



## **PANEL AND REVIEW BOARD APPOINTMENT PROTOCOL**

March 2018, updated July 14, 2022

Under the Law Society Rules, the appointment of hearing panels and review boards is in the discretion of the Tribunal Chair. This protocol sets out guidelines for the exercise of that discretion. The Tribunal Chair retains the discretion to deviate from this protocol if it is not otherwise possible to convene a hearing panel or review board in the manner contemplated.

1. Each hearing panel comprises
  - a Bencher who is a lawyer,
  - one lawyer who is not a current Bencher, and
  - one person who is not a lawyer.
  
2. Each review board comprises
  - two Benchers,
  - two lawyers who are not current Benchers, and
  - one person who is not a lawyer or a Bencher.
  
3. A hearing panel is chaired by a lawyer who has completed at least two hearings as a member of the panel and the hearing skills workshop. The most senior lawyer adjudicator who meets those criteria, acts as chair.
  
4. A review board is chaired by a lawyer Bencher who has completed at least two reviews as a member of the review board and the hearing skills workshop. In the event that no Bencher on the review board meets those criteria, another lawyer may act as chair.

5. The Tribunal Office maintains three rosters:
  - a roster of current lawyer Benchers;
  - a roster of non-Bencher lawyers who are members of the hearing panel pool; and
  - a roster of non-lawyer members of the hearing panel pools, including current Appointed Benchers.
6. When a member of the hearing panel pool or a lawyer-Bencher completes the required training courses, his or her name is added to the bottom of the appropriate roster.
7. The required training courses for all panelists are:
  - administrative justice;
  - decision-writing workshop;
  - hearing skills workshop;
  - Law Society specific training (which may be included as a component of the administrative justice, decision writing and hearing skills courses); and
  - an annual training course focusing on recent regulatory decisions and topics of interest to the adjudicators.
8. When a hearing panel or review board is to be appointed, the Tribunal Office determines the highest member(s) on each roster who
  - is not disqualified under Rule 5-3(1) or (2);
  - is not a member of the Committee that ordered the hearing, either at the time the hearing was ordered or at the time of the hearing;
  - where possible, has not had previous dealings with the respondent or applicant that could give rise to a reasonable apprehension of bias;
  - is not the subject of a complaint investigation or discipline matter;
  - in the case of lawyers, is a practising lawyer;
  - is available on the hearing dates.

9. For a period of two years after becoming a Life Bencher,
  - a lawyer who is otherwise qualified may be appointed to a hearing panel or review board when no current Bencher or non-Bencher lawyer is available, and
  - a person who is not a lawyer may be appointed to a hearing panel when no other non-lawyer is available.
10. Before being appointed to a review board, a member of the hearing panel pool or a Bencher must have completed at least one hearing as a member of the hearing panel.
11. The Tribunal Chair establishes hearing panels composed of the three pool members under clause 1, and review boards composed of five pool members under clause 2.
12. The Tribunal Chair may appoint members of the pool out of order in a case that, in the Tribunal Chair's opinion, requires special skill, expertise or experience.
13. When a member of the pool is appointed to a hearing panel or review board, their name goes to the bottom of the appropriate roster. If the hearing or review does not proceed, or if the pool member does not begin the hearing or review, for any reason, their name is returned to the top of the roster.
14. If a pool member at the top of a roster is not available for three or more consecutive hearings panels or review boards, the Tribunal Chair may direct the Tribunal Office to place the pool member's name at the bottom of the appropriate roster.
15. The Tribunal Office keeps a complete record of the appointment process for each hearing panel or review board.
16. Pool members and Benchers may enquire of the Tribunal Office as to where they stand on the applicable roster.
17. The discretion of the Tribunal Chair may be exercised by another Bencher designated by the Tribunal Chair under the Law Society Rules.