

## **Lawyer Conduct and Complaints**

The Law Society of Nunavut has a duty to protect the public interest, and requires the lawyers in our territory to practice law ethically and competently.

### **Complaints**

A person with questions or concerns about a lawyer's professional conduct can make a complaint to the Law Society at:

Confidential  
Law Society of Nunavut  
P.O. Box 149  
Iqaluit, NU X0A 0H0  
Tel: 867- 979-2330  
Fax: 867- 979-2333

You will be asked for information about your complaint, including:

- the lawyers name;
- your name, address and phone number;
- names and contact information of any other involved persons;
- the details of your concern about the lawyer; and
- copies of relevant correspondence or documents, if any.

### **What kinds of problems will the Law Society investigate?**

Here are some examples of concerns that the Law Society would pursue on your behalf.

- A lawyer fails to tell you what is happening in your case.
- A lawyer does not respond to phone calls or letters within a reasonable time.
- A lawyer tells other people about a client's confidential matters without the client's permission.
- A lawyer takes action contrary to your instruction.
- A lawyer fails to implement your instruction, or misses important deadlines.
- A lawyer is rude.
- A lawyer seems uninformed or unable to handle your case, whether through lack of skills or some other problem.

- A lawyer acts against someone who used to be a client.
- A lawyer has stolen money or property from a client.
- A lawyer's cheque is returned NSF.
- A lawyer is unable to account for money held on behalf of a client;
- A lawyer is facing criminal charges, or has suggested criminal actions;
- Someone calls himself or herself a lawyer, or offers to provide the services of a lawyer but is not authorized to practice law in Nunavut.

### **What happens next?**

Every complaint is reviewed according to the [Legal Profession Act and the Rules of the Law Society of Nunavut](#). The review will usually follow the steps outlined below, and the Law Society will tell you as the review progresses what steps and timing to expect. Generally speaking, the more serious or complex the concerns, the longer they will take to be finally resolved.

- **Intake** - The Law Society staff who receive your complaint must assess whether the *Legal Profession Act* allows for the review of your specific concern. If not, the staff member will explain why the Law Society can not assist with your problem and may suggest other sources of help.

When the *Legal Profession Act* does allow for the review of your concern, it will be referred to the chair of the [Discipline Committee](#).

- **Early Resolution** - Some problems are caused by a misunderstanding or other circumstances short of professional misconduct. These can usually be identified and resolved relatively early, and the chair of the [Discipline Committee](#) may:
  - conclude the complaint with no further action; or
  - they may offer advice and direction to the lawyer about ways that the lawyer could handle things better in future.
- **Hearings** - When professional misconduct is in question, the chair of the Discipline Committee will direct that a hearing be held, either before a Sole Inquirer or, for very serious matters, by a formal Committee of Inquiry.

You, the lawyer, or other involved persons may be asked to provide additional information. In hearing by Committee of Inquiry this will happen formally, like a trial in court. In either type of hearing, the lawyer is entitled to know all the details of the complaint and provide a full response.

- **Penalties** - If a Sole Inquirer finds a lawyer to be guilty of unprofessional conduct, the penalties may include a reprimand, a fine and costs of the hearing.

If a Committee of Inquiry finds a lawyer to be guilty of unprofessional conduct, the penalties may include a reprimand, a fine, practice conditions or restrictions, suspension or disbarment.

- **Appeal or Judicial Review** - The Law Society itself may decide to appeal an outcome from discipline proceedings. If you are unhappy with the Law Society's decisions about your complaint, appeal or Judicial Review options may be available. These may be discussed with the Law Society and, if you wish, with an independent lawyer of your choice.

### **Need more information?**

Every complaint is reviewed according to the *Legal Profession Act* and the *Rules of the Law Society of Nunavut*. Both are available online at:

<http://www.lawsociety.nu.ca/members.html>

[[Click here](#)] to visit our web page on the Discipline Committee

On request, the Law Society will also provide additional information, such as the rules of professional conduct for lawyers, a lawyer's record or standing with the Law Society, how to file a complaint in the proper form, or the steps involved when a complaint is reviewed.

**Contact:** Law Society of Nunavut  
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