



OFFICE USE ONLY
Approval for CCB panel

Date _____

Area Dir. _____

Signature

CONSENT AND CAPACITY BOARD PANEL APPLICATION

Lawyer Name (Print) _____ Legal Aid Solicitor # _____

The Consent and Capacity Board Panel Standards are available at your area office and on the LAO website.

Part I: Mandatory Consent and Capacity Board Training and Annual CLE

I have attended or viewed Continuing Legal Education in the basics of advocacy before the Consent and Capacity Board, and I shall participate in CLE thereafter as required by LAO. (section 1 of the panel standards).

Part II: Client & Lawyer Rights and Responsibilities

I agree to abide by the "LAO EXPECTATIONS FOR CONSENT AND CAPACITY PANEL MEMBERS" attached. (section 2 of the panel standards)

Part III: Observation Prior to Representation

I agree to observe at least one CCB hearing prior to appearing before the CCB for a LAO client, unless the area director determines that this is impracticable (section 3 of the panel standards).

Part IV: Minimum Related Experience

I meet LAO's minimum related experience requirements (section 4 of the panel standards).

OR

I do not meet LAO's minimum related experience requirements and am requesting an exemption from this requirement from the area director on the basis of one or more of the following:

(i) Local conditions make the caseload requirement impracticable.

(ii) I have the necessary knowledge and skill.

(iii) I am new to the practice of CCB law and I agree to meet the minimum related experience within two years.

I agree to comply on an ongoing basis with LAO's Consent and Capacity Board Panel standards for admission and continued standing.

I understand that I must be a panel member and compliant with the standards to acknowledge a Consent and Capacity Board certificate.

Lawyer's signature: _____ Date: _____

Mail or fax to your local Legal Aid Ontario Area Office.

Personal information in this form is collected under the authority of section 84 of the *Legal Aid Services Act* and is used in determining whether the applicant meets the standards for entry and retention on the panel, and for the purpose of creation and management of the lawyer panel list by area offices. The information as to membership on a panel may be communicated to legal aid applicants. Questions about this collection should be directed to the *FIPPA* coordinator, 40 Dundas Street West, suite 200, Toronto, ON, M5G 2H1, 416-979-1446 or 1-800-668-8258.

LAO EXPECTATIONS FOR CONSENT AND CAPACITY PANEL MEMBERS

Although the unique nature of the CCB client group requires an individualized approach with each client, a CCB panel member shall strive to:

1. Maintain competence in accordance with the Rules of Professional Conduct of the Law Society of Upper Canada and, in particular, maintain knowledge of the substantive law and procedure in the area of mental health law.
2. Respond promptly to the inquiries of rights advisers and representatives of the Public Guardian and Trustee (PGT) or Legal Aid Ontario (LAO) Area Directors or their designates seeking counsel for a client.
3. Make reasonable efforts to accommodate clients with special needs, including those who require interpreters.
4. Contact the client as soon as it is practical to do so upon accepting the case.
5. Meet with the client in person prior to the hearing (subject to exigent circumstances relating to the proximity of the retainer to the hearing and the client's willingness and ability to do so).
6. Review the client's health record prior to the hearing (subject, again, to exigent circumstances relating to the proximity of the retainer to the hearing, the availability of such records and the client's withholding of permission to do so).
7. Seek instructions respecting procedural matters such as the waiver of statutory time frames for the conduct of the hearing and adjournment requests.
8. Maintain, to the fullest extent possible, a solicitor-client relationship in accordance with the Rules of Professional Conduct of the Law Society of Upper Canada. In particular the panel member will:
 - a) treat the client with dignity;
 - b) respond promptly to reasonable inquiries from the client;
 - c) provide the client with the information necessary to make informed decisions respecting his or her representation;
 - d) respect the client's instructions fully within the bounds of his or her professional obligations;
 - e) advance the client's position; and
 - f) maintain solicitor-client privilege.
9. Inform the client of his or her right of appeal.
10. Inform the client of his or her right to written reasons of the Board.
11. Make reasonable efforts to inform the client of the decision of the Board and to explain the implications of the decision.
12. Co-operate, where authorized to do so by the client, with a successor lawyer in respect of any appeal brought by the client.
13. Upon accepting a certificate in respect of an appeal, provide his or her opinion to the LAO Area Committee respecting the merits of the appeal in a timely manner.
14. Respond promptly to communications from the LAO Area Director respecting complaints.

Disponible en français- www.legalaid.on.ca/fr/

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