

DISCIPLINE COMMITTEE

Applicable Legislation:

Legal Profession Act.

23. (1) The Executive shall establish a committee called the Discipline Committee composed of not less than nine persons the majority of whom shall be active members resident in the Northwest Territories, and shall, in accordance with the rules,

- (a) appoint one or more laypersons to the Discipline Committee;
- (b) appoint persons to the Discipline Committee from among the members of the Society;
- (c) designate a chairperson of the Discipline Committee from among those members of the Committee who are members of the Society; and
- (d) designate one or more vice-chairpersons of the Discipline Committee from among those members of the Committee who are members of the Society.

Applicable Rules:

Rule 72:

In order to be eligible to serve on the Discipline Committee a person must

- (a) be a member in good standing or a layperson appointed under paragraph 23(1)(a) of the Act;
- (b) not have been found guilty of conduct deserving of discipline within five years before an appointment to the Discipline Committee; and
- (c) be a member engaged in the practice of law in the Northwest Territories for a minimum of three years, where the member is a resident, or for a minimum of five years, where the member is a non-resident.

Responsibilities:

- In accordance with applicable statute and rules, Committee members will serve as investigators, mediators or inquirers at the request of the Chair and will conduct investigations and/or conduct hearings;

- Committee members will prepare written reports and recommendations within established timelines for submission to the chair; and
- The Chair or delegate will attend the annual National Discipline Administrators Conference.

Discipline Chair

The Chair is appointed by the Executive. Qualifications of the Chair shall include:

- Demonstrated familiarity with the *Act*, Rules and policies as they apply to discipline;
- Experience in conflict resolution and mediation; and
- Experience in administrative law.

Membership Qualifications:

In addition to the qualifications noted in the Rules, members of the Discipline Committee:

- Shall reflect the diversity of practice in the north and membership of the LSNT;
- Shall have knowledge of the regulatory framework of the LSNT, with a thorough understanding of the statutes and Rules related to discipline;
- Shall have an understanding of administrative law;
- Shall have the ability to respond within defined timelines and/or short notice to serve as an Investigator, a Sole Inquirer or on a Committee of Inquiry; and
- May also be asked to participate in alternative dispute resolution or in providing practice direction and advice when it is determined this would be the appropriate response to a complaint.

Training is provided for the work of this committee. Staff liaison to the Committee is provided by the Executive Director.

The Committee should have a minimum of twelve members plus the Chair.

Reporting Requirements:

The Committee will prepare a semi-annual report for the Executive, providing statistical information on complaints, including the number, general nature and outcome of complaints received. The Committee will also report on any trends in discipline complaints or issues that have been noted at the local or national level and make

recommendations related to the development or revision of the Rules, policies or practices related to discipline. In addition, the Committee will prepare an annual report for publication in the proceedings of the Annual General Meeting of the LSNT. In addition the Committee and/or the Chair will meet with or report to with the Executive on an ad hoc basis at the call of the President.

The Chair will also prepare a report on NWT discipline data and outcomes for the National Discipline Standards Committee and may also be asked to participate in national meetings or forums.