

# Collegiality and Professionalism in the Legal Profession



Professionalism and collegiality are very highly regarded attributes of the legal profession. In court, lawyers refer to each other as 'my friend' or 'learned counsel'. A lawyer would never publicly insult another lawyer nor suggest that they were not smart or perceptive. If such an insult were made in court, a judge would stop the proceedings and publicly reprimand the rude lawyer.

More importantly, if a lawyer develops a reputation for treating others rudely, he or she would soon find that other lawyers refused to grant favours or the time allowances that all lawyers require from time to time. Very quickly, word of a lawyer's poor conduct would travel through the legal profession and amongst judges. He or she would soon find it much more difficult to litigate successfully. Eventually this would result in fewer clients.

In addition to the impact on a lawyer's reputation and level of business, serious unprofessionalism can result in disciplinary actions by the Law Society of Upper Canada, the licensing body for all lawyers in Ontario. The Law Society has issued the Rules of Professional Conduct. All lawyers are bound to adhere to these rules. Unprofessional conduct can result in a warning, fines and, if repeated and extreme misconduct, even disbarment. Lawyers and clients report breaches of these Rules to the Law Society. The Law Society would formally investigate the allegation.

The Rules of Professional Conduct are available online at:

<http://www.lsuc.on.ca/regulation/a/profconduct/>

The Rule that would apply to this situation is Rule 6.03. The subsections that are relevant are set out here. The term "Sharp Practice" refers to treating people sharply or rudely. "Licensee" refers to a lawyer who is a member of the Law Society. All practicing lawyers in Ontario must be members.

## 6.03 RESPONSIBILITY TO LAWYERS AND OTHERS

### Courtesy and Good Faith

**6.03 (1)** A lawyer shall be courteous, civil, and act in good faith with all persons with whom the lawyer has dealings in the course of his or her practice.

**6.03 (3)** A lawyer shall avoid sharp practice and shall not take advantage of or act without fair warning upon slips, irregularities, or mistakes on the part of other licensees not going to the merits or involving the sacrifice of a client's rights.

### Communications

**6.03 (5)** A lawyer shall not in the course of a professional practice send correspondence or otherwise communicate to a client, another licensee, or any other person in a manner that is abusive, offensive, or otherwise inconsistent with the proper tone of a professional communication from a lawyer.

#### Law Society Commentary on the Rule

Any ill feeling which may exist or be engendered between clients, particularly during litigation, should never be allowed to influence lawyers in their conduct and demeanour toward other licensees or the parties. The presence of personal animosity between licensees involved in a matter may cause their judgment to be clouded by emotional factors and hinder the proper resolution of the matter. Personal remarks or personally abusive tactics interfere with the orderly administration of justice and have no place in our legal system.

A lawyer should avoid ill-considered or uninformed criticism of the competence, conduct, advice, or charges of other licensees, but should be prepared, when requested, to advise and represent a client in a complaint involving another licensee.