

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	100
Conduct During Witness Preparation and Testimony	100
5.5 RELATIONS WITH JURORS	103
Communications before Trial	103
Disclosure of Information	103
Communication During Trial.....	103
5.6 THE LAWYER AND THE ADMINISTRATION OF JUSTICE	105
Encouraging Respect for the Administration of Justice	105
Seeking Legislative or Administrative Changes.....	106
Security of Court Facilities.....	106
5.7 LAWYERS AND MEDIATORS	107
Role of Mediator	107
CHAPTER 6 – RELATIONSHIP TO STUDENTS, EMPLOYEES, AND OTHERS.....	108
6.1 SUPERVISION	109
Direct Supervision Required	109
Application.....	110
Delegation	110
Suspended or Disbarred Lawyers	112
Electronic Registration of Documents.....	112
6.2 STUDENTS	114
Recruitment and Engagement Procedures	114
Duties of Principal.....	114
Duties of Articling Student	114
6.3 DISCRIMINATION AND HARASSMENT	115
Discrimination.....	115
Harassment.....	117
Sexual Harassment	119
Reprisal.....	121
CHAPTER 7 – RELATIONSHIP TO THE SOCIETY AND OTHER LAWYERS	122
7.1 RESPONSIBILITY TO THE SOCIETY AND THE PROFESSION GENERALLY	123
Communications from the Society.....	123
Meeting Financial Obligations.....	123

Duty to Report.....	124
7.2 RESPONSIBILITY TO LAWYERS AND OTHERS	126
Courtesy and Good Faith	126
Communications	127
Inadvertent Communications	129
Undertakings and Trust Conditions	130
7.3 OUTSIDE INTERESTS AND THE PRACTICE OF LAW	132
Maintaining Professional Integrity and Judgment	132
7.4 THE LAWYER IN PUBLIC OFFICE	133
Standard of Conduct.....	133
7.5 PUBLIC APPEARANCES AND PUBLIC STATEMENTS	134
Communication with the Public	134
Interference with Right to Fair Trial or Hearing.....	135
7.6 PREVENTING UNAUTHORIZED PRACTICE	136
Preventing Unauthorized Practice.....	136
7.7 RETIRED JUDGES RETURNING TO PRACTICE	137
7.8 ERRORS AND OMISSIONS	138
Informing Client of Errors or Omission.....	138
Notice of Claim.....	138
Co-operation	139
Responding to Client's Claim.....	139