



NOVASCOTIA
PUBLIC PROSECUTION SERVICE

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COMPLAINTS - BAR SOCIETY

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COMPLAINTS TO THE N.S. BARRISTERS' SOCIETY

Preface

Management of the Public Prosecution Service does not wish to interfere with a Crown Attorney's obligation as a Barrister to report improper conduct of a fellow barrister to the Bar Society. This policy strikes a balance between a Crown Attorney's responsibilities as a barrister and as an employee of the Public Prosecution Service.

Policy

Chapter 18 of the Legal Ethics and Professional Conduct Handbook, "Duties to the Profession Generally" imposes a duty on barristers to report to the Society particulars of improper professional conduct. Commentary 18.1 states, in part:

"A lawyer has a duty to report to the Society particulars of improper professional conduct by another lawyer if it is reasonably perceived by the reporting lawyer that such conduct may result in serious damage to a client or other member of the public."

If a Crown Attorney reasonably perceives that conduct of another lawyer requires them to report the conduct to the Bar Society pursuant to Chapter 18 of the Legal Ethics and Professional Conduct Handbook, the Crown Attorney shall, before making a report to the Bar Society advise the Chief Crown Attorney for the Region/Section in which they work of the circumstances of the intended complaint.

If the Chief Crown Attorney agrees that a complaint to the Bar Society should be made s/he shall advise the Director of Public Prosecutions of the circumstances of the intended complaint.

The Director of Public Prosecutions will decide whether the Service will file a complaint to the Bar Society in relation to the impugned conduct. Where a complaint is made by the Service, the Crown Attorney who advanced the complaint may also be noted as a complainant, if s/he so wishes.

Where a decision is made by the Service not to lodge a complaint, the Crown Attorney in question may do so in their personal capacity if they so choose. In such a case, the Crown Attorney must make it clear to the Bar Society that they are making the complaint in their personal capacity.