

Advocacy

Canadian Bar Association advocacy in the professional and public interest

Vol. 6, 2011

As the only national association of lawyers with a mandate to protect the professional and commercial interests of the legal profession and to promote the rule of law, CBA is a powerful, credible voice for legislative, regulatory and policy development in many areas of the law.

As an independent and authoritative voice, CBA promotes the interests of lawyers and protects the core values of the legal profession from regulatory and legislative encroachment. CBA focuses its members' influence in key areas of law with governments, regulators, the courts and media, in ways individual lawyers or firms cannot accomplish alone. CBA's advocacy initiatives are also a source for tools of the trade to enhance legal practice.

CBA Advocacy highlights some recent initiatives.



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For more information on these and other initiatives, visit cba.org



Solicitor-Client Privilege

Joint Policy Statement on Audit Inquiries

The Joint Policy Statement on preparation of audit and financial statements (JPS) outlines the expectations of lawyers and accountants with respect to reporting of contingent gains and losses. It dates from a 1978 agreement between CBA and the Canadian Institute of Chartered Accountants (CICA). The underlying principle of the JPS is to protect solicitor-client privilege in information provided by the client to the auditors, and not unduly jeopardize the client's position vis-à-vis third party claims.

CBA and the Auditing and Assurance Standards Board (AASB) are working together to adapt the JPS, in light of new International Financial Reporting Standards (IFRS). In January 2010, the International Accounting Standards Board proposed amendments to IAS 37 that would change the reporting standards for contingencies. With the reporting standards in the air, the CBA/AASB task team issued Interim Guidance on how to deal with audit inquiries under IFRS, rather than changing the JPS twice in short succession. Once IAS 37 is settled, negotiations will continue to update JPS, to reflect the reporting standards on contingencies while maintaining solicitor-client privilege. The CBA task team will consult with CBA members on any proposed changes.

Information Reporting of Tax Avoidance Transactions

In August 2010, the federal government released draft amendments to the *Income Tax Act* that would impose a new information reporting obligation for "reportable transactions". Among those subject to the reporting obligation would be every "advisor" entitled to certain fees for a reportable transaction. CBA objected to the Information Reporting Measures, saying they would create a serious incursion into solicitor-client privilege and compromise the independence of the legal profession.

Finance Minister Flaherty listened. The Minister assured CBA that the proposed regime is not intended to require the disclosure of information for which a client of a lawyer or Quebec notary has privilege. He will consider a change to provide explicitly that a

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Joint Policy Statement on Audit Inquiries

The CBA has produced several tools to help lawyers adapt to audit inquiries under International Financial Reporting Standards (IFRS) and the changing accounting landscape. To access webinars, articles, presentations, checklists and other resources, please visit: cba.org/CBA/jointpolicystatement/main/default.aspx.

lawyer or Quebec notary is not required to report any specific information that the lawyer believes, on reasonable grounds, is subject to solicitor-client privilege.

Defining "Contingencies" in International Financial Reporting Standards

IAS 37 (Provisions, Contingent Liabilities and Contingent Assets) is an international accounting standard addressing liabilities of uncertain timing or amount. The International Accounting Standards Board (IASB) is developing a new IFRS to replace IAS 37. In May 2010, CBA commented on an IASB Exposure Draft, saying the standard must serve the public interest by providing informative financial reporting on liabilities while not compromising outcome of litigation involving the client. As lawyers, we also have a professional duty to protect the confidentiality and privilege of lawyer-client communications.

CBA concluded that the proposed changes to IAS 37 were problematic for two reasons:

- they mistakenly presume that outcomes can be reliably predicted in legal proceedings, which may place a costly and time-consuming burden on reporting companies and may result in misleading disclosure about legal proceedings; and
- they may lead to inappropriate disclosure about legal proceedings that may prejudice the outcome of those proceedings.

As a result of several strong objections, the IASB will issue another Exposure Draft with a revised proposed standard. The project will be delayed until at least late 2012.

Money Laundering

Defending the privileged relationship between lawyers and their clients, CBA opposed government attempts to conscript lawyers in the fight against

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Your questions answered on privilege and confidentiality

Frequently asked questions about solicitor-client privilege and client confidentiality are the subject, the third in a series of guidelines, designed to supplement the *CBA Code of Professional Conduct*. Published in a searchable, online format, the guidelines pose 17 FAQs that deal with all manner of ethical issues for lawyers, ranging from exceptions to privilege, to client identification, to how to preserve privilege when communicating electronically.

Produced by the CBA's Ethics and Professional Responsibility Committee, the questions and answers follow two earlier practice tools – on new technologies and marketing practices.

Please visit: cba.org/CBA/activities/code



money laundering by reporting their clients based on any “suspicion” of money laundering. CBA intervened in a constitutional challenge of the 2001 *Proceeds of Crime Act* that included lawyers in the reporting regime. The profession succeeded in having lawyers removed from the *Act*. The litigation was adjourned indefinitely and the government must seek the consent of the legal profession for any future regulations that would bring lawyers into the regime. Regulations proposed in 2007 would require lawyers to collect client identification information for government purposes, subjecting law offices to potential compliance searches in contravention of Supreme Court of Canada guidelines. Negotiations between the government and the profession proved unsuccessful, and the litigation has been reopened.

After law societies adopted “know your client” regulations, CBA established a mechanism for passing lawyers’ concerns about the impact of those regulations on the practice of law to law societies. CBA continues to raise serious objections to any measures that would infringe lawyers’ primary duty to their clients or erode the independence of the profession.

Future of Solicitor-Client Privilege

Over the past three decades, solicitor-client privilege has been elevated from a limited evidentiary privilege into a quasi-constitutional right. Wigmore’s definition continues to prevail: “Where legal advice of any kind is sought from a professional legal adviser, in his capacity as such, the communications relating to that purpose, made in confidence by the client, are at his instance permanently protected from disclosure by himself or by the legal adviser, except the protection be waived.” In a series of cases since 1999, the Supreme Court greatly strengthened the privilege. It is now best understood as a quasi-constitutional right to communicate in confidence with one’s lawyer which can be invoked in any circumstances.

However, the Court’s jurisprudence does not provide an adequate framework for addressing several

issues regarding the privilege. Moreover, the Canadian approach is in many ways at odds with how the privilege is treated in other common law jurisdictions.

In this context, CBA engaged Professor Adam Dodek to prepare a discussion paper to take stock of the state of solicitor-client privilege in Canada and internationally, and to address current challenges and opportunities for CBA regarding the privilege. The paper is available on cba.org.

Government Right to Privilege vs. Public Right to Know

In December 2008, CBA intervened at the Supreme Court of Canada in an appeal from the Ontario Court of Appeal. At issue was whether the government is constitutionally obliged under section 2(b) of the *Charter* to legislate an abrogation of its own solicitor-client privilege in the public interest, to promote freedom of expression of members of the public. The Court of Appeal determined that the *Act* infringed the *Charter*, and extended the public interest override to allow access to privileged records.

CBA argued that government is not constitutionally required to abrogate its own solicitor-client privilege. To the contrary, the government’s solicitor-client privilege should be fostered in that it promotes the public interest by enhancing the application of the law and maintaining the rule of law over public administration.

In June 2010, the Supreme Court overturned the Court of Appeal, emphasizing the near absolute character of solicitor-client privilege. The absence of a public interest override for privileged documents is not unconstitutional. The doctrine of privilege includes consideration of the public interest.

Counsel’s Right to Withdraw

CBA intervened at the Supreme Court of Canada in *R. v. Cunningham*, involving important and at times

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CBA Code of Professional Conduct

The *CBA Code of Professional Conduct* plays an integral role in the Canadian legal profession. In this era of globalized law practice and increased mobility, it is important to have common rules for all Canadian lawyers. New conflict of interest rules have been incorporated into the *CBA Code*. Published online in a fully searchable format, the 2009 edition reflects today’s realities of practicing law in substance as well as in form.

Consult the *CBA Code* at: cba.org/CBA/activities/code

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Online PD

CBA’s live online programs provide professional development in an accessible, affordable, and interactive format. Facilitated by web conferencing technology, registrants participate in high quality presentations on relevant topics dealing with substantive law and practice management. All participants have access to the live presentation and Q & A with our expert speakers as well as excellent materials to integrate into their firm’s knowledge management systems.

All sessions are recorded and made available for sale following the live presentation. For more information, please visit: cba.org/pd.



conflicting rules and principles guiding counsel’s right to withdraw from a criminal case, a court’s jurisdiction to compel a lawyer to continue to act and the extent to which solicitor-client privilege and confidentiality preclude a court from requiring counsel to justify or explain a request to withdraw from a case. CBA argued that courts should generally presume counsel’s adherence to rules of professional conduct, as requiring counsel to explain why withdrawal is necessary will inevitably touch upon matters protected by solicitor-client privilege. Any alleged misconduct must be investigated and sanctioned by the relevant law society, and courts’ powers to cite lawyers for contempt in such instances should be used sparingly.

In March 2010, the Supreme Court recognized that “access to justice should not fall solely on the shoulders of the criminal defence bar”, and an order requiring counsel to work for free should not be made lightly. As the vast majority of lawyers adhere to high ethical standards, the Court’s decision is unlikely to result in significant changes in how lawyers conduct themselves. However, lawyers should ensure that fee-related issues impacting their willingness to continue to act as counsel are brought to the court’s attention in a timely manner.

Conflicts of Interest

Current conflict of interest rules impose a heavy burden on lawyers, law firms, the courts and, unexpectedly, on clients. Concern that the rules are out of step with the modern practice of law and not protecting clients or serving the public interest as well as they might led CBA to establish the Task Force on Conflicts of Interest in 2007.

The Task Force mandate was to find a more practical approach to managing conflicts for clients and the profession and to develop useful model tools and materials for lawyers. It undertook to develop a CBA consensus on changes to the rules that may be considered by the law societies and incorporated into their codes of conduct. Task Force members repre-

sented large and small law firms, in-house and government practice, the lawyers’ insurance and law society sectors, and a variety of practice areas.

The Task Force undertook extensive consultations with the profession, asking:

- are loyalty requirements being interpreted appropriately;
- should presumptions of information-sharing within a law firm be rebuttable;
- should retainer letters be encouraged or required; and
- do the rules pose problematic challenges for particular areas of practice, and in rural and remote communities.

The Task Force Report, published in August 2008, focused on how the lawyer-client relationship is established, the fundamental duties lawyers owe their clients, and the benefit of written understandings between clients and lawyers.

CBA Council adopted the Task Force recommendations and amendments to the *CBA Code of Professional Conduct*. The revised Code is online at cba.org.

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Conflicts of Interest Tool Kit

With its report, the Task Force on Conflicts of Interest released an 80-page toolkit with 33 sample materials. These practical checklists and precedents help lawyers recognize, deal with and avoid conflicting interests. The toolkit complements the in-depth legal analysis in the report and recommendations of the Task Force.

Please visit: cba.org/CBA/groups/conflicts/toolkit2.aspx

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CBA PracticeLink

CBA PracticeLink is the comprehensive, award-winning, online law practice destination exclusive to CBA members. The site offers practical tools, information, tips, and ideas to help lawyers cope with the day-to-day, bread-and-butter issues of running a law practice: serving clients, marketing the practice, managing finances, using technology, balancing work and personal life, and more.

Designed with the busy, practising lawyer in mind, CBA PracticeLink helps members with the business side of law. Visitors can pick up exclusive articles and tips, interact and listen to podcasts to help their practice flourish.

Please visit: cba.org/practicelink

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Law Firm Leadership Conference

CBA has created a forum for managing partners and others aspiring to leadership positions in law firms to discuss, debate and explore current issues and challenges facing Canadian law firms. The only Canadian conference of this scope and intent, the CBA Law Firm Leadership Conference brings together industry experts, managing partners, in-house counsel and others on issues including: marketing, compensation, recruitment, conflicts and risk management, associate retention, media relations and law firm effectiveness.



The Task Force is now working with the Federation of Law Societies with a view to incorporating the conflicts principles adopted by CBA Council into the Federation's new model code of professional conduct. It is also undertaking an initiative to promote the consistent use of engagement letters within the profession.

Business Development and Professional Interests

The Future of Lawyers, Law Firms and the Legal Profession

CBA's partnership with Professor Richard Susskind and other leading thinkers, innovators and challengers facilitates members' access to relevant knowledge about global transformations affecting their work, trends that offer new opportunities for competitiveness, and the tools required to turn theory into practice. In 2009, CBA hosted the North American launch of Susskind's book, *The End of Lawyers?*, and introduced him to groups of members across the country. Professor Susskind continues to participate in CBA's ongoing initiatives to assist lawyers and law firms to face the challenge of maintaining and growing competitiveness while delivering the best possible service to clients in a changing legal marketplace.

To view a webcast with Richard Susskind, please visit cba.org.

World Trade Organization – General Agreement on Trade in Services (GATS)

Canada has been involved in comprehensive mul-

tilateral negotiations through the World Trade Organization (WTO) regarding trade in services. Trade in services is covered by the General Agreement on Trade in Services (GATS). The purpose of GATS is to liberalize trade in service sectors, including professional services and, within that category, legal services. GATS provides a framework for negotiating rules in the individual sectors. Disciplines negotiated under the GATS will provide general rules governing international mobility of lawyers, the provision of legal services abroad, and how foreign legal professionals can provide services within Canada.

CBA ensures that the interests of the legal profession are reflected in Canada's negotiations with other member states. At the request of the Department of Foreign Affairs and International Trade, CBA acts as a conduit for input from law firms on priority markets, barriers to the provision of legal services abroad, and barriers to the provision of legal services to foreign clients from within Canada.

Law Reform on the International Stage

CBA delegations to UN and other international conferences provide members access to global perspectives, international profile and business opportunities worldwide.

The Past Chair of CBA's Competition Law Section is a non-governmental advisor in the Canadian delegation to the annual International Competition Network meetings.

CBA was invited to participate as an advisor to Canada in the deliberations of UNCITRAL (United Nations Commission on International Trade Law) Working Group V on the treatment of corporate groups in insolvency. CBA's participation is an opportunity for governments to hear from lawyers in private practice on the practical application of international insolvency law, and for CBA representatives to transmit information back to CBA members. UNCITRAL has

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Work-Life Balance Resource Centre

As billable hour targets increase, the population ages, and more women enter the legal profession, Canadian lawyers of all ages feel the greater pull of competing pressures from their legal work and family, health or other obligations.

CBA continues to develop innovative ways to help lawyers in their work-life balance struggles. At CBA's online Work-Life Balance Resource Centre, lawyers can access information on diversity, retention of women, parental leave, retirement and workforce re-entry, as well as strategies for balancing work and family, coping with stress and avoiding burnout. The resource centre links to CBA's Legal Professional Assistance Conference and its 24 hour helpline.

Please visit: cba.org/CBA/Practicolink/balance_main/default.aspx

USEFUL TOOLS

Making Partner Toolkit

CBA's Making Partner Toolkit provides an online collection of insightful tips and strategies for lawyers who want to reach that goal. The Toolkit includes articles, fact sheets, a self-assessment, and podcast conversations with managing partners, coaches, new partners, associates, and lawyers who have chosen a different career path. There is also useful information on things to consider before signing a partnership agreement.

The CBA's Making Partner Toolkit helps lawyers plan their success. Please visit: cba.org/cba/partnership/main/



adopted a Practice Guide on Cross-Border Insolvency Cooperation, a useful tool for insolvency practitioners involved in cross border proceedings. It is available at: www.uncitral.org/uncitral/en/uncitral_texts/insolvency/2009PracticeGuide.html.

CBA was granted observer status at the United Nations Climate Change Conference in Copenhagen in December 2009 and in Cancun in December 2010, CBA was the only Bar Association in the world to participate in both conferences.

Pension Reform for the Self Employed

CBA is urging governments to amend pension standards legislation and the *Income Tax Act* to allow self employed individuals to sponsor registered pension plans. Many lawyers are self employed, either as sole practitioners or in partnerships, and are unable to participate in registered pensions plans.

Legislative amendments to allow self employed individuals to participate in registered pension plans would let them better plan for retirement and minimize reliance on tax supported income supplements. The added flexibility to the retirement income system would generate additional capital investment through such funds, which could then be invested in Canada's economy.

CBA is working with other professional organizations on pension issues. In December 2010, the federal, provincial and territorial governments agreed on a framework for Pooled Registered Pension Plans (PRPPs) for small firms, employees and the self employed. CBA's National Pension and Benefits Law Section will offer its assistance to ensure that any proposed solutions are as effective as possible.

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RARE Finds Resource Centre

CBA's Equality Committee is developing an online resource centre to deal with talent management, advancement and development. Scheduled for release in summer 2011, the "RARE" (Retention, Advancement and Re-Entry) Finds Resource Centre is predicated on the notion that a diverse range of lawyers bring unique and tangible benefits to a law practice. It will provide resources for law firm leaders, lawyers seeking to advance within the profession and lawyers re-entering practice after a period of absence. The web platform will also showcase success stories, guidance and inspiration from lawyers who have surmounted barriers to find their place in the legal profession.

For more information on projects of the Standing Committee on Equality see: cba.org/CBA/Equity/main/issues.aspx

Access to Justice

Legal Aid

CBA has lobbied for adequate legal aid services for over 20 years. In 2005, CBA launched a test case to establish a broader constitutional entitlement to civil legal aid. Naming the federal government, the BC government and the BC legal aid plan, CBA called for constitutional recognition of a limited right to civil legal aid. CBA chose this approach — acting in the public interest — recognizing that an impoverished individual is unlikely to launch a *Charter* challenge when unfairly denied legal aid. The courts were not receptive to this public interest approach. CBA is now continuing its fight for adequate legal aid services through more conventional litigation, by supporting cases involving named plaintiffs in selected jurisdictions. CBA will select a family law case, a poverty law case, and several cases involving direct extensions of the right to counsel as already recognized by the Supreme Court in the child protection context (*JG v New Brunswick, 1999*).

CBA continues to press federal, provincial and territorial governments to support designated funding for civil legal aid. CBA also commissioned a comprehensive study into new approaches to legal aid delivery. *Moving Forward on Legal Aid* was released in

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Class Action Database

CBA launched the National Class Action Database in 2007 to assist lawyers, courts and the public with the challenges presented by multijurisdictional class actions. The database reduces uncertainty for those presumptively included in more than one class action and subject to conflicting court judgments, for counsel about the size and composition of class membership in a given class action, and for judges on the class members bound by their decisions. The National Class Action Database is a public repository for information about the existence and status of class actions across Canada.

Superior courts in British Columbia, Yukon, Alberta, Ontario, Newfoundland, Saskatchewan, Nova Scotia, as well as the Federal Court of Canada have issued practice directions or rules requiring lawyers to register their class actions in the national database. CBA has worked with the Québec Department of Justice on a provincial class action database. Québec class actions are registered on the Superior Court website and transmitted to CBA's database, resulting in seamless access to Québec class actions within the national database. Close to 400 class actions have been filed to date.

Please visit: cba.org/ClassActions/main/gate/index



June 2010, and is expected to inform future CBA policies and actions on legal aid.

National Class Action Task Force

Overlapping, multijurisdictional class actions (class actions commenced in more than one jurisdiction ostensibly covering extra-jurisdictional claimants) impede access to justice. They create confusion for members of the public who may be presumptively included in more than one class action and subject to conflicting court judgments. They also create uncertainty as to the size and composition of class membership in a class action, thereby increasing litigation costs, jeopardizing the viability of existing class actions, and magnifying the risk to law firms litigating such cases. They dissipate court resources, as courts in different jurisdictions might hear and issue decisions on the same facts involving the same claimants. The public, the judiciary, and the litigation bar alike are frustrated by the existing system.

To seek solutions to the problem, the CBA established a National Class Action Task Force in February 2010. The Task Force will develop a judicial protocol to consolidate proceedings as an interim solution. It will then seek a permanent, legislative solution for acceptance in all jurisdictions. Task Force members include leaders in the class action bar, judges and academics. Lawyers are from both the plaintiff and defence bar, including corporate counsel and lawyers from law firms involved in class action litigation.

USEFUL TOOLS

Common List of Authorities

Together with lawyers from Justice Canada, CBA has compiled common lists of authorities for use in Federal Court. Volume 1 is for immigration proceedings. Volume 2 is for Aboriginal law matters. The lists streamline books of authorities that lawyers must produce, saving time and saving paper. A Federal Court *Notice to Parties and the Profession* indicates that only quoted passages from cases in the Common List must be reproduced in books of authorities. A copy of the common authorities is available to Federal Court judges in every centre where the Court conducts hearings.

For Common List of Authorities (Immigration), please see: [http://cas-ncr-nter03.cas-satj.gc.ca/fct-cf/pdf/Notice%20\(Common%20List\)%20Vol%201%2015-04-2008%20\(ENG\).htm](http://cas-ncr-nter03.cas-satj.gc.ca/fct-cf/pdf/Notice%20(Common%20List)%20Vol%201%2015-04-2008%20(ENG).htm)

For Common List of Authorities (Aboriginal), please see: [http://cas-ncr-nter03.cas-satj.gc.ca/fct-cf/pdf/Notice%20-%20Common%20List%20of%20Authorities%20-%20Volume%202%20Aboriginal%20Law%20\(November%202010\).htm](http://cas-ncr-nter03.cas-satj.gc.ca/fct-cf/pdf/Notice%20-%20Common%20List%20of%20Authorities%20-%20Volume%202%20Aboriginal%20Law%20(November%202010).htm)

Lobbyist Rules

Lawyers are zealous advocates for their clients' interests in the boardroom, the courts, and the corridors of government. However, lawyers and other lobbyists should not have to give up their fundamental constitutional rights to advance their clients' interests with federal policy-makers. In 2010 the Commissioner of Lobbying issued new guidance on Rule 8 of the *Lobbying Code of Conduct*, saying that "political activities" by registered lobbyists may result in an ethical violation by placing public office holders in a conflict of interest. CBA's Constitutional and Human Rights Law Section said that the guidance violated lobbyists' freedom of expression under the *Charter* and was not justified, given the vagueness of the guidance and its potential breadth. In August 2010, the Commissioner issued a "clarification" distinguishing high risk political activities from low risk ones. CBA believes that the clarification is not sufficient to rectify the constitutional problem. CBA will continue to pursue the matter to ensure that lawyers are not forced to choose between exercising their freedom to engage in legitimate political expression and serving their clients.

Action Committee on Access to Justice

CBA is concerned about the growing gaps in access to justice, as legal aid plans eliminate coverage for essential services, even to the very poor. Fewer and fewer Canadians can afford legal representation.

High legal fees are an easy target as the problem. But lawyers should not bear the entire burden for access to justice problems. The problem is systemic, and requires a systemic response. CBA has joined with judges, governments, legal aid providers and

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Succession Law Tables of Concordance

CBA's Wills, Estates and Trusts Section has assembled Succession Law Tables of Concordance. The Tables provide a quick reference to basic information about estate and succession laws in Canadian jurisdictions and links for ready access to make enquiries of court and land titles officials. They are a convenient starting point for lawyers considering estate files complicated by interprovincial issues or performing services in neighbouring jurisdictions. They are also a handy tool for those seeking to reform and harmonize succession law in the provinces and territories. A comprehensive update of the Tables of Concordance was launched in 2011, along with changes to the website to provide easier access.

Please visit: cba.org/CBA/sections_wills/main/tables_2010.aspx



others to form the national Action Committee on Access to Justice to find concrete solutions. The Action Committee is considering alternative ways to provide legal services (such as unbundling), improvements to ensure court appearances are productive and efficient, and better legal education so individuals can use legal services efficiently. The Chief Justice of Canada is honorary chair.

Improving the Law and the Administration of Justice

Canada Not-for-profit Corporations Act

CBA is a proponent of modernizing the governance framework for federal not-for-profit corporations (NFPs). NFPs are critical to Canada’s religious, cultural and social fabric. Yet the legal rules that govern federal NFPs, dating from 1917, were antiquated, cumbersome, and gap-ridden. CBA’s Business Law and Charities Law Sections collaborated on a detailed analysis of proposed federal legislation. CBA said that the *Canada Not-for-profit Corporations Act* should focus on facilitating the work of NFPs. The Act will come into force in 2011.

CBA professional development programs are available to show how the new legislation streamlines the regulatory burden on Canada’s not-for-profit sector; and promotes modern standards of accountability, transparency and good corporate governance. For more information, see cba.org/pd/index.aspx

Charities – Disbursement Quotas

CBA’s Charities and Not for Profits Section succeeded in its efforts to give donors and charities more flexibility to endow or create a reserve for a founda-

tion or a charitable organization. The federal government removed the requirement for registered charities to spend 80% of the previous year’s tax-receipted donations, plus other amounts relating to enduring property and transfers between charities. This change to the disbursement quota was announced in the 2010 Federal Budget.

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Practising Ethically with New Technologies

The CBA Ethics Committee has developed guidelines for the ethical use of new information technologies, highlighting best practices in confidentiality, encryption, privilege, electronic storage, retention and deletion, metadata, security, marketing, accessibility, service delivery, intellectual property and software, electronic legal research and information retrieval, and participation in online discussions

Read the guidelines at: cba.org/CBA/activities/pdf/guidelines-eng.pdf

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New Media Marketing

In the past, a shingle on Main Street let passersby know a lawyer was available to take on their legal work. Today, millions of potential clients browse online. What rules apply to lawyers who use the Internet to seek out clients?

CBA’s Ethics Committee presents “Marketing Practices Using New Information Technologies”, covering everything from e-mail tag lines to blog etiquette to web-based lawyer referral services.

Read the guidelines at: cba.org/CBA/activities/pdf/ethicsguidelines-eng.pdf

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Online Equity and Diversity Resources

CBA’s Equality Committee has produced short videos with useful tips for lawyers, clients and the public about best practices to include, accommodate and foster equality for lawyers from historically disadvantaged or marginalized groups.

Posted on CBA.ORG and YouTube, with tips on promoting inclusion in law firms, the videos feature leading CBA members. The project was featured in the December 2010 issue of CBA National: cbanational.rogers.dgtpub.com/2010/2010-12-31/home.php

To view the videos with closed captioning for the hearing impaired, please visit: cba.org/CBA/Equity/main/ or youtube.com/user/cbaequity

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