



# Joint Professionalism Training: Integrity

University of Toronto, September 18, 2015



THE LAW SOCIETY OF UPPER CANADA  
LICENSING AND ACCREDITATION  
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## LAWYER LICENSING PROCESS

### Good Character Amendment Form

Candidate Name: \_\_\_\_\_ Candidate Number: \_\_\_\_\_

**I have made amendments to the following question(s) on my original Licensing Process application:**

1. Have you ever been found guilty of, or convicted of, any offence under any statute? Exclude speeding and parking tickets. (If you have been found guilty or convicted of an offence under the *Young Offenders Act* or the *Youth Criminal Justice Act*, please refer to the section online called "Completing the Lawyer Licensing Process Application" for further details.) ☐ Yes ☐ No
2. Are you currently the subject of criminal proceedings? ☐ Yes ☐ No
3. Has judgment ever been entered against you in an action involving fraud? ☐ Yes ☐ No
4. Are there any outstanding civil judgments against you? If yes, attach a copy of the judgments to this application. ☐ Yes ☐ No
5. Have you ever disobeyed any order of any court requiring you to do any act or to abstain from doing any act? ☐ Yes ☐ No
6. Have you ever been discharged from any employment where the employer alleged there was cause? ☐ Yes ☐ No
7. Have you ever been suspended, disqualified, censured or otherwise disciplined as a member of any professional organization? If yes, attach a letter or certificate of good standing to this application. ☐ Yes ☐ No
8. Have you ever been denied a licence or permit, or had any licence or permit revoked for failure to meet good character requirements? ☐ Yes ☐ No
9. Have you ever been refused admission as a student-at-law, articled clerk or similar position in any professional body? ☐ Yes ☐ No
10. While attending a post-secondary institution, have allegations of misconduct ever been made against you, or, have you ever been suspended, expelled or penalized by a post-secondary institution for misconduct? If yes, attach written details of the allegation and suspension, expulsion and penalty imposed on you to this application. ☐ Yes ☐ No
11. Are you currently subject to a petition or assignment in bankruptcy or a proposal to creditors under the *Bankruptcy and Insolvency Act*, or have you ever been bankrupt or insolvent, under any statute? If you have been discharged, please attach proof of the discharge to this application. (Candidates wishing to obtain a discharge may review information on the web site of the Office of Superintendent of Bankruptcy of Canada: [www.osb-bsf.gc.ca/](http://www.osb-bsf.gc.ca/)) ☐ Yes ☐ No
12. Have you ever been disciplined by an employer, or been a respondent in proceedings, in relation to a human rights code violation (e.g., sexual harassment, racial discrimination)? ☐ Yes ☐ No

☐ Please also see the attached written explanation of the indicated question/change

Candidate Signature: \_\_\_\_\_ Commissioner's Signature: \_\_\_\_\_

**FOR OFFICE USE ONLY**

Date Received: \_\_\_\_\_ Received by: \_\_\_\_\_ Entered in System: \_\_\_\_\_

# Section 2.1 Integrity

- A lawyer has a duty to carry on the practice of law and discharge all responsibilities to clients, tribunals, the public and other members of the profession honourably and with integrity.
- **Commentary**
- **[1]**
- Integrity is the fundamental quality of any person who seeks to practise as a member of the legal profession. If a client has any doubt about their lawyer's trustworthiness, the essential element in the true lawyer-client relationship will be missing. If integrity is lacking, the lawyer's usefulness to the client and reputation within the profession will be destroyed, regardless of how competent the lawyer may be.
- **[2]**
- Public confidence in the administration of justice and in the legal profession may be eroded by a lawyer's irresponsible conduct. Accordingly, a lawyer's conduct should reflect favourably on the legal profession, inspire the confidence, respect and trust of clients and of the community, and avoid even the appearance of impropriety.

# Section 2.1 Integrity

- **Commentary**
- **[3]**
- Dishonourable or questionable conduct on the part of a lawyer in either private life or professional practice will reflect adversely upon the integrity of the profession and the administration of justice. Whether within or outside the professional sphere, if the conduct is such that knowledge of it would be likely to impair a client's trust in the lawyer, the Law Society may be justified in taking disciplinary action.
- **[4]**
- Generally, however, the Law Society will not be concerned with the purely private or extra-professional activities of a lawyer that do not bring into question the lawyer's professional integrity.
- **[4.1]**
- A lawyer has special responsibilities by virtue of the privileges afforded the legal profession and the important role it plays in a free and democratic society and in the administration of justice, including a special responsibility to recognize the diversity of the Ontario community, to protect the dignity of individuals, and to respect human rights laws in force in Ontario.
- *[Amended – June 2015]*

# Hypothetical--

In the first few weeks of the 2011-2012 school-year, some Dalhousie dental students set up a Facebook group called “The Class of DDS 2015 Gentleman’s Facebook Group. One of the first items up for discussion was a poll regarding who in the class members would like to marry. The discussion devolved into questions about students with whom the members would like to have “hate sex.”

Over the next three years, the Facebook group featured sexist and sexually violent posts, homophobic posts, a joke about using chloroform on a fellow student, references to women as “honeypots,” and accusations that some female students used their sexuality to receive better grades.

# Hypothetical, ii

A subsequent report found that none of the posts on the site could be construed as threats.

In December of 2014, a male member of the group, “Student B,” (who had been a group members for more than 3 years) showed the site to a female classmate who was the target of a poll. The female student brought the site to the attention the school. The University suspended the clinical privileges of the 13 male student members of the group. The students were also required to participate in a restorative justice program.

# Hypothetical, iii

Imagine this set of events happened at a law school in Ontario. Suppose the Law Society rejected the applications, and required each of them to show he had good character.

- What facts and arguments could the Law Society point to and make to meet its burden to show that the students' good character is in issue?
- If asked to represent them, what arguments might you marshal to prove their behaviour did not establish that they lacked good character? What evidence would you present to show they met the test for admission?
- How should the Law Society treat Student B?