



Reinstatement in Canada

Q1 What Province/Territory do you represent?

#	Responses
1	Barreau du Québec
2	Ontario - ON
3	Saskatchewan - SK
4	New Brunswick - NB
5	Nunavut - NU
6	Manitoba - MB
7	Prince Edward Island - PEI
8	British Columbia - BC
9	Québec - QC
10	Alberta - AB
11	Yukon - YT

Q2 What is the total number of lawyers in your Province/Territory?

Province/ Territory	Responses
Barreau du Québec	25,847 Barreau du Québec- In keeping with the Barreau du Québec's fiscal year (April 1st to March 31st), these data are compiled as at March 31, 2016.
ON	54,903 licensed lawyers in Ontario
SK	2400 (including inactive members)
NB	1707
NU	310 with 2/3 non- residents
MB	4144 practising, non-practising and inactive.
PEI	331
BC	14,109
QC	approx. 3900
AB	11,598 (at June 30, 2016)
YT	348 - 151 Resident Lawyer and 197 Non-Resident Lawyers

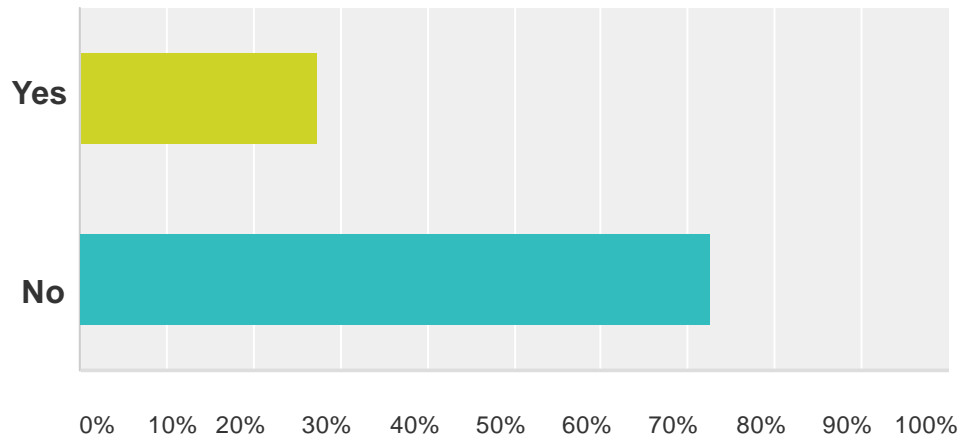
Q3 What is the number of active lawyers in your Province/Territory?

Province/ Territory	Responses
Barreau du Québec	We were unable to process these data within the allotted timeframe.
ON	50,351 lawyers with active licenses. (10,866 of these are not employed in Ontario)
SK	1900 active practicing members
NB	1337
NU	71 resident; 204 non-residents
MB	2028 practising
PEI	247
BC	11,584
QC	approx. 3900
AB	9,442 (at June 30, 2016)
YT	298

Q4 How many lawyers were suspended in your Province/Territory in 2015?

Province/ Territory	Responses
Barreau du Québec	108
ON	30 lawyers' licenses were suspended pursuant to discipline orders made in 2015. (This does not include any whose licenses were suspended pre-2015 and continued to be suspended in 2015.)
SK	Each year we have a few discipline suspensions and several more administrative suspensions due to failure to pay insurance, file renewal forms, or failure to meet CPD requirements.
NB	0
NU	2
MB	One lawyer was suspended for a period of 8 months.
PEI	1
BC	34 members were suspended: 10 as a result of disciplinary proceedings and 24 administrative suspensions (7 for not completing trust report requirements and 17 for not completing continuing professional development requirements)
QC	Approx. 20 but most of them asked to be temporarily suspended for medical reason or maternity leave
AB	5 lawyers received a disciplinary suspension in 2015. A cumulative total of 30 lawyers held a disciplinary suspended status in 2015.
YT	3

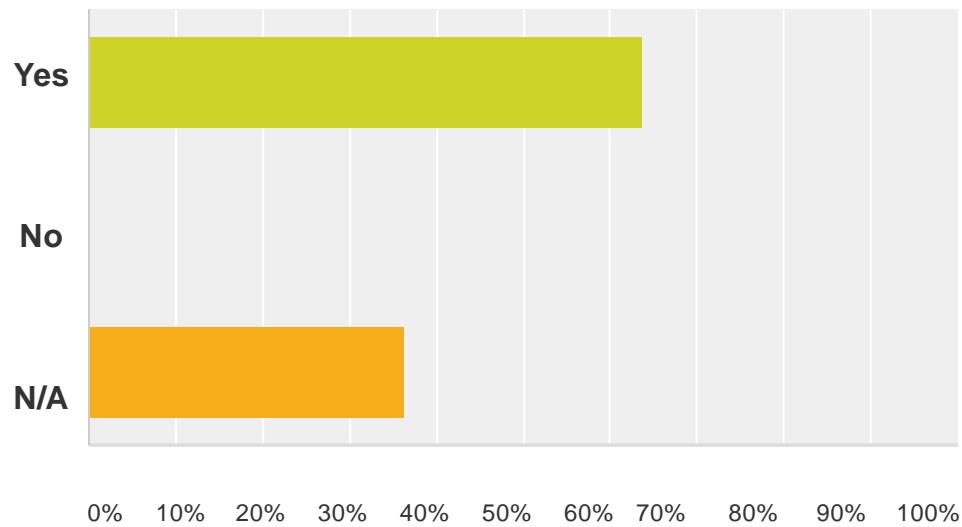
Q5 Are lawyers in your jurisdiction automatically reinstated at the end of their suspension?



Answer Choices	Responses
Yes	27.27% 3
No	72.73% 8
Total	11

Province/ Territory	Please feel free to provide more detail
Barreau du Québec	They are automatically reinstated when the suspension period does not exceed 3 months.
SK	Lawyers have to pay a reinstatement fee if they are the subject of an administrative suspension. For discipline suspensions, the reinstatement is automatic.
NU	They need to apply for reinstatement and receive approval from the Executive Committee; a reinstatement fee of \$125 + GST is applicable
MB	When any lawyer becomes a non-practising or inactive lawyer (whether or not for disciplinary reasons), he/she must apply to resume active practice.
PEI	There may be some conditions attached before reinstatement.
BC	Yes, suspended members remain members during the suspension period (unless they elect not to pay membership fees and their membership is ceased). For administrative suspensions, a lawyer can automatically become "unsuspended" once they have completed the outstanding requirement. Suspensions as a result of a discipline penalty are typically for a defined period of time. The only time a lawyer has to "apply" for reinstatement is when they have become a former member for failing to pay fees (BC does not "suspend" lawyers for non-payment of fees - the lawyer's membership is ceased and they must then make an application for reinstatement)
YT	It depends upon the reason they were suspended and the length of time they were suspended. Typically if it is an administrative suspension, they simply need to make good on what caused them to be suspended in the first place (i.e. late filing of a form or a fee).

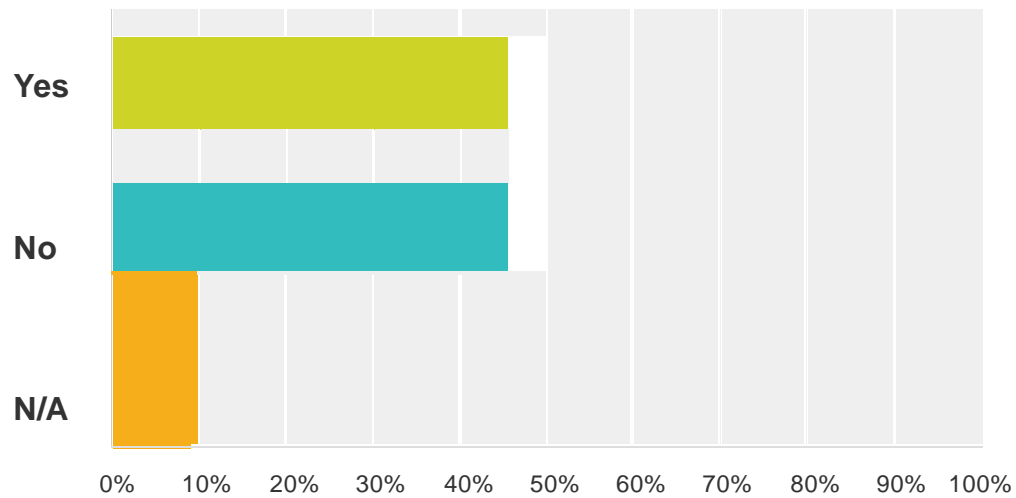
Q6 If NO, is there a reinstatement process they must go through before they can practice again?



Answer Choices	Responses
Yes	63.64% 7
No	0.00% 0
N/A	36.36% 4
Total	11

Province/ Territory	Please feel free to provide more detail
MB	A suspended lawyer must apply to the Director of Admissions to commence practice again. The Director may impose conditions. However, he is careful not to usurp the jurisdiction of the discipline panel. The Director's decisions can be appealed to and Admissions and Education Appeal Panel.
AB	Every suspended lawyer must apply to reinstate if they want to practice. An application can be submitted prior to the conclusion of the suspension term.
YT	Must, in some circumstances make formal application by way of a Form. There is also a requirement to submit Certificates of Standing from other jurisdictions (again depends on the length of time they were suspended). There may also be a late filing/reinstatement fee of \$200 - \$500 levied.

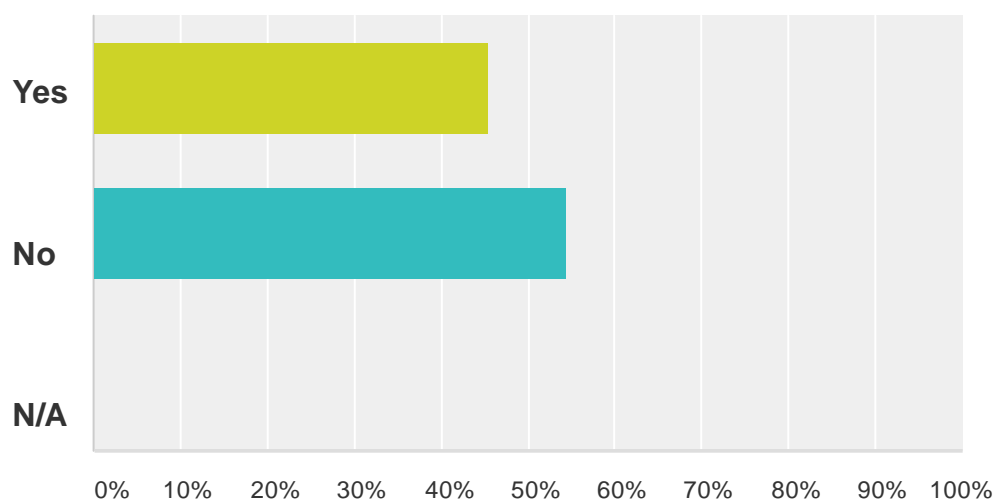
Q7 If YES, is there a reinstatement panel that considers the application?



Answer Choices	Responses
Yes	45.45% 5
No	45.45% 5
N/A	9.09% 1
Total	11

Province/ Territory	Please feel free to provide more detail
ON	There is no application. Automatic reinstatement on conclusion of suspension.
NB	The Admissions Committee may be requested to consider the application
NU	Well...not a panel per say rather the Executive Committee (5 Members).
MB	We use the term "reinstatement" for disbarred lawyers who seek to be readmitted to the Law Society. For suspended lawyers and any other inactive lawyers, the process is to apply to seek practising status again.
BC	As noted above - the only lawyers that have to apply for reinstatement are those that have ceased for non-payment of fees. Once a lawyer's membership is ceased, an application for reinstatement triggers the good character and repute test and could ultimately result in a hearing into the application for reinstatement.
QC	Yes for medical reasons but on demand for maternity leave
AB	Alberta has a blended process. Reinstatement panels do not automatically consider the application of a reinstating lawyer who received a disciplinary suspension. Each reinstatement application is first reviewed by staff. A decision is made at the staff level whether to refer to a reinstatement panel or to grant the reinstatement. Sometimes the discipline hearing panel will make a direction that applies on reinstatement such as a referral to Practice Review.

Q8 If NO, do staff consider the application?



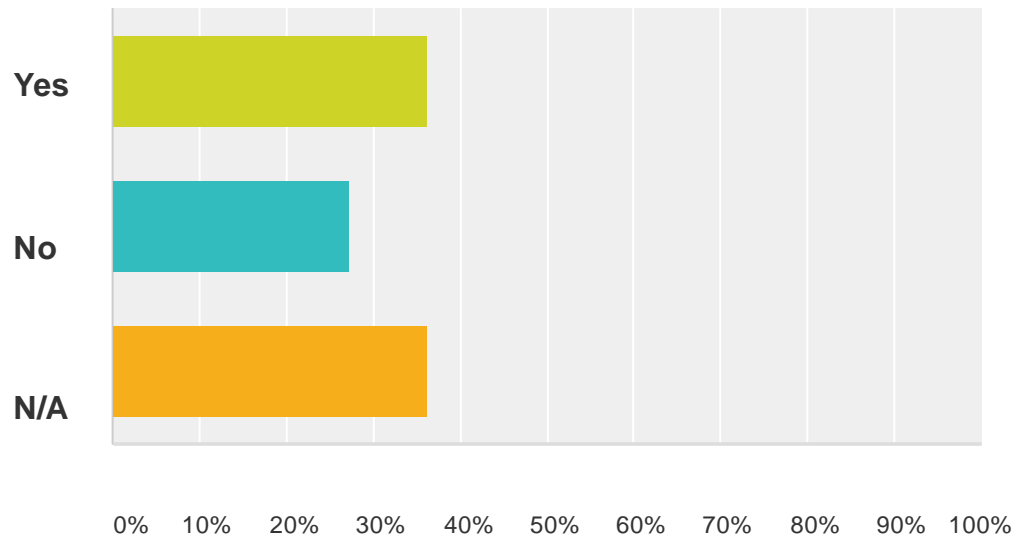
Answer Choices	Responses
Yes	45.45% 5
No	54.55% 6
N/A	0.00% 0
Total	11

Province/ Territory	Please feel free to provide more detail
ON	Some discipline orders provide for indefinite suspensions that will terminate upon staff (usually the Executive Director of Prof Regulation) being satisfied that certain conditions are met. e.g. that books and records are brought up to date, that the licensee is now cooperating with an investigation, that the licensee is now medically fit to practise pursuant to medical evidence produced, etc. But a definite term of suspension requires no staff consideration when the term is done.
BC	Again, if a member is applying for reinstatement because of non-payment of fees, there is an application that staff would consider and it could be referred to the Credentials Committee and ultimately a hearing panel. There is no specific application from a suspension.
AB	Every reinstatement application is reviewed by staff. A decision is made by staff whether to refer the applicant to one, two or three possible reinstatement panels: Practice Review, Conduct, or Credentials and Education. Staff do not have the authority to impose conditions on reinstatement; only a reinstatement panel can impose conditions (which can be pre or post reinstatement conditions). Sometimes the discipline hearing panel will make a direction that applies on reinstatement such as a referral to Practice Review.

Q9 If YES to question 5, how many people sit on the panel?

Province/ Territory	Responses
Barreau du Québec	3
ON	N/A
SK	NA
NB	3
NU	Executive Committee of 5 Members
MB	N/A unless on appeal of a decision of the Director of Admissions. The panel is comprised of three people, one of whom is a public representative.
PEI	N/A
BC	If a hearing were ordered to determine good character repute and fitness, the panel would consist of three people.
QC	N/A
AB	3 (one Bencher and 2 Committee members)
YT	Depends upon the circumstance - but anywhere from 1-8 benchers.

Q10 Does the reinstatement panel have the authority to send the lawyer to other law society departments (i.e. Conduct, Practice Review, Credentials & Education)

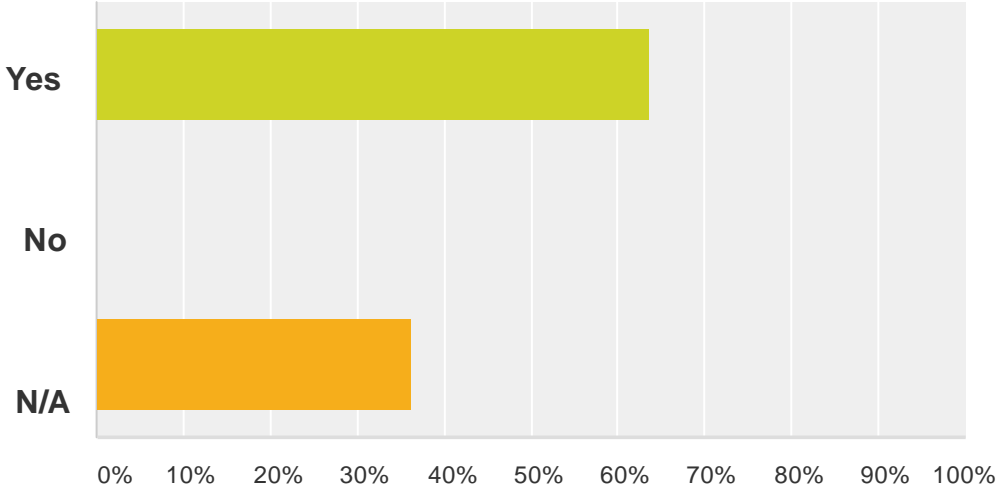


Answer Choices	Responses	
Yes	36.36%	4
No	27.27%	3
N/A	36.36%	4
Total		11

Q11 If YES, which department(s)?

Province/ Territory	Responses
ON	N/A
SK	N/A
NB	Bar Admission / Competence
NU	The Executive can bring concerns to the Chair of Discipline; or the Membership & Admissions Committee in particular if the lawyer has been suspended for more than 3 years.
PEI	N/A
MB	N/A
BC	If they are dealing with the issue of good character, repute and fitness, they could send the lawyer to Practice Standards
QC	N/A
AB	Because there can be multiple reinstatement committees involved, there are no cross referrals. Each panel considers the reinstatement application from their area (e.g. conduct, credentials, practice review).
YT	Discipline

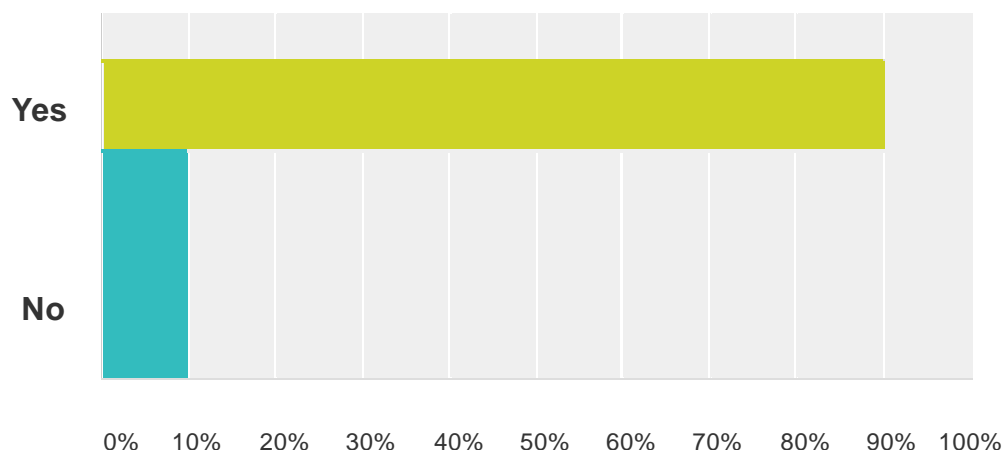
Q12 If NO, does the reinstatement panel have authority to impose conditions on the reinstatements they grant?



Answer Choices	Responses
Yes	63.64% 7
No	0.00% 0
N/A	36.36% 4
Total	11

Province/ Territory	Please feel free to provide more detail
Barreau du Québec	The authority is not clearly defined. But, in practice, they acknowledge undertakings from the candidate.
NU	Not the panel but the Executive could also impose conditions/undertakings as well.
MB	The Director can impose conditions.
BC	Only relating to an application dealing with good character, repute and fitness (not a suspension)
AB	Where a lawyer has been referred to a reinstatement panel, that panel is comprised of committee members with some expertise in the area (e.g. conduct, practice review, credentials). Any conditions imposed would reflect their particular area. For example, a Practice Review Reinstatement Committee might impose, as a condition of reinstatement, that the lawyer obtain treatment for substance abuse.

Q13 Are disbarred lawyers allowed to seek reinstatement?



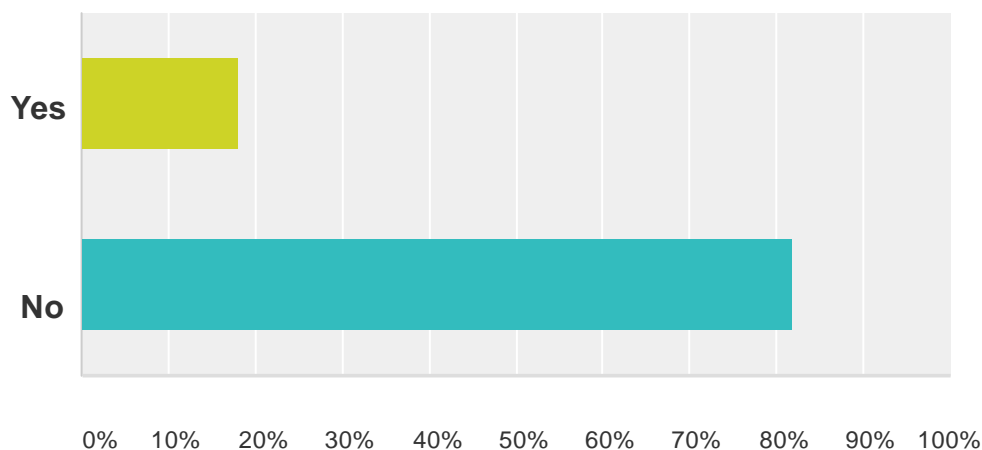
Answer Choices	Responses
Yes	90.91% 10
No	9.09% 1
Total	11

Province/ Territory	Please feel free to provide more detail
ON	There is no longer a readmission provision for disbarred lawyers in the Law Society Act. Disbarred lawyers now apply for a license like any other person applying for a license. They have to satisfy the "good character" requirement at a licensing hearing, which is where their discipline history is considered.
SK	There is often a bar on the ability to even reapply that can last up to 5 years. When that is over, they can reapply, but still have to meet the other relevant tests.
MB	Law Society Rules 102(1) and 5-102(2) govern. A disbarred lawyer may seek to be reinstated. He/she must submit a statutory declaration showing the character, conduct, employment, etc. since disbarment, present financial position, restitution of any property and payment of all money that was misappropriated or converted (or reason for failing to do so), repayment of monies owing to the Society, the source of funds used to make restitution or repayment, that he/she has not contravened any provision of the Legal Profession Act since disbarment, such other material as the Society may require. Applications for reinstatement are considered by the discipline committee. (A three person panel of which one member is a public representative). There is a hearing, often with evidence from the person seeking reinstatement.
BC	A disbarred lawyer is a former member so could make an application for reinstatement.

Q14 If YES, how many disbarred lawyers sought reinstatement in 2015?

Province/ Territory	Responses
Barreau du Québec	107 “This figure includes reinstatement requests following disbarment of every nature, namely: disciplinary and administrative (failure, within the period specified, to file the required annual declaration and/or to pay , in whole or in part, annual dues and/or any other sums, assessments, awards owed the Order under section 46 of the Professional Code, the whole in accordance with section 85.3 of same) “
ON	1 disbarred lawyer applied for a license in 2015.
SK	We have had only a few apply for reinstatement after disbarment in the last number of years. None in 2015.
NB	None
NU	N/A
MB	None
PEI	0
BC	None
QC	approx. 20
AB	1
YT	None

Q15 Is the reinstatement process the same for suspended and disbarred lawyers?



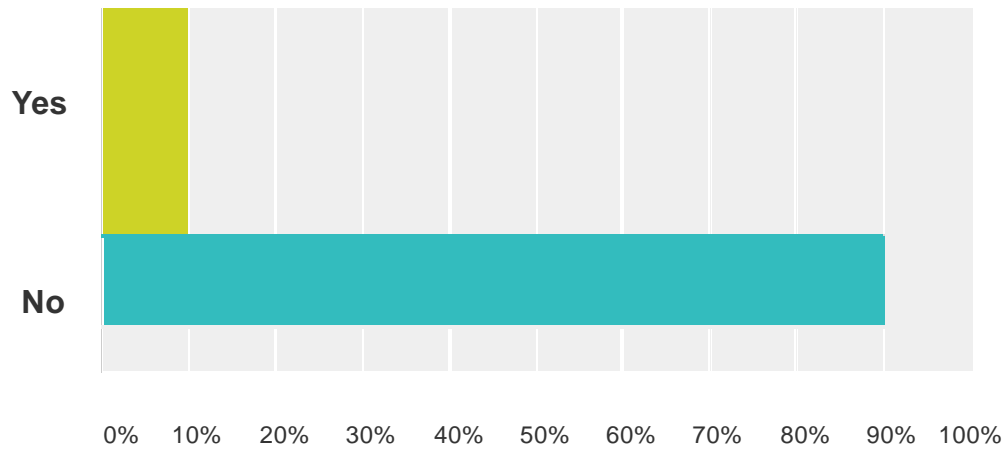
Answer Choices	Responses
Yes	18.18% 2
No	81.82% 9
Total	11

Province/ Territory	Please feel free to provide more detail
ON	See above. Automatic reinstatement on conclusion of suspension. Admission hearing held for disbarred lawyers.
SK	There is no reinstatement for suspended lawyers.
MB	As noted above, a suspended lawyer must apply to the Director of Admissions to resume active practice. A disbarred lawyer must apply to the Discipline Committee for reinstatement. If reinstated, the person is simply a member again and must apply to the Director of Admission to resume active practice. The Director can impose conditions. (for example, a reading requirement, completion of some education, supervision, no trust account, etc.)
BC	As noted, suspended members are still members so do not need to "formally apply" for reinstatement and do not trigger the good, character and repute test.
QC	there are more research and a possibility of a hearing in the cases of disbarred members. All requests are submitted to a panel of 3 members . We have all together 7 members available to sit.
AB	The process for disbarred lawyers is considerably more complex. A lengthy reinstatement application is required, there may be an investigation with the matter then referred to a Committee of Inquiry. That Committee determines whether or not the application should be placed before the Benchers for a decision on reinstatement. The reinstatement fee is \$8,295.00 plus security for costs (which amount varies).

Q16 Is there an automatic practice review assessment following reinstatement? (i.e. 1 or 3 years post reinstatement)

Province/ Territory	Responses
Barreau du Québec	Yes, if conditions were imposed.
ON	No
SK	No. But there have been supervision conditions imposed.
NB	No
NU	No
MB	No.
PEI	No
BC	No
QC	Usually-YES
AB	No
YT	No

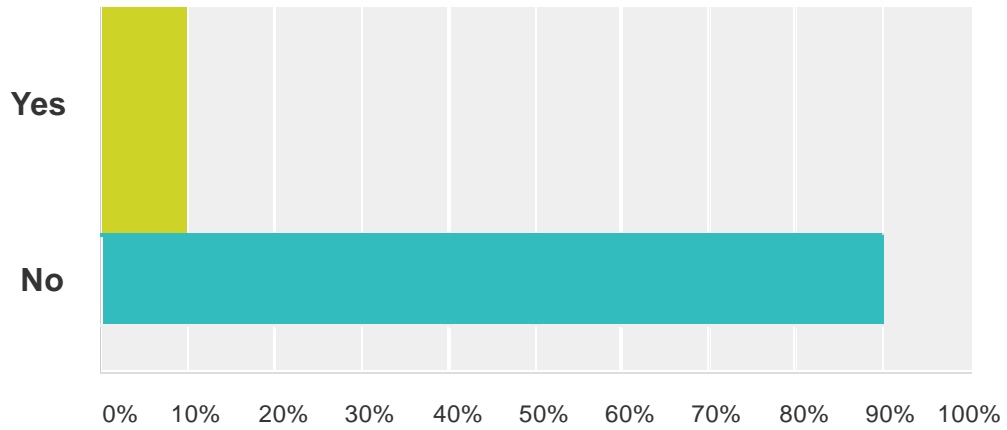
Q17 Do you have any addiction recovery or other medical programs for lawyers seeking reinstatement?



Answer Choices	Responses
Yes	9.09% 1
No	90.91% 10
Total	11

Province/ Territory	Please feel free to provide more detail
Barreau du Québec	We had a few cases where the candidates voluntarily agreed to being tested periodically.
ON	The Member Assistance Program is available to all licensees for help with these and other issues. It is not available to non-licensees, i.e. disbarred lawyers.
NU	No, but it could be included in an undertaking.
PEI	No formal program but we would refer them to our Lawyers Assistance Program (Homewood Health)
BC	We have a medical fitness process for any applicant applying for membership (students, transfer and reinstatements).
AB	A Practice Review Reinstatement Committee could impose recovery or medical programs as a condition of reinstatement. However, these resources are external to the Law Society of Alberta.

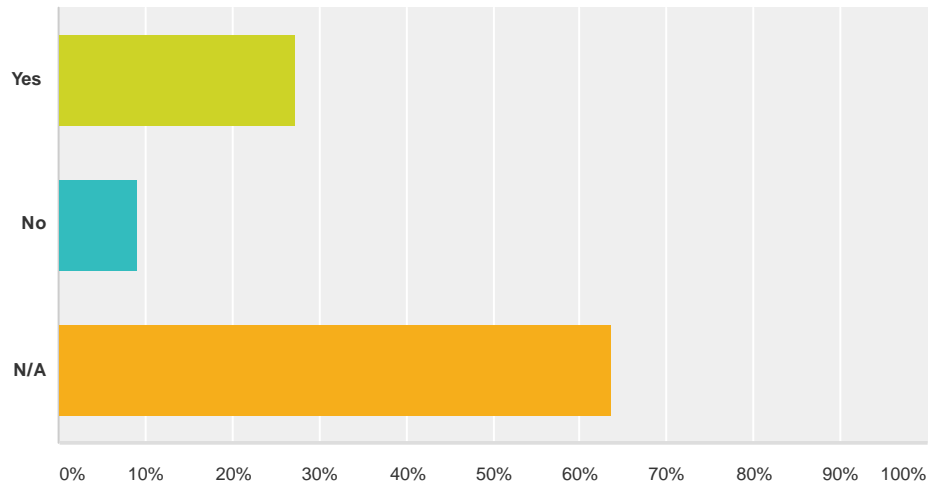
Q18 If YES, are they mandatory?



Answer Choices	Responses
Yes	9.09% 1
No	90.91% 10
Total	11

Province/ Territory	Please feel free to provide more detail
SK	N/A
NU	N/A
MB	N/A
BC	A discipline panel may order that a lawyer take part in a mandatory program as part of the penalty and return to practice.
QC	Except a confidential and voluntary reference service available.
AB	If a treatment condition is imposed by a reinstatement panel then it is a mandatory condition. Failure to comply could result in the matter becoming a conduct matter.

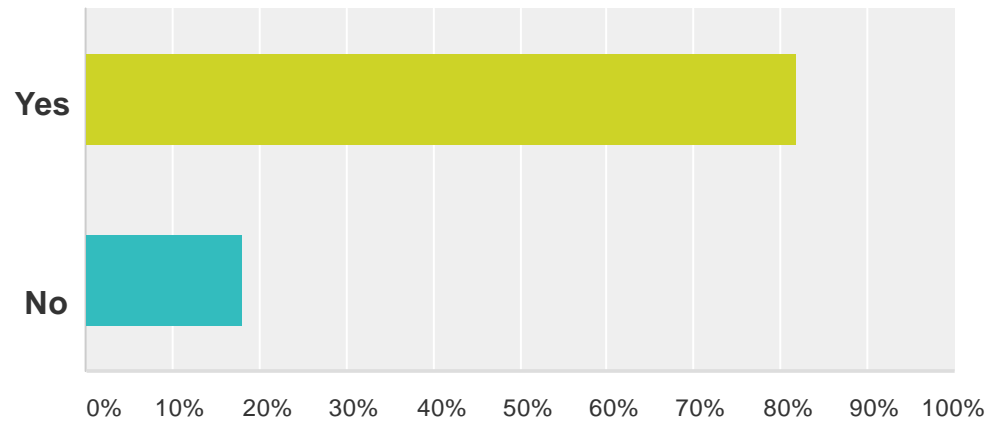
Q19 Do they require the lawyer's consent?



Answer Choices	Responses
Yes	27.27% 3
No	9.09% 1
N/A	63.64% 7
Total	11

Province/ Territory	Please feel free to provide more detail
BC	If the member is applying for reinstatement (or articles or transfer), the Credentials Committee does not have the jurisdiction to impose conditions - the applicant must consent. If the applicant does not consent, the matter could result in a hearing in which case a panel could impose conditions.

Q20 Does the reinstatement process appear on the lawyer's record?



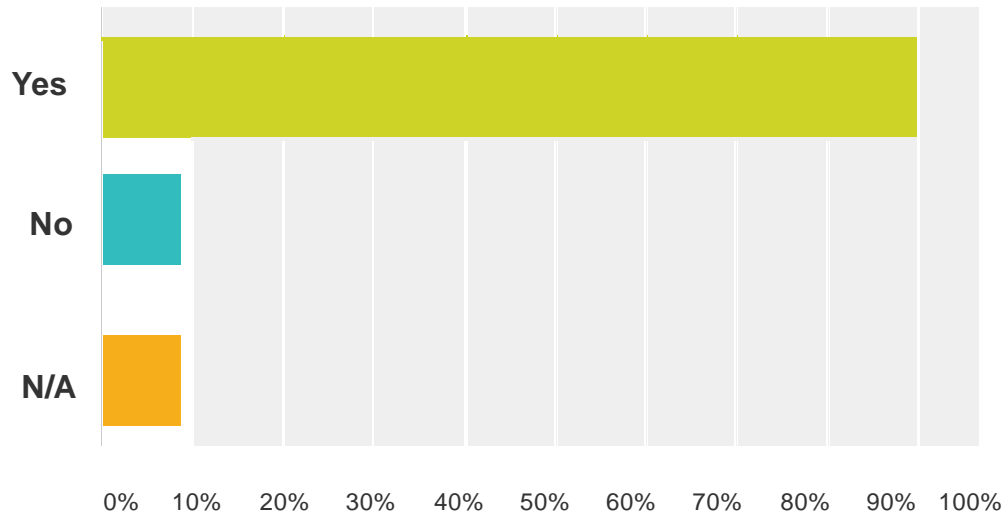
Answer Choices	Responses
Yes	81.82% 9
No	18.18% 2
Total	11

Province/ Territory	Please feel free to provide more detail
QC	Yes during the time of the suspension .Afterwards, some reference is kept on record for our internal use only.
AB	The Society keeps a record of the application and outcome including any conditions or restrictions on practice.

Q21 If YES, for how long?

Province/ Territory	Responses
QC	It varies for each case. It very seldom exceeds 2 years.
ON	permanent
NB	Forever.
SK	Forever
NU	N/A
MB	N/A
PEI	Indefinitely
BC	Indefinitely, I believe.
QC	As long as needed (lifetime of the member)
AB	Forever.
YT	Always forms part of their record.

Q22 Do lawyers have to pay a reinstatement fee?



Answer Choices	Responses
Yes	81.82% 9
No	9.09% 1
N/A	9.09% 1
Total	11

Province/ Territory	Please feel free to provide more detail
ON	There are costs associated with applying for a license after disbarment. e.g. publishing an ad in the ORs, criminal records check, regular application fee, etc., but no "reinstatement fee" per se.
MB	There is no fee to apply to resume active practice. There is a fee to apply for reinstatement following disbarment.
BC	Only if it is a formal application for reinstatement (not a return to practice from a suspension)

Q23 If YES, how much?

Province/ Territory	Responses
Barreau du Québec	\$1250 + tax
ON	N/A
SK	\$100 plus GST for all forms of reinstatement. .
NB	\$600 for disbarred member \$500 for suspended (disciplinary suspension) PLUS HST
NU	\$125 + GST per year or portion of a year during which they are suspended
MB	N/A
PEI	\$200
BC	Reinstatement application fees vary depending on how long the applicant has been a former member or has been disbarred: Application fee following disbarment, resignation or other cessation of membership as a result of disciplinary proceedings - \$600; Application fee following 3 years or more as a former member - \$500; application fee in all other cases - \$415
QC	If it follows a disbarment, the fees are 750\$ to submit a request and another 750\$ for the hearing when needed.
AB	\$819.00 (inclusive of GST)
YT	Anywhere from \$200 - \$500 depending on the reason for the initial suspension.