



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*