

The Rules of Professional Conduct – Law Society of Upper Canada (A Cheat-Sheet)

Rule 5.1-1 – Lawyer as Advocate: a lawyer shall represent a client resolutely and honourably

Some relevant commentary:

- [1] In adversarial proceedings, the lawyer has a duty to the client to raise fearlessly every issue, advance every argument and ask every question, however distasteful, that the lawyer thinks will help the client's case....
- [3] Lawyer's role as advocate is openly and necessarily partisan
- [3] This rule also says that you are not obliged to advance matters harmful to your client's case
- [5] Lawyer should refrain from expressing lawyer's personal opinions on the merits of a client's case to the court

Dealing with an unrepresented person:

- [6] Lawyer must take particular care to be accurate, candid and comprehensive in presenting the client's case so as to ensure that the tribunal is not misled.

Rule 3.2-2 - Honesty and Candour: when advising clients, a lawyer shall be honest and candid

Some relevant commentary:

- [1.1] The duty of candour requires a lawyer to inform the client of information known to the lawyer that may affect the interests of the client in the matter
- [2] A lawyer's advice to a client must be open and undisguised

Rule 3.2-9 - Client with Diminished Capacity (e.g. a minor): when a client's ability to make decisions is impaired because of minority...the lawyer shall, as far as reasonably possible, maintain a normal lawyer and client relationship

Rule 3.3-1 and commentary: Lawyer's duty to hold client's information in strict confidence unless authorized by client

Rule 3.3-3 - Disclosing Confidential Information from a Client: a lawyer may disclose confidential information where the lawyer is satisfied that that truly serious harm is imminent and otherwise cannot be prevented, but only as much as required

Rule 5.1-1: Advocacy: when acting as an advocate, lawyer shall represent the client resolutely and honourably within the limits of the law

Some relevant commentary:

- [1] In adversarial proceedings, the lawyer has a duty to the client to fearlessly raise every issue, advance every argument and ask every question, however distasteful, that the lawyer thinks will help the client's case...

Rule 7.2(6) - Dealing with People Represented by a lawyer: don't attempt to negotiate directly with the person/without their lawyer

Rule 7.2(9) - Dealing with Unrepresented Persons: take care to see that the unrepresented person understands that the lawyer is acting exclusively in the interests of their client

Not sure what the corresponding rule number is in your province? The Interactive Model Code of Professional Conduct - Federation of Law Societies can assist: <http://flsc.ca/national-initiatives/model-code-of-professional-conduct/>