



AMENDMENTS TO THE *CODE OF PROFESSIONAL CONDUCT* (February 13, 2015):

At February 2015 Convocation, the Benchers approved numerous amendments to the *Code*. It was also decided to number the Commentaries for easier reference. Please note that amendments are listed at the very end of each Chapter.

Since it would be too onerous to list each amendment, and probably just as difficult to follow, a *blacklined* version of the *Code* has been posted on the website; it clearly outlines all the amendments, additions and deletions in red. Yellow highlighted parts mean those parts were relocated.

On this summary page, we summarized the addition of new rules/changes that need to be brought to your attention. The highlights are outlined below:

Definitions: definition of “client” amended; definition of “disclosure” and interprovincial law firm” were deleted.

Chapter 2.01 Competence – 2.01(2) Commentary amended to add a new paragraph [9] on short-term summary legal services.

Chapter 2.02 Quality of Service - Language Rights – new rules 2.02 (2.1) and (2.2) were added, with Commentary [1], [2] and [3].

Chapter 2.03 Confidentiality – new rule 2.03(8) was added, with Commentary [1] – [6] respecting transfers between law firms. The guiding principles have been simplified and the focus narrowed to actual possession of confidential information, rather than imputed knowledge. Also see related rules 2.04(17) – (23) and related Commentary.

Chapter 2.04 Conflicts – 2.04(1) Duty to Avoid Conflicts of Interest – numerous amendments were made to this section of the *Code* flowing from the decision of the Supreme Court of Canada in *Canadian National Railway Co. v. McKercher LLP, 2013 SCC 39 (CanLII)*. Please pay particular attention to:

- rules 2.04(1) and 2.04(2) and related Commentary; rule 2.04(4); rules 2.04(10) and 2.04(11) and related Commentary;
- new rules 2.04(2.1) - (2.4) on *Short-term Summary Legal Services* added, with Commentary [1] – [4];
- the rules on doing business with clients - see rules 2.04(27) - (39) and related Commentary.

Again, numerous amendments were made to section 2.04 Conflicts, therefore, please see the blacklined version to view all the changes.

Chapter 4.01 The Lawyer as Advocate – new rule 4.01(2.1) *Incriminating Physical Evidence* added, with Commentary [1] – [6]. See also rule 4.01(2).