

Publisher's Note

2018 — Release 4

Previous release was 2018-3

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Gavin MacKenzie

Lawyers & Ethics: Professional Responsibility and Discipline

A practical, contemporary text dealing with the issues of professional responsibility regularly confronting lawyers in Canada in every area of practice. A valuable reference source for the practising lawyer and the student. Specific types of ethical problems arising in the major areas of practice are identified, and insightful, practical solutions presented. Areas of practice discussed are criminal, civil litigation, estates, real estate, corporate and in-house counsel. A substantial portion of the work is devoted to discipline proceedings.

Highlights

This release features updates to case law in chapter 5 (Conflicts of Interest in Litigation) and updates to case law and Ontario rules in chapter 10 (Advertising).

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In Court — Conflicts of Interests in Litigation — Remedies — A conflict of interest can be relied upon in support of an argument based on alleged ineffective assistance of counsel, as effective assistance requires that counsel have undivided loyalty to the client. A distinction was made between the assessment of conflicts pre-judgment and post-judgment, and the test is more onerous post-judgment: *Mediatube Corp. v. Bell Canada*, 2018 FCA 127.

Out of Court — Advertising — A lawyer was reprimanded where his advertising was not only misleading, but also suggested qualitative superiority, marketed second opinion services, and identified the lawyer as a recipient of two Elite Lawyers Ontario awards, though the lawyer was the sole owner of Elite Lawyers Ontario and there were no other candidates considered for the awards: *Law Society of Ontario v. Goldfinger*, 2018 ONLSTH 103.