

Litigation Assistance Program

Q&A for Unrepresented Respondents

What is the Litigation Assistance Program?

The Litigation Assistance Program (LAP) is designed to provide services to unrepresented respondents involved in an Enforcement Proceeding or Application for Hearing and Review before the Capital Markets Tribunal (Tribunal). A volunteer lawyer may be available to assist you if you are an unrepresented Respondent.

Who is Eligible?

Any interested unrepresented Respondent to an Enforcement Proceeding or Application for Hearing and Review before the Tribunal is eligible to apply for assistance. As described below, there is no guarantee that you will receive assistance, even if you are eligible to apply.

The LAP does not provide assistance to persons facing quasi-criminal proceedings commenced by the Ontario Securities Commission (OSC) before the Ontario Court of Justice.

What Can Volunteer Lawyers Help You With?

Volunteer lawyers can assist you with one or more of the following stages of your proceeding:

- (a) preliminary attendance;
- (b) a confidential conference;
- (c) a confidential settlement conference and/or public settlement hearing;
- (d) a sanctions and costs hearing; and/or
- (e) on an exceptional basis, a motion.

You will typically meet with your volunteer lawyer in advance of the scheduled attendance in order to consult and prepare.

Volunteer lawyers will not provide you with assistance, legal advice or representation with respect to any other part of your proceeding before the Tribunal, including the hearing on the merits. They also will not provide you with assistance, legal advice or representation with respect to any other legal matter.

What Happens if No Volunteer Lawyer is Available to Assist You?

There is a limited number of volunteer lawyers. The Tribunal is not obliged to provide you with a volunteer lawyer. The LAP is also not obliged to provide you with a volunteer lawyer.

A volunteer lawyer may not be available to assist you, and/or may have a conflict of interest that prevents them from being able to assist you. If there is no volunteer lawyer who is able to assist you, you will be required to represent yourself or retain a representative.

Who Pays for the Volunteer Lawyer?

Volunteer lawyers provide assistance under the LAP free of charge. However, any disbursements (for example, photocopy charges or charges relating to document management) will be paid for by you.

Are the Volunteer Lawyers Independent of the Tribunal and OSC, including Enforcement Staff?

Yes.

Who Gives Instructions to the Volunteer Lawyers?

If you are assigned a volunteer lawyer, they will only accept instructions from you unless you provide them with written permission to accept instructions from someone other than you.

Can a Volunteer Lawyer Tell Anyone Else Something That a Client Told Them?

A volunteer lawyer may not tell anyone else outside of their firm, or a mentor assigned to them to help them assist you, anything that you tell them about your proceeding unless you give them permission to do so. The lawyer's firm and / or mentor are also bound in the same way.

How Does an Unrepresented Respondent Apply for Assistance?

The LAP Application Form is available on the [Tribunal's website](#) and by emailing LAP@osc.gov.on.ca.

Complete a LAP Application Form and agree to the Terms and Conditions it sets out. These forms are available by emailing LAP@osc.gov.on.ca. Email a copy of your signed and completed application form to LAP@osc.gov.on.ca.

If a volunteer lawyer is available to assist you, you will be contacted directly by that lawyer within ten (10) days.

If you have additional questions, please email LAP@osc.gov.on.ca.