



## **AMENDMENTS TO THE *CODE OF PROFESSIONAL CONDUCT* (May 17, 2016):**

At April 2016 Convocation, the Benchers approved amendments to the *Code*. Amendments are listed at the end of each Chapter.

The amendments are highlighted below.

**2.02(1) Quality of Service - Commentary [5](m) and Commentary [6]:** amended Commentary [5](m) to delete the term “self-induced disability.” In Commentary [6], the word “prosecuting” was replaced with the word “handling.”

**2.04(2.4) Short-term Summary Legal Services - Commentary [2]:** amendment to clarify what constitutes a conflict of interest in the provision of short-term summary legal services.

**4.03 Interviewing Witnesses:** this section was deleted and incorporated into 4.04 Communicating with Witnesses.

**4.04 Communicating with Witnesses:** this section was amended in its entirety. Other Societies sought greater detail and guidance regarding the coaching of witnesses and witness tampering. However, it was determined that a more broad applicable rule would be best, due to the range of differing practices across Canada.

**6.01(3) Duty to Report:** the heading was amended to remove the word “Misconduct.” Revisions were made to clarify when the duty to report is initiated, therefore, amendments were made to 6.01(3)(d), (e) and (f) and Commentaries 1, 2, 3 and 4.

**6.08(1) Informing Client of Errors or Omission:** Commentary [1] was added to clarify any potential confusion about a lawyer’s obligations.

**6.08(2) Notice of Claim:** amended to delete the reasonableness requirement, as it added a level of subjectivity that may lead to a failure to report. A new Commentary [1] was added for further clarification.