

TABLE OF CONTENTS

PREFACE	5
PREFACE	6
CHAPTER 1 - INTERPRETATION AND DEFINITIONS	8
1.1 DEFINITIONS	9
CHAPTER 2 – STANDARDS OF THE LEGAL PROFESSION.....	11
2.1 INTEGRITY	12
CHAPTER 3 – RELATIONSHIP TO CLIENTS.....	14
3.1 COMPETENCE	15
Definitions	15
Competence	16
3.2 QUALITY OF SERVICE	21
Quality of Service	21
Limited Scope Retainers.....	23
Honesty and Candour	23
Language Rights.....	24
Advising Clients	25
When the Client is an Organization.....	26
Encouraging Compromise or Settlement	27
Threatening Criminal or Regulatory Proceedings	27
Inducement for Withdrawal of Criminal or Regulatory Proceedings	28
Dishonesty, Fraud by Client or Others	29
Dishonesty, Fraud when Client an Organization.....	30
Clients with Diminished Capacity	32
3.3 CONFIDENTIALITY	34
Confidential Information	34
Use of Confidential Information	36
Mandatory Disclosure	36
Permitted Disclosure	37
3.4 CONFLICTS	42
Duty to Avoid Conflicts of Interest.....	42
Consent.....	45
Short-term Summary Legal Services	48
Dispute.....	49
Concurrent Representation with Protection of Confidential Client Information	49
Joint Retainers	50
Acting Against Former Clients.....	53
Acting for Borrower and Lender.....	54
Civil Society Organizations	56
Conflicts from Transfer Between Law Firms	56
Law Firm Disqualification	58
Transferring Lawyer Disqualification	60
Lawyer Due-Diligence for Non-Lawyer Staff.....	60

Doing Business with a Client.....	61
Definitions	61
Transactions with Clients	62
Borrowing from Clients	64
Lending to Clients	65
Guarantees by a Lawyer.....	65
Payment for Legal Services	66
Gifts and Testamentary Instruments	66
Judicial Interim Release	67
3.5 PRESERVATION OF CLIENTS' PROPERTY	68
Preservation of Clients' Property.....	68
Notification of Receipt of Property.....	69
Identifying Clients' Property.....	69
Accounting and Delivery.....	69
3.6 FEES AND DISBURSEMENTS	70
Reasonable Fees and Disbursements.....	70
Civil Society Organization Clients	71
Contingent Fees and Contingent Fee Agreements	71
Statement of Account.....	72
Joint Retainer.....	72
Division of Fees and Referral Fees	72
Prepaid Legal Services Plan	74
Solicitor's Lien.....	74
3.7 WITHDRAWAL FROM REPRESENTATION.....	76
Withdrawal from Representation	76
Optional Withdrawal.....	76
Non-payment of Fees	77
Obligatory Withdrawal.....	77
Leaving a Law Firm	77
Manner of Withdrawal.....	79
Duty of Successor Lawyer	80
CHAPTER 4 – MARKETING OF LEGAL SERVICES.....	82
4.1 MAKING LEGAL SERVICES AVAILABLE	83
Making Legal Services Available	83
Restrictions.....	83
4.2 MARKETING	85
Marketing of Professional Services	85
Advertising of Fees.....	85
Firm Name	86
4.3 ADVERTISING NATURE OF PRACTICE.....	87
General Practice.....	87
Preferred and Restricted Areas of Practice	87
CHAPTER 5 – RELATIONSHIP TO THE ADMINISTRATION OF JUSTICE	88
5.1 THE LAWYER AS ADVOCATE	89

Advocacy.....	89
Incriminating Physical Evidence.....	92
<i>Ex Parte</i> Proceedings.....	94
Single-Party Communications with a Tribunal	94
Duty as Prosecutor	95
Disclosure of Error or Omission	96
Courtesy.....	96
Undertakings.....	96
Agreement on Guilty Plea	96
5.2 THE LAWYER AS WITNESS	98
Submission of Evidence.....	98
Appeals	98
5.4 COMMUNICATION WITH WITNESSES	99
Conduct During Witness Preparation and Testimony	99
5.5 RELATIONS WITH JURORS	102
Communications before Trial	102
Disclosure of Information	102
Communication During Trial.....	102
5.6 THE LAWYER AND THE ADMINISTRATION OF JUSTICE	104
Encouraging Respect for the Administration of Justice	104
Seeking Legislative or Administrative Changes.....	105
Security of Court Facilities.....	105
5.7 LAWYERS AND MEDIATORS	106
Role of Mediator	106
CHAPTER 6 – RELATIONSHIP TO STUDENTS, EMPLOYEES, AND OTHERS	107
6.1 SUPERVISION	108
Direct Supervision Required	108
Application.....	109
Delegation	109
Suspended or Disbarred Lawyers	111
Electronic Registration of Documents.....	111
6.2 STUDENTS	113
Recruitment and Engagement Procedures	113
Duties of Principal.....	113
Duties of Articling Student	113
6.3 DISCRIMINATION AND HARASSMENT	114
Discrimination.....	114
Harassment.....	116
Sexual Harassment	118
Reprisal.....	120
CHAPTER 7 – RELATIONSHIP TO THE SOCIETY AND OTHER LAWYERS	121
7.1 RESPONSIBILITY TO THE SOCIETY AND THE PROFESSION GENERALLY	122
Communications from the Society.....	122
Meeting Financial Obligations.....	122

Duty to Report.....	123
7.2 RESPONSIBILITY TO LAWYERS AND OTHERS	125
Courtesy and Good Faith	125
Communications.....	126
Inadvertent Communications	128
Undertakings and Trust Conditions	129
7.3 OUTSIDE INTERESTS AND THE PRACTICE OF LAW.....	131
Maintaining Professional Integrity and Judgment	131
7.4 THE LAWYER IN PUBLIC OFFICE	132
Standard of Conduct.....	132
7.5 PUBLIC APPEARANCES AND PUBLIC STATEMENTS	133
Communication with the Public	133
Interference with Right to Fair Trial or Hearing.....	134
7.6 PREVENTING UNAUTHORIZED PRACTICE	135
Preventing Unauthorized Practice.....	135
7.7 RETIRED JUDGES RETURNING TO PRACTICE.....	136
7.8 ERRORS AND OMISSIONS	137
Informing Client of Errors or Omission.....	137
Notice of Claim.....	137
Co-operation	138
Responding to Client's Claim.....	138