

PRACTICE NOTE

CANADIAN HUMAN RIGHTS TRIBUNAL

PRACTICE NOTE No. 2

12 June 2009

RE: Representation of Parties by Non-Lawyers

1. On occasion, parties to the inquiry process are represented by non-lawyers.
2. The Tribunal expects non-lawyer representatives to accept the obligations of participating in the inquiry process by:
 - a. treating the Members and staff of the Tribunal, as well as the other participants in the inquiry process, with courtesy and respect;
 - b. obtaining a clear written authorization from the party they are representing which sets out the terms and conditions of their mandate;
 - c. being well informed of the case and the position of the party they are representing;
 - d. being available for conference calls, hearings and other events scheduled by the presiding Member;
 - e. complying with any time limits set by the Tribunal, as well as any other directions or orders given by the Tribunal;
 - f. complying with the Tribunal's Rules of Procedure, except where the rules require the services of a lawyer;
 - g. fulfilling any undertakings given to the Tribunal or to another party, including confidentiality undertakings;
 - h. refraining from any activity that would undermine the proper administration of justice, such as knowingly presenting false or misleading evidence, failing to disclose the existence of relevant documents or dissuading a witness from giving evidence.
3. Non-lawyer representatives do not have the same representative responsibilities and rights as lawyers in the Tribunal inquiry process. In some instances, the law, or the Tribunal rules, authorize only lawyers to accomplish certain acts, (such as proof of service by a solicitor's certificate under rule 2(3)). Non-lawyers who choose to represent parties before the Tribunal must do so in full knowledge and acceptance of these limitations.
4. Finally, it should be noted that the Tribunal Member presiding over the inquiry retains the authority to limit or exclude the participation of non-lawyer representatives where the Member has formed the opinion that such participation, for example, is likely to hinder, rather than facilitate, the inquiry process.

