

# HOW TO COMPLAIN EFFECTIVELY ABOUT A LAWYER

## - A LAYMAN'S GUIDE \*

Pg 1 / 11

*Complaining about a Lawyer and getting results is a lot like handing cash to a robber and hoping for change! However, this Guide is written based on many lessons learned. Now you can skip the mistakes of others!*

Whenever possible try to obtain independent legal advice if you have concerns about your original lawyer or a CAS lawyer. This publication discusses practical methods for completing Lawyer Complaints in the following headings:

**LAW SOCIETIES:** see 1) - 4)

**LAWYERS:** see 5) - 7)

**HOW LAWYERS CAN RIP YOU OFF:** see 8) - 9)

**DECIDING TO COMPLAIN:** see 10) - 13)

**WHAT YOU CAN'T COMPLAIN ABOUT:** see 14) - 15)

**COMPLAINT PROCESS:** see 16) - 44)

**CAS LAWYER COMPLAINTS:** see 45)

**LAW SOCIETY 'INVESTIGATION':** see 46)

**DISCIPLINE HEARINGS:** see 48) - 53)

**APPEALS:** see 54) - 57)

**RESOURCES:** see 58)

**REMEDY via THE COURTS:** see 59) - 75)

### **LAW SOCIETIES: *The real scoop:***

1) Law Societies represent the personal interests of dues paying lawyers good and bad. Their 'governance in the public interest' only occurs when the conduct of a lawyer is so bad they have to do *something*.

2) Law Societies<sup>(1)</sup> don't "investigate" a complaint like the police who go and find evidence. Societies on the whole are willfully blind<sup>(2)</sup>, self serving and even shield lawyers who mislead the courts! Media investigations in 2014 shows that Ontario's LSUC refuses to report lawyer crimes to the police, etc<sup>(3)</sup> and arbitrarily dismiss complaints, avoiding the cost of handling a complaint.

3) The only way to get a Law Society to do anything is to spoon-feed them the evidence, the rules of the original case, *Rules of Professional Conduct*<sup>(4)</sup> and previous Case Law that speaks to the same issues and ideally and an aggressive lawyer if you can afford it. Presume nothing.

4) If you cannot afford a lawyer to see your Complaint through, your chances of success are low. The amount of work to assemble a complaint is huge, see Pic 1 on Page 7. Remember, law societies place the interests of members and it's self far ahead of the public or the courts, commercializing the law where member lawyers stop short of obtaining meaningful decisions that stop litigation abuse.

### **LAWYERS:**

5) Many lawyers because of privileged training and knowledge not available to the general public, feel they are entitled to "dispose" of a case at their convenience. They know there will be an endless flow of uneducated clients who are easy "marks", who have little prospect of recourse.

6) Some lawyers eventually succumb to various degrees of entitlement and arrogance at the expense of their 'lowly' clients and the public at large. There are a few exceptional lawyers however.

\* See Page 11 for Terms. ( ) See Page 11 for footnotes.

# HOW TO COMPLAIN EFFECTIVELY ABOUT A LAWYER

## - A LAYMAN'S GUIDE

Pg 2 / 11

7) The lawyer population in Canada at this time can be broken down into the following groups:

- ~30 top lawyers who actually make a difference in all of Canada! Guess who they are!
- 50% of lawyers that do a competent, honest job
- 30% of lawyers who are slackers and 'phone it in'
- 20% of lawyers who are seriously incompetent and/or dishonest
- .....and the one-and-only *Harry Kopyto*, a maverick (disbarred, overbilled Legal Aid)

### HOW LAWYERS CAN RIP YOU OFF:

8) How a lawyer rips you off depends on your case particulars, what they did and who they represent: <sup>(5)</sup>

A CAS Lawyer - may mislead the court at your expense, etc,  
This means violating the *Rules of Professional Conduct*, *Rule 4.01(1) & 4.01(2)(a) to (e) to (k)*, etc

Your Lawyer - may do a slacker job and represent your interests badly:  
This means violating the *Rules of Professional Conduct*, *Rule 2.01(1),(2), 4.01(1)*, etc

A Real Estate Lawyer - may steal/'borrow' money from the trust accounts or botch a transaction, etc  
This means violating the *Rules of Professional Conduct*, *Rule 2.08(10)*, etc

A Wills or Trust Fund Lawyer - may steal/'borrow' money from a trust, etc  
This means violating the *Rules of Professional Conduct*, *Rule 2.08(10)*, etc

9) Other ways lawyers run afoul of the rules is when they fail to communicate with you correctly or on a timely basis. Failing to complete tasks that affect your interests, ie botching a task in a transaction that costs you money or prejudices your position, etc.

### DECIDING TO COMPLAIN:

10) If you're mad about an outcome, that's not a grounds to complain, plus you'll have to do a lot of work. Any meritless complaint will be sooooo dismissed by a Law Society that they have a form letter for it. You may spend a few hours on a meritless complaint, they will spend seconds blowing it off!

11) If you are serious, consider the following:

- Do you have evidence they did wrong?
- Could there have been a different outcome?
- Does the wrong meet the threshold for discipline?
- Can you show which *Rules of Professional Conduct* apply?
- Can you find Law Society decisions on Canlii.org that are similar to your issue?

12) If you feel you can answer these issues in the majority, then figure you'll spend 50 to 200 hours to assemble the complaint plus Exhibits, Rules and Case Law. Ouch. Not kidding here!

13) **TIP:** If you can do all the work and then have a Lawyer look at it and clean it up before it's filed, your chances improve and the cost of the lawyer is far less than dropping the whole matter in their lap. By the time you are done doing the leg work you will have learned enough that any lawyer may treat you with a little more respect than usual!

# HOW TO COMPLAIN EFFECTIVELY ABOUT A LAWYER - A LAYMAN'S GUIDE

Pg 3 / 11

## WHAT YOU CAN'T COMPLAINT ABOUT:

**14)** Law Societies do not process complaints about lawyer **negligence!** If your complaint is a negligence issue, they will dismiss it asap! You have to sue the lawyer if his/her negligence cost you a huge loss! You need to weigh the cost to sue against your loss and what a court considers worth deciding. If you win you get all or some of your costs to sue. It also helps if you made a *reasonable* Offer to Settle. If an Offer was made to you and you refused, you can be in trouble even if you win! (abuse of the court's time) Vexatious lawsuits will annoy the court and there can be Legal Costs ordered against you! If you lose a 'righteous' case you can still be ordered to pay Costs, beware!

**15)** Law Societies do not force the lawyer to pay any costs or penalty to you. You would have to sue the lawyer in court for damages, if a court considers your damages within the scope of Tort law (lawsuits).

## (TYPICAL) COMPLAINT PROCESS:

### **Complaint Form:**

**16)** (What is described is the process in Ontario [subject to LSUC revisions] as was experienced by the author and others. Each person's circumstances vary. Watch for key **TIPs** here and there. Most common issues are discussed here.

**17)** First download the most up to date version of the Law Society complaint form, (Ontario's LSUC form is 4 pages long) if you use an old one, they will nail you right away! Jeez!

**18)** Study the form and try and fill it out. If this is already hard, you're in for more! Botching the complaint form gets your complaint dumped ASAP!

**19)** Typically, the form needs to list the conduct that is (likely) *Prohibited Conduct* under *Section 33* of the *Law Society Act*, etc.

**20)** Next you cite violations of the *Rules of Professional Conduct* # \_\_\_\_\_ and the acts committed.

**21)** Since complaints are not a 2 page affair, you may say: "see attached Complaint Book page \_\_\_\_ para \_\_\_\_ to para \_\_\_\_ and Exhibits \_\_\_\_ and \_\_\_\_ and \_\_\_\_," etc, for each incident. See an actual filed Complaint Book in Pic 1 on Page 7.

**22)** In affect you have just 'framed' the basis of your complaint. This becomes the blueprint for your complaint. If you find other evidence and realize other issues then go back and revise the Complaint Form. Do not file it until the entire complaint is done.

### **The Written Complaint:**

**23)** You may write out your complaint as a first person narrative not unlike an affidavit. Number your paragraphs, number your pages, number your Exhibit Tabs, make an Exhibit List.

**24)** Use polite, neutral language: "the lawyer did....." *not*: "my *dumb* lawyer *robbed* me when....."

**25)** Outline events in order and use Headings to highlight specific events or multiple failures. Show dates and times as required.

## HOW TO COMPLAIN EFFECTIVELY ABOUT A LAWYER - A LAYMAN'S GUIDE

Pg 4 / 11

26) Be sure throughout, to relate the events to the *Rules of Professional Conduct* and the degree of transgression as you work your way through the events.

27) If applicable, list the costs you suffered and the evidence of it. Obtain court transcripts if they are relevant to the original action. Obtain any other documents you need to prove your claim.

28) **TIP:** *Never withhold evidence or information to use later at Appeal*, since it will not be allowed!!! Submit everything you rely on. There is no such thing as a 'trump' card you can pull out at the last second!! It never works. For example, some folks want to see a lawyer lie, then the pull out their 'trump card' evidence to discredit them! Not allowed. The lawyer must have a 'fair' opportunity to Answer the complaint with all relevant evidence on the table!! Sorry!

29) Organize you evidence / documents, use tab dividers that are lettered or numbered to follow your exhibits so you can assemble a 'bound' complaint book either with a Cerlox spiral plastic binding or an ACCO prong fastener for larger complaints, see Pics 1 & 2 on Page 7.

30) Now pull together the Law Society Case Law that applies from Canlii.org. As with any other Case Law from the courts, various Tests, Thresholds and decisions can be applied to make your case against a lawyer. In some cases, Criminal and Civil court decisions demonstrate principles of law that apply to your complaint too. Use them if applicable.

### ***Reviewing / proof-reading the Complaint:***

31) If you bring a new lawyer in on the complaint to polish and fix it up as needed, all the better, or hire them to push it through the Law Society. Tell them you want them to "advocate your interests vigorously to the limit of the law". A slacker lawyer will dodge at this point, get someone else.

32) If you go it alone, set the complaint aside for a few days and do a "fresh eyes" review. Proof read and Fact Check everything, any mistakes can change the meaning of what you intended <sup>(6)</sup>. Ask the question, what have I missed? Don't miss the connections in documents that show abuse occurred.

33) Have a friend read it through and see if they 'get it', this is 'peer review'. Revise as needed for clarity. Law Societies take complaints literally, if your typos changes the meaning at all, they will take advantage of it!

### ***Law Society Case Law:***

34) Visit Canlii.org and look up decisions in your province under boards and tribunals for Law Society decisions. For Ontario, search Canlii.org for the phrase 'ONLSHP' under boards and tribunals and start reading!

35) Look for decisions for lawyers who did nearly the same thing and under the same rules and use these to establish that the threshold for the act is satisfied and that the discipline applied would be justified. Attach these decisions, underlined, to the complaint. In the complaint text discuss the cases you cited and the outcomes you seek.

### ***Assembling the Complaint:***

36) Now that you have done all the work and have all the materials you need, you need to nail it together so the Law Society can't lose the pages!! Choose Cerlox binding or ACCO prong fasteners depending on the page count. Cerlox bindings are limited to about 250 pages including tabs.

# HOW TO COMPLAIN EFFECTIVELY ABOUT A LAWYER - A LAYMAN'S GUIDE

Pg 5 / 11

## ***Filing the Complaint:***

**37) TIP:** You may be tempted to mail it to the Law Society, but they love to lose complaints! So why not Fedex or a field trip? In Ontario, that's a trip to Osgoode Hall in downtown Toronto. Ask for the Law Society Mail Room. Go to the Mail Room and present your complaint complete with the Complaint Form all dated and signed and ask for a Receipt!! See pic 3 on Page 8.

**38)** This receipt is your proof of delivery! If sent by Fedex, keep the courier receipt. Proof of delivery receipts may be needed as exhibits later. Everything counts.

## ***The Law Societies' (first) reply:***

**39)** You will get a letter back signed by a law society complaints officer who usually dismisses your complaint. This happens 98% of the time! Figures!

**40)** All is not lost! All you do is write an email or fax and say: 'Since you dismiss the Complaint, is it your position, Ms \_\_\_\_\_ and that of the Law Society that the following acts \_\_\_\_\_ are acceptable? Please confirm if the Law Society endorses violating *Rules of Professional Conduct Rule # \_\_\_\_\_*.'

**41)** Address the complaints officer by name that rejected your complaint. Be civil and professional at all times.

**42) Never** send your reply by posted mail! Email or fax is the only way to go (with a saved transmittal receipt off the fax machine is proof of delivery)!

**43)** If done correctly and the issues significant enough, you will get another answer where the complaint is "assigned for investigation". Your chances just went from minus infinity to 'something'.

**44)** You'll then be asked if there is any more evidence you want to submit. Do it now!

## **CAS LAWYER COMPLAINTS:**

**45)** When complaining about a CAS lawyer, all other aspects of this Guide apply *and* the following:

**a)** - A CAS lawyer has a statutory duty as an 'applicant' under the CFSA to 'protect' children. Often CAS lawyers are busy denying services for children to reduce costs for their CAS employer.

**b)** - Case Law for CAS bad faith conduct could be applied to a CAS lawyer as part of the complaint, if appropriate. The idea is that the lawyer has *unavoidable knowledge* of Case Law in CAS matters.

**c)** - A CAS lawyer communicates by letter or email the 'approved' Doctors for CFSA s 54 assessments who are tainted by negative court decisions. The lawyer fails to disclose 'material facts' about the doctors to the court or parents is dishonest and misleading.

**d)** - Find and use court decisions where the lawyer was part of CAS bad faith acts in the 'carriage' of a case. You can use these to establish a pattern of conduct often called 'similar fact evidence'.

**e)** - CAS lawyers often abuse 'absolute privilege' to mislead courts, use SCC decision in *Hill v. Church of Scientology* [1995] 2 SCR 1130, <sup>(7)</sup> that specifies limits to "absolute privilege".

## **LAW SOCIETY 'INVESTIGATION':**

**46)** The Law Society does not actually 'investigate' anything even though they use the word 'investigate'. They merely 'handle' or 'process' the complaint in the steps below and weigh the complaint against the Answer from the lawyer allowing any weakness in the complaint to enable a rejection.

**47)** These are the typical steps if your complaint gets past the initial blanket rejection letter of the law society complaints department:

- a)** The lawyer is informed of the complaint.
- b)** A copy of your complaint is sent to the lawyer.
- c)** The Society requests an Answer from the lawyer.
- d)** The Society requests other information from the lawyer that you do not get a copy of.
- e)** You get a copy of the lawyer's "Answer".
- f)** You get to file a rebuttal argument if you want.
- g)** The law society decides if a Hearing is needed or makes a written decision, 95% of complaints never reach a hearing.
- h)** At this point the law society produces a written decision that is sent to you and the lawyer. You have the right to file an appeal to argue the correctness and reasonableness of the investigation and the written decision. See paras 54 to 57.

## **DISCIPLINE HEARINGS:**

**48)** If a complaint is accepted as requiring a hearing by the law society, the next step is a tribunal that conducts hearings where a law society lawyer acts as a prosecutor and the defendant lawyer usually hires a lawyer that specializes in discipline hearings.

**49)** At this stage you are no longer involved and you can't 'steer' or influence the process. All the evidence needed has been collected and the answer of the lawyer has been entered.

**50)** These hearings are booked, adjourned and heard as though it was a public court where all the rules of court are applied. These hearings can take a year or more after the complaint was finally accepted as requiring a hearing. The overall process from the time you file can be 2 to 3 years.

**51)** The decision of the tribunal is posted on CanLii.org under law society tribunals. The name of the lawyer and the discussion at the tribunal with reasons are published. These decisions rely on Case Law just like civil / criminal court decisions do with an extra emphasis on their own previous decisions. Look these up to get an idea of what offences by a lawyer reap significant penalties.

**52)** The lawyer can appeal to the Appeals Court of the province or territory where they live and/ or practice.

# HOW TO COMPLAIN EFFECTIVELY ABOUT A LAWYER - A LAYMAN'S GUIDE

Pg 7 / 11

53) Discipline outcomes range from a warning, limited scope of practice, additional training, supervision by another lawyer, suspended license for a few months, disbarred, and /or paying the Law Society back for it's costs, etc.

## APPEALS:

54) If you don't like the outcome of a law society complaint officer's decision, you can Appeal but the grounds are limited to how the law society conducted the investigation and if their conclusion was 'reasonable' based on legal principles. Fresh evidence is not allowed and new arguments are not considered. If the matter went to discipline hearings and failed, you have no appeal option within the law society regime.

55) There's an appeal process for negative decisions by a law society complaints officer that you must follow and a written submission to file. You address this to an 'independent body' known as the *Complaint Resolution Commissioner* (Ontario) at a different address then the Society but appointed to the role for a 3 year stint by the Law Society.

56) You can elect to attend in person and be heard and make an oral submission based on your filed materials. Success is small at this stage too. But the experience may come in handy.

57) There is no remedy past this point within the law society regime. But you can post on Forums and Blogs your experience as long as you stay within the facts and don't libel the lawyer, you can still be a thorn in their side for a while! You have 'qualified privilege' when you post on forums or blogs.

## RESOURCES:

58) Visit the Law Society website in your province and download the latest Complaint Form and *Rules of Professional Conduct* and other materials that may be handy. In Ontario the website is [www.lsuc.on.ca](http://www.lsuc.on.ca)

**Pic 1 - a 400 page complaint!  
ACCO Prong fastener binding.**



**Pic 2 - Cerlox bindings are  
limited to about 250 pages.**



# HOW TO COMPLAIN EFFECTIVELY ABOUT A LAWYER - A LAYMAN'S GUIDE

Pg 8 / 11

**Pic 3 - The Law Society Receipt  
tinted paper, grey-half-tone crest**



**Pic 4 - Exhibit Tabs**



## REMEDY via COURTS:

**59)** There is a Supreme Court of Canada ('SCC') decision that provides redress when a tribunal, ie LSUC, etc, dismisses a complaint. It vital that you download and fully understand the decision and the legal principles that apply in general and what may apply in your case.

*Penner v. Niagara (Regional Police Services Board)*  
2013 SCC 19

This case can be downloaded from the website Case Law Page under 'Key Supreme Court of Canada Decisions' heading or obtained directly from CanLii.org. The key finding in the decision above is that '*a tribunal decision is not usable as Res Judicata in a court action*'. A court is entitled to make it's own findings on the same complaint issues.

**60)** Use extreme caution, any court action you take against a lawyer, CAS or other lawyer in the dismissed lawyer complaint, they can seek their legal costs against you if you lose the case in court or by 'divided success'. These costs <sup>(8)</sup> are applied even if you claim 'the public interest' or that you are penniless. The court's rationale is that costs paid by a losing party is an incentive to vigorously prepare the case, act in good faith and compensate a party who wins.

**61)** As a first step, you need to understand how your complaint failed at LSUC via the decision they provided. LSUC will take advantage of any imperfections in your complaint to protect the interests of a dues paying member. *You must find these imperfections.* They can include:

- evidentiary documents missed or not used.
- Significance of key documents not used, described or relied on.
- *Rules of Professional Conduct* not used or properly applied to the case.
- Transcripts never ordered or used in the complaint, key passages missed or not relied on.
- Links between documents not understood or discovered in time and relied on.
- Actions, duties of legal assistants attached to the counsel-of-record not used or understood.
- Other, etc.....

**62)** Then you must write a Motion for court and the supporting Affidavit to correct the imperfections or oversights in the original complaint. The worst thing you can do is go to court with exactly the same materials, complaint, rationale and same mistakes that lost at LSUC !!



# HOW TO COMPLAIN EFFECTIVELY ABOUT A LAWYER - A LAYMAN'S GUIDE

Pg 9 / 11

**63)** If you attempt to use a court to rehear a complaint on the same evidence, lack of it, or other defects in the complaint at the law society, the lawyer will seek a *summary judgment decision* from the court and try and use the law society decision against you. The SCC decision is your defence in part. A loss will result in a cost order for any expenses the lawyer made to defend themselves.

**64)** If you get past the summary judgment motion and continue the hearing to examine all the facts and defects addressed from the original complaint and you lose completely or by 'divided success' you will still face a costs order. Typically the court leaves costs as a separate submission to be made within 30 days. However, the lawyer being a lawyer, may be prepared with their Cost Outline and Costs Argument ready to go! <sup>(9)</sup>

**65)** Typically any action must be conducted under the '*Rules of Civil Procedure*', <sup>(10)</sup> be sure to read and understand these rules. This can take 2 weeks *or more* of daily reading and note taking to assimilate these rules. The trick is knowing the rules fully and how they can be *used against you*.

**66)** The location of the court and type of court where you file *could* be the courthouse where the original action by the lawyer was held, etc. It is key that you know what jurisdiction to choose and that it is correct - or the court will dismiss it for lack of jurisdiction <sup>(11)</sup>.

**67)** The filing format *could* be a 'Motion Record' which is a (cerlox) bound self contained document that contains: (Also see *Rules of Civil Procedure* for requirements)

- legal title page
- table of contents
- Notice of Motion
- Affidavit + exhibits
- Transcripts, certified, sidebarred or highlighted
- Case Law Index and copies of cases, highlighted
- Copies of Laws, Acts, applicable Rules, relied on and violated by lawyer
- Legal back page, etc...

Remember, you'll have to present a well thought out verbal argument tying the laws, evidence and Case Law together in a convincing manner to win the Motion. This is your in-court 'submissions'.

**68)** It's very helpful to obtain a copy of a professionally prepared Motion Record, etc, to see how it's done and to learn the *detail* and *tone* of writing that is required. Do not offend the court by off color comments that will detract from your goal and evidence. Never confuse or wear out the court with details that are not key to the issues that make or break the case. You are going up against a Bad CAS lawyer, etc, they have overwhelming experience in court. You must rise to the occasion to win. Your filed materials and the court are not there to vent your frustration - you will alienate the court and lose.

**69)** Typically, the best way to win the court over is to show how a lawyer:

- misled the original court
- infringed on the original court's jurisdiction
- violated Case Law
- violated applicable Rules or Laws
- violated the Statutory Rights Interests of the child
- denied treatment to a child
- violated specific portions of the *Rules of professional Conduct*.
- violated procedural fairness
- engaged in 'sharp practice' <sup>(12)</sup>
- violated your interests via the above (violating your interests on it's own is not enough)

# HOW TO COMPLAIN EFFECTIVELY ABOUT A LAWYER - A LAYMAN'S GUIDE

Pg 10 / 11

**70)** Typically, the worst things you can do to guarantee losing the case and be subjected to court ordered costs on a *full indemnity basis* is to:

- use off color comments, show lack of respect for the court or the legal profession in general.
- file materials that fall far short of what is required.
- fail to comply with the *Rules of Civil Procedure* fully
- waste the court's time.
- file a claim that is meritless
- fail to comply to para 67
- seriously overreach your claim
- fail to file all the materials needed to support the claim
- lose your temper in court, insult the court or defendant
- etc.....

**71)** Typically the lawyer will seek a dismissal by "Summary Judgment". This means he / she will claim your case does not meet the *prima facie* <sup>(13)</sup> requirement, not in the correct jurisdiction or other serious defect. Read and learn how Summary Judgments under *civil rules* are handled to address this before it happens.

**72) NOTE:** It's impossible to cover every aspect that applies in an action of this type – always obtain independent legal advice. The '*righteousness*' of your claim cannot trump the rules, the court, reasonableness in law or even the rights of a bad CAS lawyer, just so you know, it's been tried.

**73) NOTE:** Don't gloss over details hoping it will all work out in court, it won't. Nail down the rules, Case Law and evidence you need before you file.

**74) NOTE:** Because of complexity of rules and laws and their *interaction* in a court, those issues cannot be covered here – they are 'case specific'.

**75) NOTE:** The purpose of this Guide overall is to steer you past the pitfalls of others, this section gives you a *starting point* to further your claim.

## OTHER LAYMAN'S GUIDES TO READ:

**76)** Here's a list of other guides on or soon to be posted on Canadacourtwatch.ORG on the 'Publications' Page to read and consider as soon as possible when being robbed by CAS crooks.

**77)** These titles and others are planned in the future, so visit the site often and spread the word by downloading the business card and Flyer print files posting them for others to find! Only by doing everything you can to correct actual problems and using Case Law rather than rhetoric is the only way to get a court to rule your way!!

- **How to use Disclosure**
- **Guide to MMPI-2 Testing**
- **How to Deal with False CAS Affidavits**
- **How to Set Aside Orders by Fraud**
- **How to Avoid the Child Abuse Register**
- **Eliminating CAS Plausible Deniability**
- **How to Withdraw and give the CAS the Finger!**
- **How to make Court 'Submissions'**
- **Sizing Up Your C.A.S. Case**
- **Advanced Audio Recording**
- **Parenting Assessment Consent**
- **How to Appeal CAS Crown Ward**
- **How to Strike out CAS Pleadings**
- **(Tort) Lawsuits and the CAS**
- **Court Costs: CAS Bad Faith Acts**
- **CAS Abuse of Qualified Privilege**
- **How to Deal with Court Bias**

# HOW TO COMPLAIN EFFECTIVELY ABOUT A LAWYER - A LAYMAN'S GUIDE

Pg 11 / 11

## \* LEGAL NOTE :

This paper is based on actual use and a guide only for the reader, your needs may vary. It's up to each person to assess their own circumstances. Extra steps in your proceeding may occur due to complexity, number of parties, bad faith acts, abusive litigation. Canadacourtwatch.org cannot be responsible for use, misuse or misfortune in a proceeding. The proceeding is not 'legal advice' but the experience of fellow respondents subjected to the criminal acts of your local corrupt, Perjuring, Child abusing CAS!! Each recipient is required to assess their situation to the best of their ability, outcomes depend on the relative strength / weaknesses /errors of each party's case, exhibits, affidavits, submissions, case law, etc. Interactions of other Laws, Acts, Regulations and Case Law up to the recipient. No claim for errors or omissions. CFSA s 45(8) applies.

(1) Law Societies under various names operate in all provinces and territories in Canada via legislation passed giving them that authority to operate and regulate a profession in that area.

(2) 'Willfully Blind' is a legal term to describe a situation where an individual or entity seeks to avoid civil or criminal liability for wrongful acts by *intentionally* putting themselves in a position where they will be unaware of or refuse to obtain facts that would render them liable.

(3) See the Toronto Star series of front-page articles on LSUC conduct in 2014. LSUC claims 'client-solicitor privilege' not claimed by any other Law Society in Canada effectively refusing to perform it's regulatory role.

(4) See the Law Society in your region for the current copy of the *Rules of Professional Conduct*.

(5) *Rules of Professional Conduct* references in this Guide are for Ontario (Sept 2014) and are current examples of what *could* apply depending on all the facts of your case and the conduct of the lawyer.

(6) Proof reading is not a single step, proof read after mayor changes or additions. For example, this Guide and all other Guides in this series have multiple internal revisions and proof reads, fact checking and peer reviews while asking, is there anything we're missing? Proof reads are best done by running draft printouts so you see and correct it in the same format as seen by the Law Society.

(7) SCC decision *Hill v. Church of Scientology 1995* discusses how lawyer Morris Manning mislead the courts with false submissions that was an abuse of absolute privilege and unfit conduct for a lawyer. Download from Canlii.org or from the Case Law Page under 'Key Supreme Court Decisions'.

(8) While court costs in an initial CAS case usually can't be ordered against a parent, in civil court the losing party always pays some or all of the legal costs of the winner. Being penniless does not change a cost order. A defendant lawyer may Motion a court for Security where you must deposit a sum to cover a possible loss in advance. If you cannot post a security then your action is dismissed, before it is heard.

(9) Cost Arguments are brief documents or oral submissions that are specialized and focused on Costs Case Law and the context of litigation in the case. Poor cost arguments by you can financially break you on top of losing the case.

(10) The *Rules of Civil Procedure* in Ontario is over 300 pages. A thorough understanding of how to apply the rules AND how they can be applied *against you* is needed to succeed.

(11) Courthouses have a geographical jurisdiction and have several types of courts inside, family court, criminal court and civil action courts (divisional courts), overall a courthouse may be considered a 'county' court while others are 'Superior' courts. This also depends on the province or territory in Canada, etc

(12) The claim of 'sharp practice' is serious and must meet a legal threshold to apply. Don't use it unless you can prove it with evidence and appropriate Case Law. Usually, offences under the *Rules of Professional Conduct* will cover your concerns.

(13) 'Prima facie' [*pree-muh fey-shee-ee or pree-muh fey-shuh*] noun: - at first appearance; at first view, before investigation, - plain or clear; self-evident; obvious.

**Rev 3 - June 20 2016** written by: **no\_ethics\_at\_CAS** Copyright 2016 [www.canadacourtwatch.ORG](http://www.canadacourtwatch.ORG)  
For comments, corrections or suggestions, email:

[no\\_ethics\\_at\\_the\\_cas@yahoo.ca](mailto:no_ethics_at_the_cas@yahoo.ca) or [info@canadacourtwatch.ORG](mailto:info@canadacourtwatch.ORG)