

Gouvernement du Québec

**O.C. 351-2004, 7 April 2004**

Professional Code  
(R.S.Q., c. C-26)

**Advocates**

— **Code of ethics**  
— **Amendments**

Regulation to amend the Code of ethics of advocates

WHEREAS, under section 87 of the Professional Code (R.S.Q., c. C-26), the General Council of the Barreau du Québec must make, by regulation, a code of ethics governing the general and special duties of members of the Order towards the public, clients and profession;

WHEREAS the General Council made a Code of ethics of advocates (R.R.Q., 1981, c. B-1, r.1);

WHEREAS, at its meetings of 18 June 1999, 19 June 2003 and 25 September 2003, the General Council made three regulations under the abovementioned section to amend various provisions of the Code of ethics of advocates;

WHEREAS, under section 95.3 of the Professional Code, drafts of the Regulations were sent to every member of the Order at least 30 days before being made by the General Council;

WHEREAS, under section 95 of the Professional Code, subject to sections 95.1 and 95.2 of the Code, every regulation made by the Bureau of a professional order under the Code or an Act constituting a professional order must be transmitted to the Office des professions du Québec for examination and be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS the Regulation to amend the Code of ethics of advocates attached to this Order in Council incorporates the three regulations which, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), were published as draft regulations in Part 2 of the *Gazette officielle du Québec* of 21 July 1999, 3 September 2003 and 5 November 2003, respectively, with a notice that they could be submitted to the Government for approval on the expiry of 45 days following each publication;

WHEREAS no comments were received by the Chair of the Office following the publication of those regulations;

WHEREAS, the Office has examined the Regulation attached to this Order in Council and made its recommendation;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation to amend the Code of ethics of advocates, the text of which is attached to this Order in Council, be approved.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

**Regulation to amend the Code of ethics of advocates\***

Professional Code  
(R.S.Q., c. C-26, s. 87)

**1.** The title of Division I of the Code of ethics of advocates is replaced by the following: “GENERAL PROVISIONS”.

**2.** The Code is amended by inserting the following sections after the title of Division I:

“**1.00.01.** This Code prescribes, pursuant to section 87 of the Professional Code (R.S.Q., c. C-26), the duties of an advocate, regardless of the context or manner in which he engages in his professional activities or the nature of his contractual relationship with the client.

**1.00.02.** An advocate shall take reasonable measures to ensure compliance with the Act respecting the Barreau du Québec (R.S.Q., c. B-1), the Professional Code and the regulations adopted thereunder by any person, other than an advocate, who cooperates with him when he engages in his professional activities or by any partnership or joint-stock company within which he engages in his professional activities.”

\* The most recent amendments to the Code of ethics of advocates (R.R.Q., 1981, c. B-1, r.1) were made by the regulation approved by Order in Council 358-97 dated 19 March 1997 (1997, *G.O.* 2, 1843). For prior amendments, see *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2003, up to date until September 1, 2003.

**3.** The Code is amended by inserting the following section after the title of Division II:

“**2.00.01.** An advocate shall act with dignity, integrity, honour, respect, moderation and courtesy.”

**4.** Section 2.01 of the Code is amended:

(1) by inserting the following paragraph at the beginning of that section:

“**2.01.** An advocate shall uphold respect for the law.”;

(2) by replacing the words “The advocate” with the word “He” at the beginning of what has become the second paragraph of that section; and

(3) by replacing the words “and seek” with the words “or seek” in what has become the second paragraph of that section.

**5.** The Code is amended by inserting the following after section 2.01:

“**2.01.01.** An advocate shall serve justice.

He shall support the authority of the courts. He may not act in a manner which is detrimental to the administration of justice. In particular, he may not make a public statement which may prejudice a case pending before a court.”

**6.** Section 2.02 of the Code is amended by replacing the words “a mandate” with the words “, for himself or any other person, a contract”.

**7.** Section 2.03 of the Code is repealed.

**8.** Section 2.04 of the Code is amended by replacing the words “a client” with the words “the client”.

**9.** Section 2.05 of the Code is amended by replacing the words “his colleagues” with the words “other advocates”.

**10.** Section 2.06 of the Code is repealed.

**11.** Section 2.07 of the Code is amended by replacing the words “his client” with the words “the client”.

**12.** Section 2.08 of the French text of the Code is amended by deleting the word “être”.

**13.** Section 2.09 of the Code is repealed.

**14.** The Code is amended by inserting the following section after the title of Subdivision 1 of Division III:

“**3.00.01.** An advocate owes the client a duty of skill as well as obligations of loyalty, integrity, independence, impartiality, diligence and prudence.”

**15.** Section 3.01.01 of the Code is amended:

(1) by replacing the words “accepting a mandate” with the words “agreeing to provide professional services”; and

(2) by replacing the words “any mandate” with the words “to provide any professional services”.

**16.** Section 3.01.02 of the Code is replaced by the following:

“**3.01.02.** An advocate shall at all times acknowledge the client’s right to consult another advocate, a member of another professional order or any other competent person.

If the interests of the client require it, he must, with the authorization of the client, consult another advocate, a member of another professional order or another competent person or recommend to the client that he consult such person.”

**17.** Section 3.01.03 of the Code is amended by replacing the words “his client” with the words “the client”.

**18.** Section 3.01.04 of the Code is replaced by the following:

“**3.01.04.** When an advocate foresees that the services for which the client is retaining him may be carried out in whole or in part in their essential aspects by another person, he shall so inform the client.”

**19.** Section 3.01.05 of the Code is amended by replacing the words “his client” with the words “the client”.

**20.** Section 3.02.01 of the Code is amended:

(1) by replacing the portion preceding paragraph *a* with the following: “The following acts, among others, are a breach of the obligation to act with integrity:”;

(2) by replacing the words “his client” with the words “the client” in paragraph *c*;

(3) by replacing the words “his client” with the words “the client” and replacing the word “colleagues” with the word “advocates” in paragraph *d*;

(4) by replacing the words “his client” with the words “the client” in paragraph *e*;

(5) by replacing the words “practises his profession in the same law firm as himself” with the words “has an interest in the partnership or joint-stock company in which he engages in his professional activities or is employed by that partnership or joint-stock company” in paragraph *k*;

(6) by replacing the words “his mandate” with the words “the contract for professional services entered into with the client” in paragraph *l*; and

(7) by adding, in the English text, the letters “ing” to the words “withhold” and “conceal” in paragraph *a*, to the word “prevent” in paragraph *b*, to the words “lead” and “attempt” in paragraph *c*, to the word “suppress” in paragraph *e*, to the words “act” and “help” in paragraph *f*, to the words “pay” and “offer” in paragraph *g*, to the word “act” in paragraph *i*, to the words “retain”, “steal”, “conceal”, “falsify” and “destroy” in paragraph *j* and to the words “appear” and “plead” in paragraph *k* and by replacing the word “create” with the word “creating” in paragraph *c*, replacing the word “encourage” with the word “encouraging” in paragraph *d*, replacing the word “advise” with the word “advising” and the word “induce” with the word “inducing” in paragraph *f*, replacing the word “communicate” with the word “communicating” in paragraph *h*, replacing the word “abuse” with the word “abusing” in paragraph *i*, replacing the word “mutilate” with the word “mutilating” in paragraph *j* and replacing the word “refuse” with the word “refusing” in paragraph *l*.

**21.** Section 3.02.03. of the Code is amended by replacing the word “services” with the words “professional services or, if applicable, the competence or the effectiveness of the services provided by persons who carry on their activities within the same partnership or joint-stock company as him”.

**22.** Section 3.02.04 of the Code is amended by replacing the words “his client” with the words “the client”.

**23.** Section 3.02.05 of the Code is repealed.

**24.** Section 3.02.06 of the Code is replaced by the following:

**“3.02.06.** When property is entrusted to an advocate by the client, the advocate shall use it with care. He may not lend or use it for purposes other than those for which it was entrusted to him.

An advocate who engages in his professional activities within a partnership or joint-stock company shall take reasonable measures to ensure that the partnership or joint-stock company complies with the requirements prescribed by the first paragraph when property is entrusted to the partnership or joint-stock company in connection with such professional activities.”.

**25.** Section 3.02.07 of the Code is amended by replacing the words “a client” with the words “the client”.

**26.** Section 3.02.08 of the Code is amended by replacing the words “a client” with the words “the client”.

**27.** Section 3.02.09 of the Code is replaced by the following:

**“3.02.09.** An advocate shall cease to represent the client at the latter’s request or upon the termination of the contract for professional services.”.

**28.** Section 3.02.10 of the Code is replaced by the following:

**“3.02.10.** An advocate shall inform the client of any offer of settlement he receives in connection with the professional services rendered by him to the client.”.

**29.** Section 3.02.11 of the Code is replaced by the following:

**“3.02.11.** An advocate shall avoid performing or multiplying professional acts without sufficient reason.”.

**30.** Section 3.03.02 of the Code is amended by replacing the words “his client” with the words “the client” and by inserting the word “professional” before the word “services”.

**31.** Section 3.03.03 of the Code is amended by replacing the words “his client” with the words “the client”.

**32.** Section 3.03.04 of the Code is amended by replacing the portion preceding paragraph *a* with the following:

**“3.03.04.** Unless it is at an inopportune time, an advocate may, for serious reasons, cease representing the client, provided he does everything which is immediately necessary to prevent a loss.

The following shall, in particular, constitute serious reasons:”.

**33.** Section 3.03.05 of the Code is repealed.

**34.** Section 3.04.01 of the Code is replaced by the following:

“**3.04.01.** An advocate shall not, in engaging in his professional activities, elude or attempt to elude his personal civil liability towards the client or the liability of the partnership or joint-stock company within which he engages in his professional activities or that of another person who also engages in his activities therein.”.

**35.** Section 3.05.01 of the Code is amended by replacing the words “a mandate” with the words “to provide his professional services”.

**36.** Section 3.05.02 of the Code is replaced by the following:

“**3.05.02.** An advocate shall respect the right of the client to choose his advocate.”.

**37.** Section 3.05.03 of the Code is repealed.

**38.** Section 3.05.05 of the Code is amended:

(1) by replacing the words “a mandate in” with the words “to engage in his professional activities with respect to” in the portion preceding paragraph *a*;

(2) by replacing paragraph *a* with the following:

“(a) he or a person engaging in professional activities within the same partnership or joint-stock company as him or having an interest therein has carried out judicial or quasi-judicial functions;” and

(3) by replacing the words “municipal or school corporation” with the words “municipality or school board” in paragraph *b*.

**39.** Section 3.05.06 of the Code is amended:

(1) by replacing the portion preceding paragraph *a* with the following:

“**3.05.06.** An advocate shall not personally act in a dispute if he knows or if it is evident that he will be called upon as witness.

However, he may accept or continue to act if the fact of not doing so is of a nature to cause serious and irreparable harm to the client, or if his testimony only refers to:”; and

(2) by replacing paragraph *c* with the following:

“(c) the nature and value of the professional services he or another person engaging in his activities within the same partnership or joint-stock company have rendered to the client.”.

**40.** Section 3.05.07 of the Code is replaced by the following:

“**3.05.07.** When an advocate acts as judge for a municipality, neither he nor another person engaging in professional activities within the same partnership or joint-stock company as him or having an interest therein may provide professional services to such municipality or hold employment therein.”.

**41.** Section 3.05.08 of the Code is replaced by the following:

“**3.05.08.** An advocate who engages in his professional activities in the context of a dispute shall not, in connection therewith, acquire a right of ownership in litigious property.”.

**42.** Section 3.05.09 of the Code is amended by replacing the words “his client” with the words “the partnership or joint-stock company within which he engages in his professional activities, a person within such partnership or joint-stock company or the client” at the end of paragraph *b*.

**43.** Section 3.05.12 of the Code is amended by replacing the words “a client” with the words “the client”.

**44.** Section 3.05.13 of the Code is replaced by the following:

“**3.05.13.** An advocate may not, except for the remuneration to which he is entitled, receive, solicit or acquire any rebate or other benefit relating to the professional services provided to a client.

In addition, he may not pay, offer to pay or agree to pay any rebate, commission or other benefit relating to the professional services provided to a client.”.

**45.** Section 3.05.14 of the Code is replaced by the following:

**3.05.14.** An advocate shall not share his fees with a person who is not a member of the Barreau or another professional order or, as the case may be, is not a person contemplated in Schedule A of the Regulation respecting the practice of the profession of advocate within a limited liability partnership or joint-stock company and in multidisciplinary ( O.C. 350-2004, 7 April 2004) or with a person that is not a partnership or joint-stock company within which he is authorized to engage in his professional activities pursuant to the said regulation.”.

**46.** Section 3.05.15 of the Code is repealed.

**47.** The Code is amended by inserting the following sections after section 3.05.15 :

**3.05.16.** An advocate who engages in his professional activities within a partnership or joint-stock company shall take reasonable measures to ensure that the partnership or joint-stock company, any person engaging in activities within the partnership or joint-stock company or having an interest therein, a director or an officer refrains from doing one or more of the following :

(1) acquiring a right of ownership in litigious property when providing professional services to the client ;

(2) acting as surety in a matter under the jurisdiction of a court of penal jurisdiction, except where it is justified by his family relationship with the accused ;

(3) borrowing from the client the sums of money collected for the client ; or

(4) collecting interest contrary to section 3.08.07.

**3.05.17.** If an advocate notices, in his dealings with an individual representing the client, that the respective interests of the client and such individual may differ, he shall inform the individual of his duty of loyalty towards the client.

**3.05.18.** An advocate shall notify the client of any fact learned by him in the performance of his professional services which, in the advocate’s opinion, may be a breach of the law by the client.

If the client is not a natural person, the advocate shall give such notification to the representative of the client with whom the advocate deals when providing his professional services. If the advocate later becomes aware that the client has not remedied the unlawful situation, he shall notify the appropriate hierarchical authority when the situation involves :

(1) a material breach of securities law or any law for the protection of securityholders or members of a partnership or legal person ; or

(2) a breach of any other law, if it is likely to lead to serious consequences for the client.

**3.05.19.** An advocate shall not provide professional services to the client respecting a matter or issue which could have a significant effect on the financial statements of the client for a given fiscal year when, for the same period, he or another person engaging in his professional activities within the same partnership or joint-stock company is responsible for an audit or review engagement within the meaning of the Handbook of the Canadian Institute of Chartered Accountants.

Nonetheless, he may provide his professional services in the circumstances contemplated in the first paragraph when he or another person engaging in his professional activities within the same partnership or joint-stock company is responsible for a review engagement, if the following conditions have been met :

(1) the client is a partnership or legal person which has not made a distribution of its securities to the public ; and

(2) the shareholders or members unanimously and knowingly waive the benefit of the rule set forth in the first paragraph.

Similarly, where the client is a natural person, the provisions of the first paragraph do not apply if such natural person knowingly waives the benefit of their application.”.

**48.** Sections 3.06.01 to 3.06.05 of the Code are replaced by the following :

**3.06.01.** An advocate shall not use, for his benefit, for the benefit of the partnership or joint-stock company within which he engages in his professional activities or for the benefit of a person other than the client, confidential information obtained while he engages in his professional activities.

**3.06.02.** An advocate shall not agree to perform professional services if doing so entails or may entail the communication or use of confidential information or documents obtained from another client without the latter’s consent, unless required by law.

**3.06.03.** An advocate shall take reasonable measures to ensure that any person who cooperates with him or engages in his activities within the partnership or joint-stock company in which the advocate engages in his professional activities maintains the absolute confidentiality of confidences the advocate receives while he practices his profession.

**3.06.04.** An advocate who employs or retains the services of a person who previously worked elsewhere for another professional or within another partnership or joint-stock company shall take reasonable measures so that such person does not reveal the confidences of clients of such other professional, partnership or joint-stock company.

**3.06.05.** An advocate shall safeguard his professional independence regardless of the circumstances in which he engages in his professional activities. In particular, he must not let his professional judgment be subject to pressure exerted on him by anyone whomsoever.

**3.06.05.01.** An advocate shall subordinate to the interests of the client his personal interests, the interests of the partnership or joint-stock company within which he engages in his professional activities or in which he has an interest and the interests of any other person whether or not such person engages in his activities within such partnership or joint-stock company.”.

**49.** Section 3.06.06 of the Code is amended:

(1) by replacing the words “in which he would be in a” with the word “of” in the first paragraph; and

(2) by deleting the second paragraph.

**50.** Section 3.06.07 of the Code is amended:

(1) by replacing the word “mandate” with the words “contract for professional services” in paragraph 3; and

(2) by adding the following paragraph at the end:

“In all cases in which an advocate engages in his professional activities within a partnership or joint-stock company, conflict of interest situations shall be assessed with regard to all clients of the partnership or joint-stock company.”.

**51.** Section 3.06.09 of the Code is replaced by the following:

**“3.06.09.** Where an advocate who engages in his professional activities within a partnership or joint-stock company is in a conflict of interest, the other advocates shall, to avoid being considered in a conflict of interest themselves, take such reasonable measures as are required to ensure that confidential information or documents pertaining to the file are not revealed.

In the case where professional activities are carried on in a partnership or joint-stock company, an advocate who is in a conflict of interest and the other advocates shall see to it that such measures apply to persons other than the advocates.

In assessing the effectiveness of these measures, the following factors may, in particular, be taken into account:

(1) the size of the partnership or joint-stock company;

(2) the precautions taken to prevent access to the file by the advocate who is in fact in a conflict of interest;

(3) the instructions given as to the protection of confidential information or documents involved in the conflict of interest; and

(4) the isolation of the advocate in a conflict of interest with respect to the person in charge of the file.”.

**52.** Section 3.06.10 of the Code is amended by replacing the words “his client” with the words “the client”.

**53.** The Code is amended by inserting the following Subdivision after Subdivision 6 of Division III:

*“§6.1. Release of professional secrecy in order to protect persons*

**3.06.01.01.** An advocate may communicate information that is protected by professional secrecy, in order to prevent an act of violence, including a suicide, where he has reasonable cause to believe that there is an imminent danger of death or serious bodily injury to a person or an identifiable group of persons.

However, he may only communicate the information to a person exposed to the danger or that person’s representative, and to the persons who can come to that person’s aid.

**3.06.01.02.** An advocate who decides to communicate information that is protected by professional secrecy may only communicate such information as is necessary to achieve the purposes for which the information is communicated. He shall, in connection with such communication, mention the following:

(1) his identity and the fact that he is a member of the Barreau du Québec;

(2) that the information he will communicate is protected by professional secrecy;

(3) that he is availing himself of the possibility offered to him at law to set aside professional secrecy in order to prevent an act of violence, because he has reasonable cause to believe that there is an imminent danger of death or serious bodily injury to a person or group of persons;

(4) the nature of the threats or act of violence he intends to prevent;

(5) the identity and, if possible, the contact information for the person or group of persons exposed to the danger; and

(6) the imminence of the danger in question.

**3.06.01.03.** An advocate who decides to communicate information that is protected by professional secrecy may, if necessary to achieve the purposes of the communication contemplated in section 3.06.01.02, communicate the identity and contact information of the person who prompted him to communicate the information.

**3.06.01.04.** Where circumstances permit, an advocate may consult the syndic of the Barreau before communicating the information protected by professional secrecy in order to assess the appropriate course of action.

**3.06.01.05.** An advocate who communicates information protected by professional secrecy in accordance with section 3.06.01.01 shall, for each communication, prepare a written note as soon as possible containing the following:

(1) the date and time of the communication;

(2) the grounds in support of his decision to communicate the information, including the act of violence he intended to prevent, the identity of the person who prompted him to communicate the information as well as the identity of the person or group of persons exposed to the danger; and

(3) the content of the communication, the method of communication used and the identity of the person to whom the communication was made.”.

**54.** Section 3.07.01 of the Code is amended by replacing the words “his client” with the words “the client”.

**55.** Section 3.08.02 of the Code is amended:

(1) by inserting the word “professional” before the word “services” in the portion preceding paragraph *a*;

(2) by deleting the word “his” in paragraph *a*; and

(3) by inserting the word “professional” before both occurrences of the word “services” in paragraph *f*.

**56.** Section 3.08.04 of the Code is replaced by the following:

“**3.08.04.** An advocate shall, before agreeing with the client to provide professional services, ensure that the latter has all useful information regarding the nature and financial terms of the services and obtain his consent thereto, except where he may reasonably assume that the client is already informed thereof.

**3.08.04.01.** An advocate who practices within a partnership or joint-stock company shall ensure that the fees and costs of professional services rendered by advocates are always indicated separately on every invoice or statement of fees that the partnership or joint-stock company sends the client, except where a lump-sum payment has been agreed upon in writing with the client. However, in the latter case, the statement or invoice shall describe the professional services rendered by the advocate.”.

**57.** Section 3.08.05 of the Code is replaced by the following:

“**3.08.05.** An advocate shall provide the client with all explanations necessary to the understanding of the invoice or statement of fees and the terms and conditions of payment, except where a written agreement has been entered into with the client to receive a lump-sum payment or where he may reasonably assume that the client is already informed thereof.”.

**58.** Section 3.08.06 of the Code is amended by replacing the words “a client” with the words “the client”.

**59.** Section 3.08.07 of the Code is replaced by the following:

“**3.08.07.** Other than legal interest, the only interest an advocate may collect on outstanding accounts is interest upon which he has agreed with the client in writing. The interest thus charged shall be at a reasonable rate.

**3.08.07.01.** When an advocate engages in his professional activities within a joint-stock company set up for the purpose of such activities, the fees and costs relating to the professional services rendered by him within and on behalf of such joint-stock company shall belong to such joint-stock company, unless it is agreed otherwise.”.

**60.** Section 3.08.08 of the Code is amended:

(1) by replacing the words “his client” with the words “the client” in the first paragraph; and

(2) by replacing the second paragraph with the following:

“In any matter in which an advocate collects extrajudicial fees, he shall inform the client that judicial fees may be granted by a court and enter into an agreement specifying the manner in which they are to be considered in fixing the cost of the professional services.”.

**61.** The Code is amended by inserting the following Subdivision after the title of Division IV:

“§1. *General provisions*

**4.01.00.01.** An advocate who, in addition to his professional activities, engages in activities which do not constitute the practice of the profession of advocate, in particular in connection with a job, an office or the carrying on of an enterprise, shall, regardless of the circumstances, avoid allowing any ambiguity to arise or persist as to the capacity in which he is acting.

**4.01.00.02.** An advocate shall ensure that none of the activities in which he engages in connection with an office or within an enterprise, and which do not constitute the practice of the profession of advocate, compromise compliance with the rules of professional conduct prescribed by this Code, including honour, dignity and integrity of the profession.”.

**62.** The Code is amended by replacing the title of Subdivision 1 of Division IV with the following:

“§1.1. *Incompatible situations*”.

**63.** Section 4.01.01 of the Code is amended by replacing paragraphs *b* and *c* with the following:

“(b) the office of legal stenographer or of police officer;

(c) the office of collection agent.”.

**64.** The Code is amended by inserting the following after section 4.01.01:

“**4.01.01.01.** An advocate may not engage in professional activities with respect to a file if, in the same file, he or a person who engages in his professional activities within the same partnership or joint-stock company acts as bailiff.”.

**65.** Section 4.02.01 of the Code is amended:

(1) by replacing “and 58” with “, 58, 59.1 and those determined pursuant to the second paragraph of section 152”;

(2) by replacing paragraph *a* with the following:

“(a) introducing a judicial demand, assuming a defence, delaying a trial or taking any other such measure on the client’s behalf when he knows or when it is evident that such action is only intended to harm another person or to adopt an attitude contrary to the requirements of good faith;”;

(3) by replacing paragraph *d* with the following:

“(d) making or helping the client make a declaration *de facto* or *de jure* knowing it to be false;”;

(4) by replacing paragraphs *f*, *g* and *h* with the following:

“(f) concealing or knowingly omitting to reveal what the law obliges him to reveal or helping the client conceal or omit to reveal what the law obliges the client to reveal;

(g) helping the client to perform an act which he knows to be illegal or fraudulent or providing advice or encouragement inducing the client to perform such an act;

(h) not informing the client when he becomes aware of an impediment to the continuation of his professional services and, in the case of a dispute, also failing to inform the opposite party;”;

(5) by replacing the words “his client” with the words “the client” in paragraph *j*;

(6) by replacing the words “obtain mandates” with the words “induce persons to retain his professional services” in paragraph *m*;



(7) by deleting paragraphs *n*, *o* and *p*;

(8) by replacing paragraphs *q*, *r* and *s* with the following:

“(q) refusing or failing without cause to appear at the office of a syndic of the Barreau, at his request;

(r) communicating with the plaintiff without the prior written permission of a syndic when he is informed of an inquiry into his professional conduct or competence or when he has been served with a complaint against him;

(s) charging the client for interviews, communications or correspondence with a syndic or other representative of the Barreau when the latter asks the advocate for explanations or information respecting the contract for professional services entered into with the client;”;

(9) by deleting paragraph *t*;

(10) by replacing paragraph *u* with the following:

“practising his profession with other persons in a partnership or joint-stock company when he knows that one of the conditions, terms or restrictions pursuant to which he is authorized to so practise his profession has not been respected;”;

(11) by replacing the word “acts” with the word “services” in paragraph *w*.

**66.** The Code is amended by inserting the following after section 4.02.01:

“**4.02.02.** It is also derogatory to the dignity of the profession of advocate for an advocate who engages in his professional activities within a partnership or joint-stock company:

(1) to fail to take reasonable measures to put an end to, or prevent the repeated performance of, an act derogatory to the dignity of the profession of advocate which has been performed by another person who engages in his professional activities within the said partnership or joint-stock company and which has been brought to his attention for more than 30 days;

(2) to continue to engage in such activities within the said partnership or joint-stock company when the representative of the partnership or joint-stock company before the Barreau, a director, an officer or an employee is still performing his duties therein more than ten days after he has been struck off a roll for more than three months or has had his permit revoked; or

(3) to continue to engage in such activities within the said partnership or joint-stock company when a shareholder or a partner is still directly or indirectly exercising a voting right within such partnership or joint-stock company more than ten days after the effective date on which he was struck off a roll for more than three months or had his permit revoked and has not divested himself of his shares or partnership units within 180 days following the aforementioned effective date.”.

**67.** The Code is amended by replacing the word “colleagues” with the words “other advocates” in the title of Subdivision 3 of Division IV.

**68.** The Code is amended by inserting the following sections after the title of Subdivision 3 of Division IV:

“**4.03.00.01.** An advocate shall immediately inform the syndic when he knows of a derogatory act committed by another advocate.

**4.03.00.02.** An advocate shall immediately inform the executive director when he knows of any impediment whatsoever to the admission of a candidate to the practice of the profession of advocate.”.

**69.** Section 4.03.01 of the Code is replaced by the following:

“**4.03.01.** An advocate whose participation in a council for the arbitration of accounts, a review committee, a disciplinary committee or a professional inspection committee is requested by the Barreau shall accept that duty unless he has exceptional reasons for refusing it.”.

**70.** Section 4.03.02 of the Code is replaced by the following:

“**4.03.02.** An advocate shall diligently answer all communications from a syndic of the Barreau, an inspector, an investigator or a member of the professional inspection committee and shall respond using the means of communication they determine.”.

**71.** Section 4.03.03 of the Code is amended by replacing the words “a colleague’s” with the words “another advocate’s”.

**72.** Section 4.03.04 of the Code is repealed.

**73.** Section 4.04.01 of the Code is amended by replacing the words “his colleagues” with the words “other advocates”.

**74.** Section 5.01 of the Code is replaced by the following:

**5.01.** No advocate may make a false or misleading representation or allow such representation to be made, whether by statement, conduct or omission or by any other means.”.

**75.** Section 5.02 of the Code is amended by replacing the word “Un” with “L” in the French text and by inserting the word “professional” before the word “services” in the English version.

**76.** Section 5.03 of the Code is amended:

(1) by replacing subparagraph 2 of the first paragraph with the following:

“(2) specify the nature and extent of the professional services included in the fees and, where applicable, any other services included therein;”;

(2) by replacing subparagraph 4 of the first paragraph with the following:

“(4) indicate whether other professional services might be required which are not included in the fees;”;  
and

(3) by adding the following paragraph at the end:

“However, an advocate may agree with the client on a lower price than that advertised or published.”.

**77.** Section 5.04 of the Code is amended by replacing “five years” with “12 months”.

**78.** The Code is amended by inserting the following after section 5.05:

**5.05.01.** An advocate who engages in his professional activities within a partnership or joint-stock company shall ensure that the advertising of the partnership or joint-stock company or of any other person engaging in activities within the partnership or joint-stock company complies, with regard to advocates, with the rules set out in this Division.”.

**79** Section 5.07 of the Code is repealed.

**80.** Section 6.03 of the Code is replaced by the following:

**6.03.** Where an advocate uses the graphic symbol of the Barreau in his advertising, he shall not suggest that such advertising emanates from the Barreau.

**6.04.** An advocate who engages in his professional activities within a partnership or joint-stock company shall ensure that any use of the graphic symbol of the Barreau within the partnership or joint-stock company complies with sections 6.02 and 6.03.

**6.05.** An advocate shall ensure that a partnership or joint-stock company within which he engages in his professional activities does not use the graphic symbol of the Barreau in connection with its advertising or name unless all the services provided by such partnership or joint-stock company are professional services rendered by advocates.

In the case of a partnership or joint-stock company which provides the professional services of advocates and the services of persons other than advocates with whom the advocate is authorized to engage in his professional activities, the graphic symbol of the Barreau may be used in connection with the name of the partnership or joint-stock company or in its advertising provided the graphic symbol identifying each of the professional orders or organizations to which such persons belong is also used.

Nonetheless, the graphic symbol of the Barreau may always be used in connection with the name of an advocate.”.

**81.** Section 7.01 of the Code is replaced by the following:

**7.01.** An advocate must not practice his profession within a partnership or joint-stock company under a name or designation which is misleading, deceptive or contrary to the honour or dignity of the profession or which is a number name.

**7.02.** An advocate who engages in his professional activities within a partnership or joint-stock company shall take reasonable measures to ensure that every document which is produced within the practice of the profession of advocate and originates from the partnership or joint-stock company is identified with the name of an advocate.”.

**82.** This Regulation shall come into force on the fifteenth day following its publication in the *Gazette officielle du Québec*.