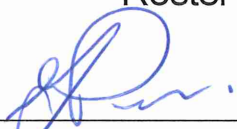


Administrative Policy 6

Roster and Panel Management

Approved By:



G. John Panusa, President & CEO

Approved:

April 30, 2021

Takes Effect On: June 1, 2021

Previous Policy: January 29, 2014

Purpose: To identify the elements of roster and panel management, to provide a framework for how LAA makes roster and panel membership decisions, to define a process for reviewing the quality of roster lawyers' services, and to set out a process for appealing roster or panel membership decisions.

Related Rules: LAA Rules, Rule 7.2

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Part 1 – General

Policy Applies to Roster Lawyers (and Students), but Not to Staff Lawyers

- 1.1 In this policy, “lawyer” includes lawyers and students-at-law who are eligible to practice law in Alberta and does not include lawyers and students-at-law who are employed by LAA.
- 1.2 This policy applies to lawyers who provide services to LAA’s clients under a certificate, including a duty counsel service, but it does not apply to LAA’s staff lawyers.

Membership Does Not Confer Right to Any Appointment

- 1.3 Membership on the LAA roster or a panel only provides an opportunity to receive certificates or appointments from LAA. Roster or panel membership does not entitle a lawyer to:
 - (a) a certain number of certificates or appointments, or
 - (b) a specific certificate or appointment.
- 1.4 Nothing in this policy limits LAA’s discretion when selecting lawyers for matters in accordance with its Rules and other policies, and nothing in this policy prevents LAA from making formal or informal inquiries to assess a lawyer’s suitability for a matter or a category or matters.

Who Makes Decisions

- 1.5 If this policy requires or empowers LAA to make a decision, the person identified in Table 1 will make the decision on behalf of LAA unless a specific decision-maker is identified in this policy.

Residual Discretion to Manage Roster and Panels in Extraordinary Situations

- 1.6 LAA ordinarily makes decisions about roster and panel membership in accordance with this policy, but nothing in this policy limits or abrogates LAA’s residual right and discretion to determine the membership of its roster or panels. Notwithstanding anything in this policy, the CEO may make any decision open to LAA under the Rules about who belongs to the roster or a panel, for any reason, at any time, without notice.

The LAA Roster

- 1.7 LAA maintains a roster of lawyers in private practice. LAA only offers certificates and duty counsel appointments to lawyers who belong to this roster. A lawyer may apply to LAA’s roster at any time submitting the application form on LAA’s website.
- 1.8 If LAA tentatively accepts a lawyer’s application to join the roster, the lawyer does not formally become a member of the roster until the lawyer enters into the prescribed roster agreement between LAA and the lawyer.

Part 2 – Panels

Purpose of Panels

- 2.1 LAA may establish panels of lawyers who specialize in certain matters or practice areas to achieve one or more of the following goals:
- (a) promote specialization and excellence within those practice areas;
 - (b) help ensure that lawyers who represent LAA clients have the interest, aptitude, experience, and competencies required to successfully undertake the clients' matters;
 - (c) give lawyers an incentive to develop, maintain, and enhance their competencies in certain subjects or practice areas; and
 - (d) encourage lawyers to undertake continuing professional development.

Panel Membership is for a Limited Term, But Lawyers Can Reapply

- 2.2 Membership on a panel is for a fixed term, and LAA may determine how long a lawyer remains a member of a panel. Panel members may apply to extend their membership on the panel.

Panels and Panel Standards

- 2.3 Table 2 contains the list of panels established by LAA. LAA will prepare a panel standards document for each of these panels and publish it on Lawyer Portal. LAA may amend the panel standards document from time to time.
- 2.4 A panel standards document will:
- (a) define the matters covered by this panel in terms of the legal issues, practice areas, clientele, or other criteria that will determine the scope of the panel;
 - (b) define the geographic scope of the panel or the service locations covered by the panel;
 - (c) define the competencies LAA seeks in panel members;
 - (d) explain any expectations of panel members with respect to:
 - (i) continuing legal education or mentorship while a member of the panel, or
 - (ii) the minimum number of certificates that a panel member must accept;
 - (e) define how long a lawyer remains on the panel before being required to reapply;
 - (f) identify any special application or eligibility requirements, such as an interview, examination, reference check, writing sample, or minimum number of years at the bar.

Evaluating Panel Applications

- 2.5 A lawyer may apply to a panel, during the period LAA accepts applications for that panel, by submitting the application form found on Lawyer Portal or on LAA's website. When deciding whether to grant a lawyer's application to join a panel, LAA will consider:
- (a) the applicant's interest, aptitude, and experience in the matters covered by the panel;
 - (b) whether the applicant has already demonstrated his or her competency in the areas defined in the panel standards document;
 - (c) the applicant's plans or commitment to develop any competencies that he or she has not yet fully demonstrated, taking into consideration the goal of selecting experienced practitioners for the panel while also allowing promising but relatively less-experienced lawyers to gain experience in panel matters; and
 - (d) if the applicant has previously belonged to this panel or other panels, whether the applicant has met LAA's expectations for panel members.

Screening Involves Both an Absolute and Relative Assessment of Applicants

- 2.6 When LAA assesses a lawyer's application under section 2.5, LAA will consider both:
- (a) the applicant's individual qualifications, and
 - (b) the applicant's qualifications relative to other applicants or panel members.

Selection Process Considers Number of Panel Members and Expected Number of Certificates

- 2.7 When selecting lawyers for a panel, in addition to the criteria mentioned in sections 2.5 and 2.6, LAA will consider:
- (a) how many lawyers who practice within a geographic service area have applied to join a panel; and
 - (b) the approximate volume of certificates that LAA expects to offer to the roster in that geographic service area,
- with the goal of ensuring that LAA selects:
- (c) enough lawyers so that panel members will accept a substantial portion of the panel matters offered to the roster, but
 - (d) not so many lawyers that:
 - (i) panel members do not materially benefit from membership on the panel, or,
 - (ii) panel members are offered too few certificates to maintain their competencies.

Panel Membership Does Not Express LAA's Views about Competence

- 2.8 LAA evaluates panel applications by weighing several factors and by considering both the applicant's individual abilities and their qualifications relative to other applicants. As a result, LAA may reject a lawyer's application to join a panel even if the applicant is qualified to represent clients in matters covered by the panel and even if the applicant has all required competencies.
- 2.9 LAA does not guarantee a lawyer's competency or expertise by adding that lawyer to a panel or by offering that lawyer a certificate that falls within the scope of the panel. A panel lawyer remains responsible for determining whether they can provide competent service to a client whose matter falls within the scope of the panel.
- 2.10 A lawyer must not mention their membership on an LAA panel in any advertising or marketing materials, and a lawyer must not represent or suggest that the lawyer's membership on a panel constitutes an endorsement or recommendation by LAA.

Panel Members Given First Preference When Offered to Roster

- 2.11 When a matter falls within the scope of a panel, and if LAA chooses not to appoint a staff lawyer, LAA may offer the certificate or duty counsel appointment to panel members before offering the certificate or appointment to other lawyers who do not belong to the panel.
- 2.12 Subject to LAA's internal policies about acting on a client's choice of counsel, if a client's matter falls within the scope of a panel, and if the client has asked LAA to appoint a specific lawyer, LAA may offer the certificate to the client's preferred lawyer even if the lawyer does not belong to that panel.

Part 3 – Quality-of-Service Reviews

Quality-of-Service Reviews

- 3.1 LAA may conduct a quality-of-service review to investigate and review the quality of service that a lawyer has provided to one or more LAA clients, or under one or more certificates.
- 3.2 LAA may conduct a quality-of-service review:
 - (a) in response to a complaint or a concern raised by a client, a lawyer (including a staff lawyer), a judge or member of an administrative tribunal, or another interested party; or
 - (b) as part of a quality-of-service audit or review program, randomly or otherwise.
- 3.3 The quality-of-service review process:
 - (a) is intended to address nontrivial concerns about the representation the lawyer has provided a client or clients; and
 - (b) is not intended to second-guess a lawyer's reasonable exercise of their professional judgment or to minutely scrutinize the lawyer's customer service skills.

Purpose and Philosophy of Quality-of-Service Reviews

- 3.4 LAA is not a professional regulator and LAA is not responsible for monitoring lawyers' competence or the quality of legal services they provide. Quality-of-service reviews are not intended to duplicate the regulatory function of the Law Society of Alberta or other regulators.
- 3.5 In general, if someone has concerns about a lawyer's conduct or the quality of service provided by a lawyer and a client seeks some remedy or outcome beyond LAA authorizing a change of counsel, then LAA will refer the complainant to the Law Society of Alberta or to another appropriate regulator.
- 3.6 However, in some circumstances there may be complaints or concerns about a lawyer's services or behaviour that do not appear to require investigation or discipline under the Law Society's processes, but that may appear worthy of investigation or remedial action by LAA.
- 3.7 In general, LAA will initiate a quality-of-service review only if:
 - (a) the complaints, concerns, or issues raised in the review appear straightforward and it seems likely the review does not require extensive investigation;
 - (b) LAA has no reason to believe a professional regulator is investigating the same or similar complaints or concerns;
 - (c) to the best of LAA's knowledge,

- (i) there is no reasonable prospect the quality of the lawyer's representation will become an issue on any appeal, or,
 - (ii) the appeal periods for any related client matters have expired and no appeal has been taken, or if there was an appeal, the appeal has concluded; and
- (d) the review relates to:
- (i) more than one related complaint or concern that has been raised about a lawyer's actions, behaviour, representation, or services,
 - (ii) the services a lawyer has provided as a member of a panel,
 - (iii) schedule-based duty counsel services, or,
 - (iv) possible violations of LAA policy or procedures that are not conveniently investigated using the compliance review process in under Administrative Policy 5.

3.8 Nothing in this policy prevents LAA from reporting a lawyer to a law society or another regulator. Nothing in this policy requires LAA to report a lawyer to a law society or another regulator.

3.9 To encourage the reporting of concerns about roster lawyers – which LAA hopes will lead to prompt intervention to address concerns surrounding the quality of a lawyer's service – LAA may refuse to disclose the identity of someone – other than the lawyer's client – who has made a complaint or who has brought a concern to LAA's attention if LAA believes it is unnecessary for the roster lawyer to learn the person's identity to respond to the complaint or concern. Nothing in this policy requires LAA to name or identify someone who, acting in good faith, makes a complaint or raises a concern about a lawyer.

Client Concerns Can be Resolved Informally

3.10 LAA is not required to conduct a quality-of-service review whenever LAA receives a complaint or becomes aware of a concern about the quality of service provided by a lawyer.

3.11 Nothing in this policy prevents LAA from attempting to resolve complaints or concerns informally.

Initiating a Review

3.12 LAA may initiate a quality-of-service review by sending a lawyer a letter:

- (a) advising the lawyer of the general nature and purpose of the review and inviting the lawyer's response;
- (b) identifying the clients, certificates, or proceedings that are the subject of the review;

- (c) summarizing the complaint or concerns that prompted the review, or explaining the nature of the audit that resulted in the review, as the case may be;
- (d) attaching any documents in LAA's possession that LAA believes the lawyer requires to respond to the review, such as a transcript of a relevant court proceeding, having regard to the privacy interests of any third parties;
- (e) detailing any documents or records that LAA requests from the lawyer, which may include, for example, documents that the lawyer has filed in court;
- (f) summarizing any possible outcomes that may arise from the review; and
- (g) specifying a deadline for responding to the review.

3.13 To help ensure LAA has information it needs to complete a quality-of-service review, and to eliminate any doubt about LAA's ability to access this information, LAA may obtain a client's permission to:

- (a) review the client's file, and,
- (b) allow LAA and the lawyer to discuss the client's matter, including discussing information subject to solicitor-client privilege,

but LAA may proceed with the review if LAA believes it can complete the review without the client's permission or without this information.

Lawyer's Response

3.14 A lawyer who is the subject of a quality-of-service review must respond to LAA by the deadline set out in LAA's letter unless LAA extends the deadline. The lawyer's response must include:

- (a) any information the lawyer wants LAA to consider about the quality of the lawyer's services;
- (b) any documents or records that LAA sought in its letter initiating the review; and
- (c) any other documents or records the lawyer wants LAA to consider.

3.15 The person who conducts a quality-of-service review may have further discussions or correspondence with the subject lawyer, and LAA may request additional information or records from the lawyer. LAA may set a deadline for the lawyer's response.

3.16 If a lawyer does not respond to LAA or fails to provide LAA with documents or records LAA has requested before the deadline for a response, LAA may:

- (a) take action under section 3.18 in response to the quality-of-service review without considering the lawyer's position; and
- (b) consider the lawyer's failure to participate in the quality-of-service review when deciding upon the appropriate action.

Outside Opinion

- 3.17 LAA may retain a lawyer outside the organization to review a lawyer's response to a quality-of-service review and any related materials and to prepare an opinion about the quality of service the lawyer provided. LAA will provide a copy of this opinion to the subject lawyer and will allow the lawyer to respond to the opinion.

Reasons and Action Taken

- 3.18 After conducting a quality-of-service review, LAA may take no action, or LAA may:
- (a) limit the nature of certificates it offers the lawyer, either for a defined period or indefinitely and subject to reinstatement conditions, including by limiting:
 - (i) the highest legal issue level it will offer the lawyer in criminal matters, or,
 - (ii) the types or certificates or service areas of certificates it will offer the lawyer;
 - (b) require a lawyer to undertake continuing professional development and provide proof of completion of any continuing professional development activities;
 - (c) require a lawyer to contact a practice advisor at the Law Society of Alberta to seek assistance in any defined subjects or areas of practice – and, if required to do so by LAA, provide the practice advisor with a copy of LAA's letter or decision summarizing any findings – and provide LAA with proof of having done so;
 - (d) refer the matter to the Law Society of Alberta or another regulator for further investigation;
 - (e) conduct a compliance review of the lawyer's accounts under Administrative Policy 5; and
 - (f) recommend that the lawyer be suspended or removed from a panel or from the roster under Part 4 of this policy.
- 3.19 LAA applies the following principles when deciding what steps to take after a quality-of-service review, if any:
- (a) LAA's clients are entitled to the same quality of service as a reasonable person of modest means who has retained a lawyer using their own limited funds;
 - (b) LAA's primary concern is protecting LAA's vulnerable clientele; and
 - (c) in general, actions taken in response to a review are intended to be remedial and to protect LAA's clientele, and these actions are not intended to punish a lawyer or to deter others.
- 3.20 LAA will send the subject lawyer a letter summarizing its findings and setting out any steps LAA is taking in response to the quality-of-service review.
- 3.21 LAA may provide a complainant with a summary of any steps taken in response to the complaint or concern, but LAA must not:

- (a) reveal any personal information about the lawyer, or,
- (b) reveal any privileged or confidential client information.

Combining an Audit and a Quality-of-Service Review

- 3.22 In general, LAA will use the process under Administrative Process 5 to resolve client concerns about issues related to the lawyer's bill or how much their lawyer has charged the client, and LAA will use the process under this policy to resolve client concerns about the quality of service a lawyer has provided to a client. LAA may:
- (a) combine a quality-of-service review with an audit or compliance review of a lawyer's account under Administrative Policy 5; or
 - (b) undertake a quality-of-service review in response to concerns identified during the client complaint or compliance review processes under Administrative Policy 5.
- 3.23 If LAA combines a quality-of-service review with a compliance review under Administrative Policy 5:
- (a) LAA may adapt any procedures defined in these two policies as necessary to accommodate a combined review; and
 - (b) any appeal of actions LAA takes in response to the compliance review under Administrative Policy 5 must follow the appeal process under that policy, and any appeal of actions LAA takes under this policy must follow the appeal process in this policy.

Part 4 – Suspending or Ending Roster or Panel Membership

Removal and Suspension from the Roster or a Panel

- 4.1 Without limiting LAA’s powers under a roster lawyer agreement, under any other policy, or under section 1.6, LAA may suspend or remove a lawyer from the roster or from a panel if:
- (a) the lawyer violates a term of the roster lawyer agreement, the LAA Rules, or LAA policy;
 - (b) the lawyer has:
 - (i) submitted a dishonest or an intentionally misleading account or information to LAA,
 - (ii) submitted accounts that contain significant errors or omissions, or
 - (iii) failed to provide LAA with information or records that LAA has reasonably requested during an audit, compliance review, or quality-of-service review;
 - (c) after conducting a quality-of-service review,
 - (i) LAA concludes that the lawyer has failed to provide one or more clients with what LAA believes to be a minimally acceptable level of service, assistance, or representation, and the lawyer’s continued participation on the roster or on a panel is inconsistent with the best interests of LAA’s clientele, or,
 - (ii) the lawyer fails to take any actions or steps LAA required of the lawyer under Part 3;
 - (d) the lawyer fails to complete training or continuing education they agreed to complete as a condition of joining or remaining on the roster or the panel, as the case may be;
 - (e) a professional regulator suspends the lawyer from the practice of law in Alberta or in another jurisdiction, because the lawyer has committed conduct deserving of sanction; or
 - (f) the lawyer is alleged to have committed, or has been found to have committed:
 - (i) an offence under the *Criminal Code*, the *Controlled Drugs and Substances Act*, or another federal criminal law; or
 - (ii) conduct deserving of sanction under the *Code of Conduct* of the Law Society of Alberta or a similar code of professional conduct,and LAA has reasonable grounds to believe the lawyer’s continued participation on the roster or on a panel could endanger the interests of LAA’s clients or could materially damage LAA’s reputation or legal interests.
- 4.2 LAA may suspend a lawyer from the roster or from a panel:
- (a) for a defined period, with or without the possibility of an early reinstatement if the lawyer meets certain conditions or,
 - (b) indefinitely, subject to conditions that the lawyer must satisfy before being reinstated.

Notice that LAA Intends to Act

- 4.3 LAA may warn – but is not required to warn – a lawyer that it is considering removing them from the roster or from a panel.
- 4.4 Except in circumstances or where LAA believes the lawyer’s immediate removal or suspension is necessary to protect the interests of LAA or its clients, LAA will ordinarily:
- (a) provide a lawyer with at least 30 days’ notice of its intention to suspend or remove the lawyer; and
 - (b) invite a written response from the lawyer,
- but LAA’s failure to provide notice does not invalidate the suspension or removal.

Reasons

- 4.5 If LAA suspends or removes a lawyer from the roster, LAA will provide a lawyer with a written summary of its reasons for suspending or removing the lawyer.

Reapplying After Removal from the Roster

- 4.6 A lawyer who has been removed from the roster may not reapply for membership on the roster until at least two years after the lawyer was removed.

Winding Down after Suspension or Removal

- 4.7 When a lawyer is suspended or removed from a panel or from the roster:
- (a) the lawyer must report to LAA on the status of all unfinished work and certificates;
 - (b) the lawyer may submit an account to LAA for any certificate services and disbursements the lawyer reasonably performed or incurred in compliance with the LAA Rules and policies before the lawyer was suspended or removed;
 - (c) LAA may, at its sole discretion, permit the lawyer to continue acting on any outstanding LAA certificates until those matters are concluded, or LAA may reassign those matters;
 - (d) if an LAA client retains different counsel because the lawyer was suspended or removed, the lawyer must promptly deliver the client’s file to the client’s new lawyer; and
 - (e) the lawyer must continue to comply with any LAA policies or procedures regarding the billing or review of the lawyer’s accounts.

Lawyers who are Disbarred or Suspended from the Practice of Law

- 4.8 If a lawyer is disbarred or retires from the practice of law:
- (a) the lawyer is automatically removed from LAA’s roster; and

(b) LAA may cancel and reassign the lawyer's certificates or duty counsel appointments.

4.9 If a lawyer is suspended from the practice of law in Alberta or is temporarily prohibited from practicing law in Alberta:

(a) the lawyer is automatically suspended from LAA's roster; and

(b) LAA may cancel and reassign the lawyer's certificates or duty counsel appointments regardless of whether the Law Society of Alberta has appointed a custodian of the lawyer's practice.

4.10 If a lawyer is automatically suspended from the roster because they are suspended from practicing law in Alberta, this automatic suspension does not prevent LAA from removing the lawyer from the roster for imposing a longer suspension than the professional regulator.

Lawyers Must Update Practice Information Annually

4.11 A lawyer must log into Lawyer Portal and confirm their contact, practice, and banking information at least once per year, on the schedule set by LAA. If a lawyer fails to do so, LAA may automatically stop issuing certificates to the lawyer until they confirm this information.

Administrative Removal of Lawyers who Fail to Accept Certificates or Fail to Respond

4.12 LAA may remove a lawyer from its roster without notice, and without complying with the procedural steps set out in in this policy:

(a) if the lawyer has not accepted any certificates or duty counsel appointments in the preceding three-year period and the lawyer has no active certificates; or

(b) if the lawyer persistently fails to respond to LAA after LAA has made reasonable efforts to contact the lawyer using the contact information most recently provided by the lawyer.

4.13 A lawyer who is removed from the roster under the preceding section is eligible to reapply for the roster as soon as they are removed from the roster.

Leaving the Roster or a Panel

4.14 A lawyer may resign from the roster, or any panel of the roster, by providing LAA with notice via Lawyer Portal.

Part 5 – Appealing Decisions Related to Roster and Panel Membership

Appeals Committee Hears Appeals of Roster- and Panel-Related Decisions

- 5.1 Appeals under this policy are heard and decided by the Appeals Committee that is established under Administrative Policy 4. Except when inconsistent with this policy or where changes are required by the context:
- (a) the Appeals Committee will decide appeals using the procedures defined in Administrative Policy 4; and
 - (b) the Appeals Committee has the same powers as defined in Administrative Policy 4.
- 5.2 A lawyer may appeal to the Appeals Committee against LAA’s decision:
- (a) to reject the lawyer’s application to join the roster or a panel;
 - (b) to take action or impose conditions on the lawyer after a quality-of-service review LAA conducted under Part 3;
 - (c) to suspend the lawyer from the roster or a panel, to fail to cancel a suspension, or to impose reinstatement conditions; or
 - (d) to remove the lawyer from the roster or a panel.

Request for Hearing

- 5.3 A lawyer who wishes to appeal a decision to the Appeals Committee must submit a written request for an appeal to the Appeals Secretariat within 30 days of when LAA made the decision the lawyer wishes to appeal. In exceptional circumstances, the Appeals Secretariat may extend this deadline. The written request for an appeal must:
- (a) set out the grounds on which the appellant lawyer disagrees with LAA’s decision; and
 - (b) attach any written submissions, records, or documents that the appellant lawyer wishes the Appeals Committee to consider.
- 5.4 The Appeals Committee may refuse to consider any written submissions, records, or documents that the appellant lawyer did not attach to the written request for an appeal.

Hearings of the Appeals Committee

- 5.5 The Appeals Secretariat select panelists for an appeal and will set a date and time for the Appeals Committee to hear the appeal. The Committee will make reasonable efforts to hear appeals within 21 business days of receiving a request for an appeal, subject to the availability of Committee members. The Committee will make reasonable efforts to render its decision within 21 business days of the conclusion of the hearing.

- 5.6 Three members of the Appeals Committee are a quorum for appeals under this policy. The panel that hears an appeal under this policy must include:
- (a) at least two lawyers; and
 - (b) at least one member of the LAA Board of Directors.
- 5.7 The Appeals Committee may consider:
- (a) information or records available to the original decision-maker; and
 - (b) any new information brought to the Committee's attention.
- 5.8 The Appeals Committee must hear and consider the representations of LAA management about their reasons for the decision under appeal. The CEO (or delegate) may respond to the written request for appeal and provide the Appeals Committee and the appellant lawyer with written submissions, records, and documents the CEO wants the Appeals Committee to consider.

Power of Appeals Committee

- 5.9 The Appeals Committee may vary or uphold the decision under appeal. The Appeals Committee may make any decision or take any action that was open to the original decision-maker whose decision is under appeal.
- 5.10 The Appeals Committee may take a more significant action against a lawyer or impose more onerous conditions than the original decision-maker – including removing the lawyer from the roster or from a panel – but it must warn the lawyer that it is considering doing so, and it must give the lawyer a chance to respond.
- 5.11 If the Appeals Committee allows a lawyer's appeal against a decision to remove the lawyer from a panel or from the roster, the Committee may impose conditions on the lawyer's continued participation in the roster or a panel, including taking any action listed in section 3.18.
- 5.12 Subject to section 1.6, decisions of the Appeals Committee are final and are cannot be reviewed or appealed.

Appeal Does Not Stay Suspension, etc.

- 5.13 An appeal does not suspend a suspension from the roster, removal from the roster, or any other action that was taken by the original decision-maker, but the Appeals Committee has the same powers to stay a decision pending appeal as set out in Administrative Policy 4.

Appeals Hearings are Informal

- 5.14 Subject to section 5.16, a lawyer who appeals a decision under this Part may appear before the Appeals Committee to make oral submissions by telephone or through another method permitted by the Committee. The hearing will be conducted informally, and, for greater certainty, the hearing is not subject to the rules of evidence.
- 5.15 The Appeals Committee may ask questions of the appellant lawyer and the CEO (or delegate). Unless the Appeals Committee believes there are exceptional circumstances that justify adopting a different procedure, an appellant lawyer does not have the right to call witnesses or examine or cross-examine witnesses at a hearing, and the Appeals Committee will decide the appeal based on the written record submitted to the Committee in advance of the hearing, as supplemented by any oral submissions.

Process for Appeals Regarding Panel Membership are a Summary Process, Without a Hearing

- 5.16 Appeals involving a lawyer's application to join a panel are decided summarily and using a different process than other appeals. When the Appeals Committee considers an appeal from a decision denying a lawyer membership on a panel:
- (a) the lawyer appealing the decision may provide written submissions to the Committee, but the lawyer does not have the right to participate in a hearing or make oral representations to the Committee, nor does the lawyer have the right to access or review any information the Committee considers on the appeal, including the CEO's written response;
 - (b) the Committee must consider and apply the factors mentioned in sections 2.5 to 2.7;
 - (c) the appeal is not an inquiry into whether the lawyer is competent or qualified to accept certificates that fall within the panel's scope or definition;
 - (d) the Committee may consider any information about the lawyer that is brought to its attention – including information about the relative merits of different candidates for the panel – and the Committee will not share this information with the lawyer appealing the decision;
 - (e) a representative of LAA may provide the Committee with confidential or *in camera* submissions explaining why LAA did not accept the candidate's application; and
 - (f) the Committee may discuss and decide the appeal by the exchange of confidential written correspondence and without a meeting or hearing.

Part 6 – Transitional

Referrals Made on or Before May 31, 2021 to be Concluded Using Previous Policy

- 6.1 If the CEO of LAA has referred a lawyer to the Roster Committee on or before May 31, 2021, under the terms of Administrative Policy 6 that was in force at that time, the Roster Committee will consider that referral, conduct a hearing, and dispose of the referral by applying the version of Administrative Policy 6 that was in force on May 31, 2021, and, for greater certainty:
- (a) if the Roster Committee suspends or removes a lawyer from the roster under the terms of the old policy, the lawyer’s application to rejoin or be reinstated on the roster is governed by the terms of the present policy; and
 - (b) nothing in this section prevents LAA from using the procedure defined in the present policy or other present LAA policies to suspend or remove a roster lawyer because of acts or omissions that occurred before May 31, 2021.

Table 1: Roster/Panel Management Decisions

Issue / Decision	Initial Decision-Maker	Appeal To
Quality-of-service review	Staff lawyer selected by General Counsel	Appeals Committee
Applications to join the roster	Senior Manager, Certificate and Appointing Services	Appeals Committee
Suspension, reinstatement, and removal from the roster, including the imposition of reinstatement conditions or other conditions	Vice President, Justice Services	Appeals Committee
Panel applications, including applications to join a panel or renew a lawyer's membership on a panel, and including the imposition of any conditions on panel membership	Internal LAA committee, selected by General Counsel, that is responsible for the relevant panel (an <i>ad hoc</i> committee of three or more staff lawyers, the composition of which may vary between service locations and will vary between panels)	Appeals Committee
Suspension, reinstatement, and removal from a panel, including the imposition of any reinstatement conditions or other conditions	Vice President, Justice Services	Appeals Committee

Table 2: List of Panels

Panel Name	Brief Description of Panel <i>(See Panel Description on Website for Full Scope/Description)</i>
Youth Criminal Law Panel	Panel of lawyers given first preference when youth criminal law certificates are offered to roster lawyers.