

# *Litigation Assistance Program*

## Q&A for Self-represented Parties

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### **What is the Litigation Assistance Program?**

The Litigation Assistance Program (**LAP**) provides legal services to self-represented parties involved in certain proceedings before the Capital Markets Tribunal (**Tribunal**). A volunteer lawyer may be available to assist you if you are self-represented in: (i) an enforcement proceeding, or (ii) an application for review of a decision of a self-regulatory organization or of a Director of the Ontario Securities Commission (**OSC**).

### **Who is eligible?**

Any self-represented party in a proceeding before the Tribunal that is (i) an enforcement proceeding, or (ii) an application for review of a decision of a self-regulatory organization or of a Director of the Ontario Securities Commission, 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 in civil proceedings or quasi-criminal proceedings (charges) commenced by the OSC before the Ontario Court of Justice or appeals before the Divisional Court.

### **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 before the scheduled attendance, so that you and your lawyer can 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 able to assist you?**

There is a limited number of volunteer lawyers. Neither the Tribunal nor the LAP is obliged to provide you with a volunteer lawyer.

A volunteer lawyer may not be available or able to assist you or may have a conflict of interest that prevents them from being able to assist you.

If there is no volunteer lawyer who is available and able to assist you, you will be notified within 10 days and will have to represent yourself or retain a representative on your own.

### **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 the OSC, including the OSC's Enforcement Branch?**

Yes. Volunteer lawyers are selected and trained by The Advocates' Society, a national association of litigation lawyers.

Applications are administered by the Governance & Tribunal Secretariat of the OSC, which administers the Tribunal. The Governance & Tribunal Secretariat notifies the next available volunteer lawyer of the application and does not exercise any discretion in choosing which lawyer will be asked to assist.

Once you have a volunteer lawyer, no one at the OSC or at the Tribunal gives any direction to that lawyer. They are retained by you.

### **Who gives instructions to the volunteer lawyers?**

A volunteer lawyer 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 mentor are also bound in the same way.

### **How should a self-represented party apply for assistance?**

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

Complete a LAP Application Form and agree to the terms and conditions it sets out. Email a copy of your signed and completed Application Form to [LAP@osc.gov.on.ca](mailto:LAP@osc.gov.on.ca). If you are applying for assistance that volunteer lawyers provide, then the Governance & Tribunal Secretariat will notify the volunteer lawyers of your application.

If a volunteer lawyer is available and able to assist you, you will be contacted directly by that lawyer within ten days. If there is no volunteer lawyer who is available and able to assist you, you will be notified by an email from [LAP@osc.gov.on.ca](mailto:LAP@osc.gov.on.ca) within 10 days and will have to represent yourself or retain a representative on your own.

**If you have more questions, please email [LAP@osc.gov.on.ca](mailto:LAP@osc.gov.on.ca).**