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| Policy: Ad Hoc Counsel | | |
| Policy Code: ADH 1 | Effective Date: December 18, 2023 | Cross-references: SPE 1 STA 1 |

Purpose of *ad hoc* counsel

Legal counsel in private practice are sometimes retained by the BC Prosecution Service as *ad hoc* Crown Counsel for a particular case or a certain period of time to:

- provide Crown Counsel services when no employee Crown Counsel is available
- make charge assessment decisions and to prosecute cases in which there is an actual, perceived, or potential conflict of interest, which falls short of the need to appoint a Special Prosecutor (*Special Prosecutors* ([SPE 1](#)))
- allow the BC Prosecution Service to benefit from the particular expertise, skill, or knowledge of members of the defence bar in specialized areas or sensitive matters

Criteria for selecting *ad hoc* counsel

The *Standards of Conduct for BC Prosecution Service Employees* ([STA 1](#)) policy applies to *ad hoc* counsel.

In order to be retained as *ad hoc* counsel, the candidate must have the:

- authority to practice law in British Columbia under the *Legal Profession Act*
- necessary prosecutorial knowledge, abilities, judgment, and criminal case experience corresponding to the duties for which they are retained

Ad hoc counsel should be selected on their ability to demonstrate:

- competence in the practice of criminal law, including:

- knowledge of substantive law and procedure
- able to exercise sound judgment
- high ethical standards, including an understanding of the role of Crown Counsel
- the mutual respect of colleagues and the judiciary
- a good work ethic
- compliance with BC Prosecution Service policies
- competent and efficient completion of any previous *ad hoc* retainers
- compliance with the requirements of the *Criminal Records Review Act*