

Communiqué

Number 101

July 17th, 1980.

The Benchers held a Special Convocation today, primarily to consider the question of advertising. The detailed discussion centred around the recommendations made by the Professional Organizations Committee, which reported to the Attorney General last April, but also ranged over the whole subject. The present rules permit members to show in the print media office hours, languages spoken, fees charged for initial consultations and, subject to the requirements respecting fees and continuing education, their preferred areas of practice. No objection has ever been made to showing educational qualifications as well. Convocation decided to extend the rule to permit members to advise the public of their professional affiliations and publications, but rejected allowing them to name representative clients or to show references. No conclusions were reached respecting price advertising, but the Special Committee on Advertising will consider it further in the light of the discussion and bring recommendations to a later Convocation.

A tighter rule against borrowing from clients was recommended by the Professional Conduct Committee in a report made today. It is proposed to delete paragraph (b) of the present Rule 18 of the Professional Conduct Handbook. The effect would be to prohibit a lawyer from borrowing money from a client except where the client is a lending or financial institution, insurance company, trust company or similar corporation whose business is to lend money to members of the public or where in the case of a loan from a related person as defined by the Income Tax Act (Canada) the lawyer can prove that the client was fully protected by the nature of the case and by independent legal advice. Members are invited to comment in writing to the Secretary on the proposed change before the first of November next.

Those graduating from the Bar Admission Course next year will be Called to the Bar at Special Convocations on April 9th and 10th in Toronto, April 13th in Ottawa and April 15th in London. The locations will be announced later.

One of the Benchers' responsibilities under The Law Society Act is to protect the public from the danger of receiving legal advice from unqualified people who represent themselves to be lawyers. Members are reminded that instances which come to their attention should be reported to the Society so that prosecutions can be laid.

Kenneth Jarvis,

Secretary.