



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 6

(2006, chapter 9)

An Act to amend the Act respecting the Barreau du Québec

Introduced 28 March 2006

Passage in principle 6 April 2006

Passage 8 June 2006

Assented to 9 June 2006

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EXPLANATORY NOTES

This bill amends the Act respecting the Barreau du Québec so that a joint-stock company may be entitled to the judicial and extrajudicial costs of the advocates who carry on their professional activities within the company in conformity with the applicable by-laws.

The bill also provides that the presumption of illegal practice of the profession of advocate does not apply to persons who are not members of the Bar but associate themselves with an advocate for the practice of the profession or share professional fees or earnings with an advocate, provided that the association or sharing is in conformity with the applicable by-laws.

Bill 6

AN ACT TO AMEND THE ACT RESPECTING THE BARREAU DU QUÉBEC

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 125 of the Act respecting the Barreau du Québec (R.S.Q., chapter B-1) is amended by replacing subsection 1 by the following subsection:

“125. (1) Only advocates are entitled to judicial and extrajudicial costs. However, if an advocate carries on his professional activities within a joint-stock company in accordance with the by-law adopted by the General Council under paragraph *p* of section 94 of the Professional Code, the company is entitled to those costs, and, unless otherwise agreed, to distraction by operation of law in favour of the attorney in the case of condemnation to costs.”

2. Section 134 of the Act is amended by adding the following paragraph at the end:

“Nor does the fact that a person other than a member of the Bar associates himself with an advocate for the practice of the profession or shares with that advocate the benefit of professional fees or earnings to which the advocate or the company or partnership within which the advocate practises is entitled constitute illegal practice of the profession of advocate within the meaning of section 133, provided that the association or sharing is consistent with the conditions and restrictions according to which the advocate is authorized by by-law of the General Council to associate himself for the practice of the profession or share professional fees with such a person.”

3. This Act comes into force on 9 June 2006.

