



# MEMBER'S MANUAL

# Law Society of British Columbia

## AMENDMENT PAGES

2024: No. 2 March

### Highlights

**Law Society Rules 2015:**\* Lawyers may verify a client's identity virtually, provided they use reliable technology to confirm that the individual's government-issued photo ID is genuine and confirm that the name and photo are those of the individual in the ID (Rules 3-102(2), (2.1), (3) and (3.1) and 3-104(5): pp. 154-156); when electing an appointed Benchers to the Executive Committee, all Benchers are eligible to vote if a second election is required to break a tie vote (Rule 1-41(11.1): p. 37); participation in a call ceremony is optional (Rule 2-84(2), (2.1), (5) and (6): p. 84).

*\*Historical notes are published only in the website version of the Rules.*

**Code of Professional Conduct for British Columbia:** New commentaries address the level of technological competence required of lawyers (rule 3.1-2, commentaries [4.1] and [4.2]: p. 10).

**Articling:** The Articling Guidelines are removed as out of date.

**Filing:** File the amended pages in your *Member's Manual* as follows:

Manual section	Existing pages to be removed	Amendment pages to be inserted
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After filing, insert this sheet at the front of the *Manual* for reference.

This amendment package updates the *Member's Manual* to **March 20, 2024**. The previous amendment package was 2024: No. 1 January.

To check that your copy of the *Manual* is up to date, consult the contents checklist on the next page. To print replacement pages, download the PDFs at [Member's Manual](#) on the Law Society website.

The Law Society Rules and *Code of Professional Conduct for British Columbia* can be accessed in the [Support & Resources for Lawyers](#) section of the Law Society website at [www.lawsociety.bc.ca](http://www.lawsociety.bc.ca). Refer to the website for the most current versions of the Rules and Code.



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- (6) Benchers in office on the date specified under subrule (5) are eligible to vote for the Executive Committee as follows:
  - (a) all Benchers are eligible to vote for elected Benchers;
  - (b) appointed Benchers are eligible to vote for appointed Benchers.
- (7) to (9) [rescinded; (8) moved to (2.1)]
- (10) If a vote is required for an election under this rule,
  - (a) it must be conducted by secret ballot,
  - (b) a ballot must be rejected if it contains votes for more candidates than there are positions to be filled, and
  - (c) when more than one Bencher is to be elected, the candidates with the most votes, up to the number of positions to be filled, are elected.
- (11) If, because of a tie vote or for any other reason, the Benchers fail to elect 4 members of the Executive Committee under subrule (1), or if a vacancy occurs on or before August 31 of any year, the Benchers or the appointed Benchers, as the case may be, must promptly hold an election to fill the vacancy.
- (11.1) When a tie vote causes an election under subrule (11)
  - (a) despite subrule (3), the candidates who were tied are the only candidates, and
  - (b) despite subrule (6) (b), all Benchers are eligible to vote.
- (12) The Executive Director may conduct an election for members of the Executive Committee partly or entirely by electronic means.
- (13) This rule applies, with the necessary changes and so far as applicable, to an election conducted partly or entirely by electronic means.

### **Date falling on Saturday, Sunday or holiday**

**1-42** If the time for doing an act in this division falls or expires on a day when the Society office is not open during regular business hours, the time is extended to the next day that the office is open.

**1-43** [rescinded 12/2015]

### **Extension of dates**

**1-44** The Executive Committee may, on application by the Executive Director, extend any date stated in Rule 1-20 to 1-44.

## **General**

### **Executive Director's delegate**

**1-44.1** (1) Any power or authority delegated to the Executive Director under these rules may be exercised by the Executive Director's delegate.

- (2) In the absence of evidence to the contrary, a person employed or retained by the Society is the Executive Director's delegate when acting within the scope of the person's employment or retainer to exercise a power or authority delegated to the Executive Director under these rules.

## **Seal**

- 1-45** (1) Subject to subrule (2), the seal of the Society may be affixed to a document in the presence of
- (a) 2 persons, one of whom must be the President or a Vice-President, and the other of whom must be an officer of the Society, or
  - (b) one or more persons appointed by resolution of the Executive Committee.
- (2) The seal may be affixed in the presence of any one of the persons referred to in subrule (1) in the case of
- (a) a certificate, or
  - (b) a document that certifies true copies of any document or resolution.
- (3) The person or persons in whose presence the seal is affixed must sign the certificate or document of certification.

## **Laying of information**

- 1-46** Any information alleging an offence against the Act may be laid in the name of the Society on oath of an officer of the Society or a member of the Executive Committee.

## ***Freedom of Information and Protection of Privacy Act***

- 1-47** The Executive Director is designated as the head of the Society for the purposes of the *Freedom of Information and Protection of Privacy Act*.

## **Appointment of Law Society counsel**

- 1-48** (1) Subject to Rule 1-51 (a) [*Powers and duties*], the Executive Director may appoint a lawyer employed by the Society or retain another lawyer to advise or represent the Society in any legal matter.
- (2) When Rule 1-51 (a) [*Powers and duties*] applies and it is not practicable to call a meeting of the Executive Committee before the advice of counsel is required, the Executive Director may appoint counsel on an interim basis.

## **Division 2 – Committees**

### **Committees of the Benchers**

- 1-49** Subject to these rules, the President may
- (a) appoint any person as a member of a committee of the Benchers, and
  - (b) terminate the appointment.

- (3) To qualify for call and admission, an applicant under this rule must certify, in the prescribed form, that the applicant has reviewed and understands all of the materials reasonably required by the Executive Director.
- (4) A lawyer called and admitted under this rule has no greater rights as a member of the Society than
  - (a) the lawyer has as a member of the governing body of the lawyer's home jurisdiction, or
  - (b) any other member of the Society in similar circumstances.

### **Transfer as Canadian legal advisor**

- 2-82** (1) Subject to subrule (3), a member of the Chambre may apply for call and admission on transfer as a Canadian legal advisor by delivering to the Executive Director the following:
- (a) a completed application for call and admission as a Canadian legal adviser in the prescribed form, including written consent for the release of relevant information to the Society;
  - (b) a certificate of character;
  - (c) a certificate of standing from the Chambre and each other body regulating the legal profession, in any jurisdiction, in which the applicant is or has been a member of the legal profession;
  - (d) a professional liability indemnity application or exemption form;
  - (e) the following fees:
    - (i) the application fee and call and admission fees specified in Schedule 1;
    - (ii) the prorated practice fee specified in Schedule 2;
    - (iii) the prorated annual indemnity fee specified in Schedule 2, unless exempt under Rule 3-43 [*Exemption from professional liability indemnification*];
  - (f) any other information and documents required by the Act or these rules that are requested by the Credentials Committee or the Benchers.
- (2) Subject to subrule (1), Rules 2-79 to 2-84 apply, with any necessary changes, to an application for call and admission on transfer as a Canadian legal adviser.
- (3) This rule applies to those members of the Chambre who have earned a bachelor's degree in civil law in Canada or a foreign degree and a certificate of equivalency from the Chambre.

### **Consideration of application for call and admission**

- 2-83** (1) The Executive Director must consider an application for call and admission by a person meeting the requirements under this division, and may conduct or authorize any person to conduct an investigation concerning the application.

- (2) On an application for call and admission, the Executive Director may
  - (a) authorize the call and admission of the applicant without conditions or limitations, or
  - (b) refer the application to the Credentials Committee.
- (3) When the Executive Director refers an application to the Credentials Committee under subrule (2), the Committee may
  - (a) authorize the call and admission of the applicant without conditions or limitations,
  - (b) authorize the call and admission of the applicant with conditions or limitations on the applicant's practice, if the applicant consents in writing to those conditions or limitations, or
  - (c) order a hearing.

### **Barristers and solicitors' oath and presentation in court**

- 2-84** (1) The Executive Director must maintain the barristers and solicitors' roll in paper or electronic form, or a combination of both.
- (2) Every lawyer who is called to the Bar of British Columbia and admitted as a solicitor of the Supreme Court
  - (a) must, before beginning the practice of law, take the barristers and solicitors' oath in a form approved by the Benchers before a judge of the Provincial Court or a superior court in British Columbia or before a practising lawyer, and
  - (b) may be presented in open court before one or more of the judges of the Supreme Court.
- (2.1) [rescinded]
- (3) The Executive Director must enter in the barristers and solicitors' roll the full names of all persons who are called as barristers and admitted as solicitors.
- (4) On proof that an applicant who has otherwise qualified for call and admission has taken the oath required under subrule (2) (a), the Executive Director must issue to the applicant a practising certificate, a non-practising certificate or a Canadian legal advisor certificate, as the case may be.
- (5) and (6) [rescinded]



## Reinstatement

### Reinstatement of former lawyer

- 2-85** (1) A former lawyer may apply for reinstatement as a member of the Society by delivering the following to the Executive Director:
- (a) an application for reinstatement in the prescribed form, including written consent for the release of relevant information to the Society;
  - (b) the appropriate application fee specified in Schedule 1.
- (2) An applicant for reinstatement may apply for the following status on reinstatement:
- (a) practising lawyer, only if the applicant has met the conditions for practising law under Rule 2-89 [*Returning to practice after an absence*] or 2-90 [*Conditions on returning to practice*];
  - (b) non-practising member on compliance with Rule 2-3 [*Non-practising members*];
  - (c) retired member if the lawyer is qualified under Rule 2-4 (1) [*Retired members*] and on compliance with Rule 2-4 (2) and (3).
- (3) On an application under subrule (2) (c), the Executive Director may waive payment of all or part of the application fee on any conditions that the Executive Director considers appropriate.
- (4) The Executive Director may issue a practising certificate to an applicant on reinstatement on payment of the following:
- (a) the prorated practice fee specified in Schedule 2;
  - (b) the prorated annual indemnity fee specified in Schedule 2, unless exempt under Rule 3-43 [*Exemption from professional liability indemnification*];
  - (c) any surcharge for which the lawyer is liable under Rule 3-44 (2) [*Deductible, surcharge and reimbursement*].
- (5) The Executive Director may issue a non-practising or retired member certificate to an applicant on reinstatement on payment of the appropriate prorated fee specified in Schedule 3.
- (6) Subject to subrule (7), the Executive Director must consider an application for reinstatement of a former lawyer and may conduct or authorize any person to conduct an investigation concerning the application.
- (7) The Executive Director must not consider an application for reinstatement of a former lawyer unless the former lawyer has
- (a) submitted all trust reports required under Rules 3-79 [*Trust report*] and 3-84 (1) [*Former lawyers*],

- (b) paid all assessments accrued under Rule 3-80 [*Late filing of trust report*] before and after the former lawyer ceased to be a member of the Society unless the Executive Director waives all of the assessments under Rule 3-80 (3) and any conditions have been fulfilled, and
  - (c) paid all costs of trust reports ordered under Rule 3-81 (6) [*Failure to file trust report*].
- (8) If an applicant for reinstatement is a disbarred lawyer, the Executive Director must refer the application to the Credentials Committee.
- (9) On an application for reinstatement to which subrules (7) and (8) do not apply, the Executive Director may
- (a) reinstate the applicant without conditions or limitations, or
  - (b) refer the application to the Credentials Committee for consideration.
- (10) Subject to subrule (11), when the Executive Director refers an application for reinstatement to the Credentials Committee under subrule (9), the Committee may
- (a) reinstate the applicant without conditions or limitations,
  - (b) reinstate the applicant with conditions or limitations on the applicant's practice if the applicant consents in writing to those conditions or limitations, or
  - (c) order a hearing.
- (11) The Credentials Committee must order a hearing in the following circumstances:
- (a) section 19(3) applies;
  - (b) the Committee cannot reach another disposition of the matter under subrule (10);
  - (c) the Committee resolves to order a hearing.
- (12) An applicant for reinstatement must give written notice of the application as directed by the Executive Director, and persons so notified may appear in person or by counsel at the hearing and be heard on the application.

### **Subsequent application for reinstatement**

- 2-86** A person whose application for reinstatement is rejected under section 22 (3) [*Credentials hearings*] may not make a new application for reinstatement until the earlier of the following:
- (a) 2 years after the date on which the application was rejected;
  - (b) the date set by the panel when the application was rejected or by the review board on a review under Part 5 [*Tribunal, Hearings and Appeals*].

- (iii) if the client is an organization other than a financial institution, public body or reporting issuer
  - (A) the general nature of the type of business or activity engaged in by the client, and
  - (B) the organization's incorporation or business identification number and the place of issue of its incorporation or business identification number.
- (2) When a lawyer has obtained and recorded the information concerning the identity of an individual client under subrule (1) (b), the lawyer is not required subsequently to obtain and record that information about the same individual unless the lawyer has reason to believe the information, or the accuracy of it, has changed.

### Exemptions

**3-101** Rules 3-102 to 3-106 do not apply

- (a) if the client is
  - (i) a financial institution,
  - (ii) a public body,
  - (iii) a reporting issuer, or
  - (iv) an individual who instructs the lawyer on behalf of a client described in subparagraphs (i) to (iii),
- (b) when a lawyer
  - (i) pays money to or receives money from any of the following acting as a principal:
    - (A) a financial institution;
    - (B) a public body;
    - (C) a reporting issuer,
  - (ii) receives money paid from the trust account of another lawyer or an interjurisdictional lawyer,
  - (iii) receives money from a peace officer, law enforcement agency or other public official acting in an official capacity, or
  - (iv) pays or receives money
    - (A) [rescinded]
    - (B) to pay a fine, penalty or bail, or
    - (C) [rescinded]
    - (D) for professional fees, disbursements or expenses, or
- (c) to a transaction in which all funds involved are transferred by electronic transmission, provided
  - (i) the transfer occurs between financial institutions or financial entities headquartered in and operating in countries that are members of the Financial Action Task Force,

- (ii) neither the sending nor the receiving account holders handle or transfer the funds, and
- (iii) the transmission record contains
  - (A) a reference number,
  - (B) the date,
  - (C) the transfer amount,
  - (D) the currency, and
  - (E) the names of the sending and receiving account holders and the sending and receiving entities.

### **Requirement to verify client identity**

- 3-102** (1) When a lawyer provides legal services in respect of a financial transaction, the lawyer must
- (a) obtain from the client and record, with the applicable date, information about the source of money, and
  - (b) verify the identity of the client using documents or information described in subrule (2).
- (2) For the purposes of subrule (1), the client's identity must be verified by means of the following documents and information, provided that documents are valid, authentic and current and information is valid and current:
- (a) if the client is an individual
    - (i) an identification document issued by the government of Canada, a province or territory or a foreign government, other than a municipal government, that
      - (A) contains the individual's name and photograph, and
      - (B) is used in the presence of the individual to verify that the name and photograph are those of the individual,
    - (ii) information in the individual's credit file that is used to verify that the name, address and date of birth in the credit file are those of the individual, if that file is located in Canada and has been in existence for at least three years, or
    - (iii) any two of the following obtained by the lawyer from a reliable source:
      - (A) information that contains the individual's name and address that is used to verify that the name and address are of those of the individual;
      - (B) information that contains the individual's name and date of birth that is used to verify that the name and date of birth are those of the individual;

- (C) information that contains the individual's name and confirms that the individual has a deposit account or a credit card or other loan amount with a financial institution that is used to verify that information;
  - (b) if the client is an organization such as a corporation or society that is created or registered pursuant to legislative authority, a written confirmation obtained by the lawyer from a government registry as to the existence, name and address of the organization, including the names of its directors where applicable, such as
    - (i) a certificate of corporate status issued by a public body,
    - (ii) a copy obtained from a public body of a record that the organization is required to file annually under applicable legislation, or
    - (iii) a copy of a similar record obtained from a public body that confirms the organization's existence;
  - (c) if the client is an organization that is not registered in any government registry, such as a trust or partnership, a copy of the organization's constating documents, such as a trust or partnership agreement, articles of association, or any other similar record that confirms its existence as an organization.
- (2.1) For the purposes of subrule (2) (a) (i), an electronic image of a document issued by the government of Canada, a province or a territory or a foreign government, other than a municipal government, may be treated as authentic provided the lawyer has used reliable technology to confirm that the identification document is genuine, and has confirmed that the name and photograph are those of the individual in the identification document.
- (3) and (3.1) [rescinded]
- (4) For the purposes of subrule (2) (a) (iii)
- (a) the information referred to must be from different sources, and
  - (b) the individual, the lawyer or an agent is not a source.
- (5) To verify the identity of an individual who is under 12 years of age, the lawyer must verify the identity of a parent or guardian of the individual.
- (6) To verify the identity of an individual who is 12 years of age or over but less than 15 years of age, the lawyer may refer to information referred to in subrule (2) (a) (iii) (A) that contains the name and address of a parent or guardian of the individual and verifying that the address is that of the individual.

**Requirement to identify directors, shareholders and owners**

- 3-103** (1) When a lawyer provides legal services in respect of a financial transaction for a client that is an organization referred to in Rule 3-102 (2) (b) or (c) [*Requirement to verify client identity*], the lawyer must
- (a) obtain and record, with the applicable date, the names of all directors of the organization, other than an organization that is a securities dealer, and

- (b) make reasonable efforts to obtain and, if obtained, record with the applicable date
  - (i) the names and addresses of all persons who own, directly or indirectly, 25 per cent or more of the organization or of the shares of the organization,
  - (ii) the names and addresses of all trustees and all known beneficiaries and settlors of the trust, and
  - (iii) information identifying the ownership, control and structure of the organization.
- (2) A lawyer must take reasonable measures to confirm the accuracy of information obtained under this rule.
- (3) A lawyer must keep a record, with the applicable dates, of the following:
  - (a) all efforts made under subrule (1) (b);
  - (b) all measures taken to confirm the accuracy of information obtained under this rule.
- (4) If a lawyer is not able to obtain the information referred to in subrule (1) or to confirm the accuracy of that information in accordance with subrule (2), the lawyer must
  - (a) take reasonable measures to ascertain the identity of the most senior managing officer of the organization,
  - (b) determine whether the following are consistent with the purpose of the retainer and the information obtained about the client as required by this rule:
    - (i) the client's information in respect of its activities;
    - (ii) the client's information in respect of the source of the money to be used in the financial transaction;
    - (iii) the client's instructions in respect of the transaction,
  - (c) assess whether there is a risk that the lawyer may be assisting in or encouraging fraud or other illegal conduct, and
  - (d) keep a record, with the applicable date, of the results of the determination and assessment under paragraphs (b) and (c).

### **Use of an agent for client verification**

- 3-104** (1) A lawyer may retain an agent to obtain the information required under Rule 3-102 [*Requirement to verify client identity*], provided the lawyer and the agent have an agreement or arrangement in writing for this purpose in compliance with this rule.
- (2) to (5) [rescinded]

## Chapter 3 – Relationship to Clients

### 3.1 Competence

#### Definitions

##### 3.1-1 In this section

“**competent lawyer**” means a lawyer who has and applies relevant knowledge, skills and attributes in a manner appropriate to each matter undertaken on behalf of a client and the nature and terms of the lawyer’s engagement, including:

- (a) knowing general legal principles and procedures and the substantive law and procedure for the areas of law in which the lawyer practises;
- (b) investigating facts, identifying issues, ascertaining client objectives, considering possible options and developing and advising the client on appropriate courses of action;
- (c) implementing as each matter requires, the chosen course of action through the application of appropriate skills, including:
  - (i) legal research;
  - (ii) analysis;
  - (iii) application of the law to the relevant facts;
  - (iv) writing and drafting;
  - (v) negotiation;
  - (vi) alternative dispute resolution;
  - (vii) advocacy; and
  - (viii) problem solving;
- (d) communicating at all relevant stages of a matter in a timely and effective manner;
- (e) performing all functions conscientiously, diligently and in a timely and cost-effective manner;
- (f) applying intellectual capacity, judgment and deliberation to all functions;
- (g) complying in letter and spirit with all rules pertaining to the appropriate professional conduct of lawyers;
- (h) recognizing limitations in one’s ability to handle a matter or some aspect of it and taking steps accordingly to ensure the client is appropriately served;
- (i) managing one’s practice effectively;
- (j) pursuing appropriate professional development to maintain and enhance legal knowledge and skills; and
- (k) otherwise adapting to changing professional requirements, standards, techniques and practices.

## Competence

**3.1-2** A lawyer must perform all legal services undertaken on a client's behalf to the standard of a competent lawyer.

### Commentary

[1] As a member of the legal profession, a lawyer is held out as knowledgeable, skilled and capable in the practice of law. Accordingly, the client is entitled to assume that the lawyer has the ability and capacity to deal adequately with all legal matters to be undertaken on the client's behalf.

[2] Competence is founded upon both ethical and legal principles. This rule addresses the ethical principles. Competence involves more than an understanding of legal principles: it involves an adequate knowledge of the practice and procedures by which such principles can be effectively applied. To accomplish this, the lawyer should keep abreast of developments in all areas of law in which the lawyer practises.

[2.1] For a discussion of the correct procedure in swearing an affidavit or taking a solemn declaration, see Appendix A to this Code.

[3] In deciding whether the lawyer has employed the requisite degree of knowledge and skill in a particular matter, relevant factors will include:

- (a) the complexity and specialized nature of the matter;
- (b) the lawyer's general experience;
- (c) the lawyer's training and experience in the field;
- (d) the preparation and study the lawyer is able to give the matter; and
- (e) whether it is appropriate or feasible to refer the matter to, or associate or consult with, a lawyer of established competence in the field in question.

[4] In some circumstances, expertise in a particular field of law may be required; often the necessary degree of proficiency will be that of the general practitioner.

[4.1] To maintain the required level of competence, a lawyer should develop an understanding of, and ability to use, technology relevant to the nature and area of the lawyer's practice and responsibilities. A lawyer should understand the benefits and risks associated with relevant technology, recognizing the lawyer's duty to protect confidential information set out in section 3.3.

[4.2] The required level of technological competence will depend upon whether the use or understanding of technology is necessary to the nature and area of the lawyer's practice and responsibilities and whether the relevant technology is reasonably available to the lawyer. In determining whether technology is reasonably available, consideration should be given to factors including:

- (a) the lawyer's or law firm's practice areas;



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- (b) the geographic locations of the lawyer’s or firm’s practice; and
- (c) the requirements of clients.

**[5]** A lawyer should not undertake a matter without honestly feeling competent to handle it, or being able to become competent without undue delay, risk or expense to the client. The lawyer who proceeds on any other basis is not being honest with the client. This is an ethical consideration and is distinct from the standard of care that a tribunal would invoke for purposes of determining negligence.

**[6]** A lawyer must recognize a task for which the lawyer lacks competence and the disservice that would be done to the client by undertaking that task. If consulted about such a task, the lawyer should:

- (a) decline to act;
- (b) obtain the client’s instructions to retain, consult or collaborate with a lawyer who is competent for that task; or
- (c) obtain the client’s consent for the lawyer to become competent without undue delay, risk or expense to the client.

**[7]** The lawyer should also recognize that competence for a particular task may require seeking advice from or collaborating with experts in scientific, accounting or other non-legal fields, and, when it is appropriate, the lawyer should not hesitate to seek the client’s instructions to consult experts.

**[7.1]** When a lawyer considers whether to provide legal services under a limited scope retainer the lawyer must carefully assess in each case whether, under the circumstances, it is possible to render those services in a competent manner. An agreement for such services does not exempt a lawyer from the duty to provide competent representation. The lawyer should consider the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation. The lawyer should ensure that the client is fully informed of the nature of the arrangement and clearly understands the scope and limitation of the services. See also rule 3.2-1.1.

**[7.2]** In providing short-term summary legal services under rules 3.4-11.1 to 3.4-11.4, a lawyer should disclose to the client the limited nature of the services provided and determine whether any additional legal services beyond the short-term summary legal services may be required or are advisable, and encourage the client to seek such further assistance.

**[8]** A lawyer should clearly specify the facts, circumstances and assumptions on which an opinion is based, particularly when the circumstances do not justify an exhaustive investigation and the resultant expense to the client. However, unless the client instructs otherwise, the lawyer should investigate the matter in sufficient detail to be able to express an opinion rather than mere comments with many qualifications.

**[9]** A lawyer should be wary of bold and over-confident assurances to the client, especially when the lawyer’s employment may depend upon advising in a particular way.

[10] In addition to opinions on legal questions, a lawyer may be asked for or may be expected to give advice on non-legal matters such as the business, economic, policy or social complications involved in the question or the course the client should choose. In many instances the lawyer's experience will be such that the lawyer's views on non-legal matters will be of real benefit to the client. The lawyer who expresses views on such matters should, if necessary and to the extent necessary, point out any lack of experience or other qualification in the particular field and should clearly distinguish legal advice from other advice.

[11] In a multi-discipline practice, a lawyer must ensure that the client is made aware that the legal advice from the lawyer may be supplemented by advice or services from a non-lawyer. Advice or services from non-lawyer members of the firm unrelated to the retainer for legal services must be provided independently of and outside the scope of the legal services retainer and from a location separate from the premises of the multi-discipline practice. The provision of non-legal advice or services unrelated to the legal services retainer will also be subject to the constraints outlined in the Rules governing multi-discipline practices.

[12] The requirement of conscientious, diligent and efficient service means that a lawyer should make every effort to provide timely service to the client. If the lawyer can reasonably foresee undue delay in providing advice or services, the client should be so informed.

[13] The lawyer should refrain from conduct that may interfere with or compromise the lawyer's capacity or motivation to provide competent legal services to the client and be aware of any factor or circumstance that may have that effect.

[14] A lawyer who is incompetent does the client a disservice, brings discredit to the profession and may bring the administration of justice into disrepute. In addition to damaging the lawyer's own reputation and practice, incompetence may also injure the lawyer's partners and associates.

[15] **Incompetence, negligence and mistakes** – This rule does not require a standard of perfection. An error or omission, even though it might be actionable for damages in negligence or contract, will not necessarily constitute a failure to maintain the standard of professional competence described by the rule. However, evidence of gross neglect in a particular matter or a pattern of neglect or mistakes in different matters may be evidence of such a failure, regardless of tort liability. While damages may be awarded for negligence, incompetence can give rise to the additional sanction of disciplinary action.

[[7.1] added 09/2013; [7.2] added 06/2016; [13] amended 10/2021; [4.1] and [4.2] added 03/2024]

## 3.2 Quality of service

**3.2-1** A lawyer has a duty to provide courteous, thorough and prompt service to clients. The quality of service required of a lawyer is service that is competent, timely, conscientious, diligent, efficient and civil.