



**Tab 5.1**

## **Professional Regulation Committee**

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### **For Decision**

### **Enhanced Reporting by Licensees and Publication on the Lawyer and Paralegal Directory**

May 29, 2025

#### **Committee Members:**

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# Motion

**That Convocation approve amendments in principle to the information that licensees must report to the Law Society, and the information that is published on the Lawyer and Paralegal Directory, as detailed in this report.**

## Context

The Professional Regulation Committee (the “Committee”) launched a consultation in May 2024, with the release of a consultation report, “Considering Increased Transparency – Licensee Reporting and Disclosure to the Public” (the “Consultation Report”).<sup>1</sup> The Consultation Report outlined a proposed plan to expand business and personal information that licensees would be required to report to the Law Society, as well as what licensee information would be published on the Lawyer and Paralegal Directory (the “Directory”).

The Committee’s transparency project began with recognition of growing calls for businesses and governments to increase transparency in respect of the information provided to the public, to improve accountability and trust. The Consultation Report posited that organizations are facing pressure to conform to two approaches: proactive disclosure and open data.<sup>2</sup> The Committee recognized that professional regulators have not been immune to these trends, and, indeed, increased transparency is seen as fundamental to the regulator’s mandate to protect the public and effectively regulate licensees.<sup>3</sup>

The Law Society is not subject to the *Freedom of Information and Protection of Privacy Act*, nor is it considered a “government organization” under the *Ombudsman Act*. Like other regulatory bodies, the Law Society’s exemption from provincial accountability regimes means that the Law Society is itself responsible for developing internal policies that foster transparency, maintain the integrity of operational processes, and protect the public interest. Enhanced reporting obligations for licensees and increased information available on the Directory could strengthen accountability, build trust and confidence, and enhance value for those who utilize legal services.<sup>4</sup>

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<sup>1</sup> The final Consultation Report is attached hereto at Tab 5.1.1

<sup>2</sup> Tab 5.1.1 at page 2, citing Amy Conroy and Teresa Scassa, “Promoting Transparency While Protecting Privacy in Open Government in Canada” (2015) 53:1 Alta L Rev 175 at pp.2 online (pdf) <https://advance.lexis.com/api/document?collection=analytical-materials-ca&id=urn:contentItem:5HSV-MN31-JF75-M24C-00000-00&context=1505209>

<sup>3</sup> Tab 5.1.1 at page 2, citing Howard Kushner, “What is the Public Interest Demand for Openness and Transparency?”, CLEAR Regional Seminar, Vancouver 2015. See also, Meagan Foreman, “Public Interest, Patient Engagement and the Transparency Initiative of the College of Physicians and Surgeons of Ontario” (2018) University of Ottawa, p. 2. See also Professional Regulation: The Political Winds are Blowing - Field Law

<sup>4</sup> Tab 5.1.1 at page 2, citing Margot Priest, “The Privatization of Regulation: Five Models of Self-Regulation” (1998) 29:2 Ottawa L Rev 233, p. 273.

The Law Society is required to disclose certain information about licensees. Under section 27.1 of the *Law Society Act* (“the *Act*”), the Law Society must maintain a publicly available register of persons who have been issued licences. The *Act* requires that certain information about licensees be included in the register and provides residual authority to the Law Society to broaden the scope of that information.

Ultimately, the Committee found that transparency to the public is fundamental to establishing accountability and trust. Therefore, the Committee recommended that increased transparency be pursued to:

- Build trust in the Law Society and the licensees that we regulate. Providing the public with relevant and appropriate information increases trust in our regulation of the professions by allowing the public to assess whether the system of self regulation is functioning effectively and is key to the Law Society’s long-term viability as an independent regulator.
- Build and promote accountability. Providing more information to the public, licensees, and our stakeholders, allows for more scrutiny of our decision-making processes, and the ability to hold the Law Society accountable as a regulator.
- Protect the public. Increased information about licensees improves the ability of the public to assess the suitability of licensees for a particular retainer, and to hold licensees accountable for their conduct during and after the licensee-client relationship.
- Modernize. The Law Society’s approach to the management of information about licensees and the disclosure of that information is outdated. Increasing transparency would bring the Law Society’s public register in line with most other professional regulators in the province.

In May 2024, the Committee launched a public consultation about a series of recommendations to expand both the information that licensees must report to the Law Society, and the information about licensees that the Law Society publishes to the public on the Directory.

## Consultation

The Committee’s consultation generated a significant response, with over 140 written submissions received. In addition, Law Society staff held a number of meetings with stakeholder organizations over the course of the consultation period to discuss the recommendations and receive feedback.

Respondents to the consultation either did not provide any feedback or expressed limited opposition in respect of the proposed recommendations to enhance:

- Reporting requirements, including in respect of criminal or other charges and findings of guilt;
- Reporting and publishing on the Directory of information about licensee business names, licensure to practise law in other Canadian jurisdictions or discipline in respect of that licensure; or
- Publishing on the Directory of Proceedings Authorization Committee outcomes, Tribunal decisions, or information about surrendered and revoked licences.

In contrast, respondents to the consultation expressed significant opposition to the proposed recommendations to publish criminal or other charges and findings of guilt on the Directory. Feedback in the respondent's submissions included:

- Concerns about the presumption of innocence, particularly in the context of the significant percentage of charges that are later stayed or withdrawn, and the potential for members of the public to conflate charges with findings of guilt.
- Concerns about the potential for disproportionate effects on racialized or otherwise marginalized licensees, as well as the communities they serve.
- Suggestions that existing regulatory tools should be used to address the circumstances of licensees who are charged or found guilty of criminal or other offences.

Based on the feedback received, as well as discussions and deliberations by the Committee over the course of this project, a staged approach is recommended. This approach will:

- Ensure that the Law Society's regulatory division receives enhanced information about licensees that is relevant to the Law Society's regulatory function and our mandate to protect the public interest; and
- Allow the Law Society to move ahead with operational changes to the Directory that will ensure enhanced regulatory information about licensees can be efficiently and accessibly conveyed on the public directory.

## Recommendations

The Committee asks that Convocation approve the changes detailed below to the information that licensees are currently required to report to the Law Society and the information that the Law Society publishes about licensees on the Directory. Convocation is asked to approve these changes in principle so that by-law amendments may be drafted and brought back for final approval. Appendix "A" to this report details current Law Society reporting requirements and the information that is currently published on the Directory, as

well as the changes that are being recommended by the Committee for approval in principle by Convocation.

The Committee further recommends that discussions or decisions regarding the publishing of criminal or other charges or findings of guilt be deferred to allow for additional consideration by the Committee.

## **1. Reporting to the Law Society**

- **Reporting of criminal charges and findings of guilt**

- The existing requirement to report any charge that a licensee has committed an indictable offence or been found guilty of an indictable offence under the *Criminal Code* would be amended to require the reporting of all charges under the *Criminal Code* (i.e. indictable, hybrid, or summary conviction).

- **Reporting of other charges and findings of guilt**

- Licensees would be explicitly required to report to the Law Society all charges alleging that the licensee has committed an offence or has been found guilty of an offence under:
  - the *Income Tax Act*
  - the *Excise Tax Act*
  - the *Occupational Health and Safety Act*.

- **Reporting of additional charges and findings of guilt, conditions, restrictions, appeals**

- Licensees would be required to report:
  - Findings of guilt under any other Act of Parliament, or of the legislature of a province or territory of Canada, if the penalty includes incarceration or a fine over \$5,000.
  - If a licensee is held in civil or criminal contempt.
  - Similar charges and findings of guilt outside of Canada.
  - Any bail conditions or restrictions on release with respect to any of the above charges or findings of guilt.
  - Notice if any reportable charge or finding of guilt is appealed and if upheld on appeal.

- **Reporting of licensure in another regulated profession in Canada and reporting of any discipline in respect of the practise of that profession**
  - Licensees would be required to report if they are licensed in another regulated profession in Canada and would be required to report if they are subject to discipline, are found to have committed professional misconduct, or have been found incompetent or incapacitated in their practice of that regulated profession.

## **2. Reporting to the Law Society and Publishing on the Directory**

- **Reporting of business names and publishing on the Directory**
  - The existing requirement for licensees to report their business contact information would be clarified to require that licensees report all business names under which they practise law or provide legal services; and
  - Publishing all licensee business names on the Directory.
- **Reporting of licensure to practise law in another Canadian jurisdiction and publishing on the Directory**
  - Licensees would be required to report to the Law Society if:
    - They are licensed to practise law in another Canadian jurisdiction; and
    - They are the subject of discipline proceedings, found to have committed professional misconduct or conduct unbecoming a licensee, or have been found incompetent or incapacitated in respect of their practise of law in another Canadian jurisdiction.
  - The Law Society would publish this information on the Directory.

## **3. Publishing on the Law Society Directory**

- **Publishing Proceedings Authorization Committee (“PAC”) outcomes**
  - The Law Society would publish on the Directory:
    - The notice of a proceeding that has been initiated on the authorization of PAC, including the specified allegations set out in the notice; and

- A decision requiring a licensee to attend a Regulatory Meeting, and the Regulatory Meeting outcome.
- **Publishing Law Society Tribunal outcomes on the Directory**
  - All interim orders, findings of professional misconduct, and sanctions imposed by the Tribunal, along with the fact of and the outcome of any appeals would be published on the Directory or linked to the Tribunal website.
- **Publishing Surrendered and Revoked Licenses on the Directory**
  - Where a licensee surrenders their licence, or it is revoked:
    - The Lawyer and Paralegal Directory would immediately be edited so that the individual is listed, along with their surrender or revocation, as appropriate, with a notation to contact the Law Society if additional information is required.
    - Basic licensee information, such as business contact information, would be removed.
    - Discipline information would remain available on the Lawyer and Paralegal Directory.
    - A surrendered/revoked listing would remain on the Lawyer and Paralegal Directory for a period of 10 years. After that, an indication of that person's surrender or revocation would be available through the other means by which the Law Society makes the public register available for public inspection.<sup>5</sup>

## Rationale

The recommended changes to the information licensees must report to the Law Society, as well as to the information that is published on the Directory, were the result of significant discussion and reflection by the Committee. The Committee's ultimate recommendations also benefited from significant feedback from the professions during the consultation. The changes that are proposed above are the result of the Committee's weighing of the various interests engaged by this project.

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<sup>5</sup> See subsection 10(2) of the Law Society's [By-Law 8](#).



## Reporting

As detailed above and at Appendix “A”, Convocation is asked to approve amendments in principle to broaden the scope of information that licensees must report to the Law Society.

To satisfy its regulatory functions and mandate to protect the public, the Law Society must have all information about a licensee that is relevant to their practice of law or provision of legal services. Having complete and comprehensive information ensures that the Law Society has sufficient relevant information to make decisions regarding regulatory interventions that may be necessary to protect the public. Enhanced reporting requirements also ensures the Law Society has certain baseline information that can be published on the Directory for the benefit of the public.

Licensees are already required to report a broad array of information to the Law Society, including in respect of their personal and business contact information, as well as any charges or findings of guilt under various federal and provincial legislation. The proposed changes would enhance the Law Society’s ability to take regulatory action where necessary.

In addition, broadening the reporting requirement in respect of charges and findings of guilt provides clarity for licensees and the Law Society, increasing the likelihood that relevant information will be reported. It also aligns with the obligation of licensees to encourage respect for the administration of justice and the role of the Law Society in enforcing that obligation.

Requiring that all Criminal Code offences be reported, as opposed to the current requirement to only report indictable offences, and specifically requiring reporting related to certain statutes (e.g. the *Occupational Health and Safety Act*):

- Recognizes that relevant offences and serious offences should be reported to the licensee’s regulator; and
- Simplifies reporting and limits licensee discretion. Licensees will know that all criminal charges must be reported without needing to appreciate the distinctions between indictable and summary conviction offences and will know that offences under enumerated Acts must be reported without having to consider and determine whether they relate to their professional business.

## Publishing on the Law Society Directory

The Law Society currently publishes limited personal and business information about licensees on the Directory. The Law Society also publishes relevant regulatory information, but in some cases in a manner that is not easily accessible for members of the public. The changes proposed above will ensure better public access to information that is in a potential client’s interest to know and is relevant to the licensee’s professional business. This will include the status of their licence, the businesses through which they practice law

or provide legal services, and their obligations as a licensee, including their regulatory interactions with the Law Society, if applicable.

Additionally, the proposed changes will make certain licensee information more readily available by publishing that information directly on the licensees' Directory page. For example, where the Law Society has authorized a regulatory meeting to address licensee conduct, the meeting is currently noted publicly on the Law Society's website and published in the Ontario Reports but is not publicly available on the Directory. As such, members of the public may not know of or be able to access Regulatory Meeting information under the current disclosure process.

Ultimately, the proposed changes seek to ensure that members of the public have enhanced access to information that is relevant to their choice of legal representative, including their personal consideration of the licensee's integrity, competence, and suitability.

## **Next Steps**

If Convocation approves the changes that are proposed in this report in principle, by-law amendments will be drafted and brought back to Convocation for approval. In addition, operational processes will be established and plans for implementation will be developed.

## Appendix “A”

The Committee recommends the following changes to the information licensees must report to the Law Society.

Information Licensees must report to the Law Society		
Item	Current Reporting Requirement	Recommended Reporting Requirement
<b>Licensee business names</b>	Licensees are required to provide the Law Society with their business contact information, as set out under By-Law 8, s. 3(1)4.	Clarify requirement to ensure that licensees report all business names under which they practice law or provide legal services (including trade names and operating names).
<b>Licensure to practise law or provide legal services in other Canadian jurisdictions.</b>	Licensees are not required to report licensure in another Canadian jurisdiction.	Require licensees to report if they are licensed to practise law or provide legal services in another Canadian jurisdiction.
<b>Any disciplinary and other findings relating to that licensure to practise law in another Canadian jurisdiction.</b>	Licensees are not required to report disciplinary and other findings related to licensure in another Canadian jurisdiction.	Require licensees to report if they are the subject of discipline proceedings, found to have committed professional misconduct or conduct unbecoming a licensee, or have been found incompetent or incapacitated in respect of the practise of law or provision of legal services in another Canadian jurisdiction.
<b>Licensure in another regulated profession in Canada.</b>	Licensees are not required to report licensure in another regulated profession in Canada.	Require licensees to report if they are licensed in another regulated profession in Canada.
<b>Any disciplinary and other findings relating to that regulated profession in Canada</b>	Licensees are not required to report disciplinary and other findings related to another regulated profession in Canada.	Require licensees who are members of another regulated profession in Canada to advise the Law Society if they are subject to discipline, are found to have committed professional misconduct, or have been found incompetent or incapacitated in their practice in that regulated profession.

<b>Charges and disposition of offences under the <i>Criminal Code</i></b>	<p>Under section 2 of By-Law 8, licensees are required to report if they are charged:</p> <ul style="list-style-type: none"> <li>• With an indictable offence under the <i>Criminal Code</i>.</li> <li>• Hybrid offences, up until the time that the Crown elects to proceed summarily.</li> <li>• Any other charge “where the charge alleges, explicitly or implicitly, dishonesty on the part of the licensee or relates in any way to the professional business of the licensee”.</li> </ul>	All charges and disposition of offences under the <i>Criminal Code</i>
<b>Charges and disposition of offences under other Acts</b>	<p>Licensees must report charges and dispositions under:</p> <ul style="list-style-type: none"> <li>• The <i>Income Tax Act</i> (or other provincial or territorial tax legislation).</li> <li>• Any provincial or territorial securities legislation.</li> <li>• Any other act of Parliament, or of a provincial or territorial legislature, where the charge alleges, explicitly or implicitly, dishonesty on the part of the licensee or relates in any way to the professional business of the licensee.</li> </ul>	<p>Existing reporting of charges and dispositions of offences under other Acts would remain, however, licensees would be required to report all charges and disposition of offences under:</p> <ul style="list-style-type: none"> <li>• The <i>Income Tax Act</i>.</li> <li>• The <i>Excise Tax Act</i>.</li> <li>• The <i>Occupational Health and Safety Act</i> or the equivalent in any other province or territory in Canada.</li> </ul>
<b>Other findings of guilt</b>	A licensee must report a finding of guilt only if that finding is the disposition of a charge otherwise reportable to the Law Society.	Licensees would remain required to report findings of guilt in respect of reportable offences. In addition, licensees would be required to report findings of guilt under any federal, provincial, or territorial Act where the penalty includes incarceration or a fine over \$5,000.
<b>Civil or criminal contempt</b>	Licensees are not required to report if they are held in civil or criminal contempt.	Licensees will be required to report if they are held in civil or criminal contempt.

<b>Charges outside of Canada</b>	Licenses are only required to report charges and the disposition of charges within Canada.	If the licensee faces similar charges outside of Canada.
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The Committee recommends the following changes to the information published on the Directory.

<b>Information to be published on the Directory</b>		
<b>Item</b>	<b>Current Information Published</b>	<b>Recommended for Publishing on the Directory</b>
<b>Licensee business names</b>	The Law Society currently displays one business relationship for each licensee, as reported.	All business names used by a licensee as reported to the Law Society would be published on the Directory.
<b>Licensure to practise law or provide legal services in other Canadian jurisdictions.</b>	This information is not currently published by the Law Society.	If a licensee is licensed to practise law or provide legal services in another Canadian jurisdiction it would be published on the Directory.
<b>Any disciplinary and other findings relating to licensure to practise law or provide legal services in another Canadian jurisdiction.</b>	This information is not currently disclosed by the Law Society.	If a licensee is found to have committed professional misconduct or conduct unbecoming a licensee, or has been found incompetent or incapacitated in respect of the practise of law in another Canadian jurisdiction, it would be published on the Directory as long as it is disclosed by that other Canadian jurisdiction.
<b>Proceeding Authorization Committee ("PAC") outcomes</b>	This information is not currently available on the Directory. Regulatory Meetings are publicly noted elsewhere on the Law Society's website <sup>6</sup> and published in the Ontario Reports.	Information to be published on the Directory would include: <ul style="list-style-type: none"> <li>the notice of a proceeding that has been initiated on the authorization of PAC, including the specified allegations set out in the notice; and</li> </ul>

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<sup>6</sup> See [Regulatory meetings | Law Society of Ontario](#).

		<ul style="list-style-type: none"> <li>a decision requiring a licensee to attend a Regulatory Meeting, and the Regulatory Meeting outcome.</li> </ul>
<b>Law Society Tribunal outcomes</b>	This information is not currently available on the Directory but rather is posted on the Law Society Tribunal's website. <sup>7</sup>	All interim orders, findings of professional misconduct, and sanctions imposed by the Tribunal, along with the fact and the outcome of any appeals would be published on the Directory, or the licensee's Directory page would display a link directly to the relevant Tribunal page.
<b>Surrendered or revoked licenses</b>	The Directory currently displays notice when a licensee surrenders or has their license revoked for 3 years.	<p>Where a licensee surrenders their license or it is revoked, the licensee's Directory page would be amended to:</p> <ul style="list-style-type: none"> <li>The Lawyer and Paralegal Directory would immediately be edited so that the individual is listed, along with their surrender or revocation, as appropriate, with a notation to contact the Law Society if additional information is required.</li> <li>Basic licensee information, such as business contact information, would be removed.</li> <li>Discipline information would remain available on the Lawyer and Paralegal Directory.</li> </ul> <p>A surrendered/revoked listing would remain on the Lawyer and Paralegal Directory for a period of 10 years. After that, an indication of that person's surrender or revocation would be available through the other means by which the Law Society makes the public register available for public inspection</p>

<sup>7</sup> See <https://lawsocietytribunal.ca/case-documents/>.