

CODE OF ETHICS

**ONTARIO
BAR ASSOCIATION**

REPORT

THE COMMITTEE ON LEGAL ETHICS
SUBMIT AS A REPORT THE WITHIN
CODE OF ETHICS, WITH THE RE-
COMMENDATION THAT SAME BE
ADOPTED BY THE ONTARIO BAR
ASSOCIATION.

F. M. FIELD

IT WILL BE CONSIDERED
AT THE ANNUAL MEETING IN TORONTO
ON 11TH AND 12TH JANUARY, 1916

CODE OF ETHICS.

1. In Relation to the Bench.

1. Maintain a courteous and respectful demeanour towards the Judges, and respect their high position.
2. So act as to gain and hold the respect and confidence of the Judges.
3. Cite precedents and principles and state facts without distortion or colour to suit a client's cause.
4. Avoid the citation of a multiplicity of authorities to obscure the real issue.
5. Avoid communication or private argument with, or any attempt to obtain special personal consideration from, a Judge in respect of a pending cause.
6. When proper ground for serious complaint against a judicial officer exists, submit the grievance to the proper authorities.
7. Be punctual in attendance and concise and direct in the trial and disposition of causes.

2. In Relation to Clients.

1. Place trust in clients and cultivate their trust.
2. Avoid imparting to professional duties a client's personal feelings and prejudices.
3. If assigned to represent an indigent prisoner do not ask to be excused for trivial reason, but exert your best offices in his behalf.
4. In defending a person accused of crime, disregard your personal opinion as to his guilt, and by all fair and honourable means present every defence that the law permits.
5. In prosecuting for the Crown, remember that your primary duty is not to convict, but to see that justice is done. Suppress no facts capable of establishing the innocence of the accused.
6. Represent a client with undivided fidelity and refrain from divulging his secrets or confidences.
7. Disclose to a client all the circumstances of your relations to the parties, and any interest in or in connection with the controversy which might influence him in the selection of counsel.
8. Avoid representing conflicting interests, except by consent of all concerned given after full disclosure of the facts.

9. Obtain full knowledge of a client's cause before advising thereon, and give a candid opinion of the merits and probable result of pending or contemplated litigation.

10. When a controversy admits of fair adjustment advise the client to avoid or end the litigation.

11. Avoid the purchase of any interest in the subject-matter of litigation you are conducting, and the promotion and carrying on of cases on a purely speculative basis.

12. Avoid scheming for or soliciting business by circulars or advertisements or by personal communications or interviews not warranted by personal relations, but rather depend upon the establishment of a well-merited reputation for professional capacity and fidelity to trust.

13. Avoid stirring up strife and litigation and securing of retainers by directly or through agents seeking out defects in title, claims for personal injuries or other causes of action, and report to the proper authorities any practitioner known to be guilty of such practices.

14. Decline to conduct a civil cause or to make a defence when convinced that it is intended merely to harass or injure the opposite party or to work oppression or wrong.

15. Decline to render any service involving disloyalty to the law, disrespect of the judicial office, corruption of any person exercising a public office or private trust, or the deception or betrayal of the public.

16. Report promptly to the client the receipt of money or other trust property, and avoid the commingling with your own or use of trust money and property without the knowledge and consent of the client.

17. Avoid charges which overestimate or undervalue your services and, when possible, adhere to established tariffs.

18. Avoid controversies with clients regarding compensation so far as is compatible with self-respect, and with the right to receive reasonable recompense for services.

19. Except when essential to the ends of justice, avoid testifying in Court on behalf of a client. If witness for a client, except as to merely formal matters, leave the conduct of the case to other counsel.

3. In Relation to Opposing Parties.

1. Avoid all attempts at sharp practice and the laying of traps for unwary antagonists.

2. Take no paltry advantage when your opponent has made a slip or overlooked some technical matters.

3. Strictly perform agreements fairly made, whether reduced to writing or not.

4. Avoid communications of any kind with a party represented by counsel, except through such counsel.

5. Avoid everything tending to mislead a party not represented by counsel and advising him as to the law.

6. Let your conduct and demeanour towards opposing counsel and suitors be uninfluenced by ill-feeling existing between respective clients.

7. Treat adverse witnesses and suitors with fairness and due consideration.

8. In incidental matters pending a trial not affecting the merits of the cause or working substantial prejudice to the rights of a client, have regard for the circumstances and position of an opponent.

9. Expose without fear or favour before the proper tribunals, corrupt or dishonest conduct in the profession, and accept without hesitation employment against a practitioner who has wronged a client.

4. In Relation to Others.

1. Strive at all times to uphold the honour and to maintain the dignity of the profession and to improve the law and the administration of justice.

2. In the consideration of appointments to positions of honour or trust be governed by an impartial estimate of ability to add honour to the office.

3. Be honest, patriotic and loyal.