/recommendations that are to be made will also be provided (distinguishing an investigation from an inquiry). Finally, a section is included to explain requirement for the drafting of a plain language summary. As this manual is also intended to be a working document a request for investigators to report any issues/novel aspects of the investigation will also be included. The lessons learned reported to the LSN are not part of the investigation, but the hope is that they can be used to update the manual regularly and provided further direction/information to investigators to increase consistency and efficiency.

APPENDIX A - REFERENCES

*while excerpts of the LPA, Rules, and Code of Conduct will be included in the document – either copies of or links to the whole documents are provided in this section. In addition, any relevant and helpful Templates (e.g. letters/correspondence) should be included.