Fleury, Comery LLP
Barristers & Solicitors

ARE LAWYERS LESS ETHICAL THAN OTHER PEOPLE?

The point of many lawyer jokes is that lawyers are underhanded or unethical. Why do people have this impression?

SOME REASONS

Some of the obvious reasons why people joke about lawyers are:

1. Ethical conduct by lawyers is central to the lawyer-client relationship. For example, huge sums pass through the lawyers' trust accounts in the course of real estate transactions. The client has to rely on ethical conduct by his lawyer. We submit that people joke most often about matters where there is a sense of powerlessness.

2. Lawyers try to use precise language, which can seem like nitpicking or seem unduly complicated.

3. Lawyers are often bearers of bad news.

4. Lawyers deal in hard issues. In litigation the question often is "who did the right thing?".

5. Lawyers get identified with unpopular causes and clients.

PROFESSIONAL DISCIPLINE

The *Law Society Act* establishes the Law Society of Upper Canada (LSUC) as our governing body, and entrusts general discipline of the profession to this body. LSUC under this authority publishes the **Professional Conduct Handbook** containing Rules of Professional Conduct which have the force of a government regulation. Besides fundamental honesty, ethical issues considered in the Rules include confidentiality, conflict of interest, accounting and reporting practices, and responsibilities to the courts and other lawyers.

Rule 1 of the Rules of Professional Conduct states "The lawyer must discharge with integrity all duties owed to clients, the court, the public and other members of the profession." LSUC has absolutely no hesitation in removing the privilege of practising law from a lawyer whose conduct is found to be unethical.

BAD ETHICS IS BAD BUSINESS

An unethical lawyer does not usually last long in the legal profession. As in any other business, lawyers must also depend on the respect of colleagues in order to be effective. That respect is easily lost by unethical conduct so that the marketplace will also discipline a perceived unethical lawyer. Fleury, Comery LLP has been part of the Scarborough business scene since 1957 without once receiving a discipline complaint.

LAW SOCIETY COMPLAINTS BUREAU

If you ever do have a complaint about unethical activities or behaviour by a lawyer, you may contact the Law Society Complaints Bureau at 416-947-3310. The LSUC web site (at http://www.lsuc.on.ca) has a Help Form for such complaints, and other useful information. Your allegations will be investigated thoroughly and action will be taken.

ARE LAWYERS LESS ETHICAL?

In our submission, lawyers have to be MORE ethical in matters of business, because ethical conduct is an absolute job requirement. The public is entitled to expect, and in our submission receives a high ethical standard from those who have been granted the privilege of practising law.

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