

Gouvernement du Québec

**O.C. 731-2009**, 18 June 2009

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), amended by sections 1 and 56 of chapter 11 of the Statutes of 2008, the board of directors of a professional order must make, by regulation, a code of ethics governing the general and special duties of the professional towards the public, clients and the profession, particularly the duty to discharge professional obligations with integrity;

WHEREAS the General Council of the Barreau du Québec made the Regulation to amend the Code of ethics of advocates;

WHEREAS, under section 95.3 of the Professional Code, a draft of the Regulation was sent to every member of the Bar at least 30 days before its adoption by the General Council;

WHEREAS, pursuant to section 95 of the Professional Code and subject to section 95.2 of the Code, amended respectively by sections 63 and 65 of chapter 11 of the Statutes of 2008, every regulation made by the board of directors 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, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Code of ethics of advocates was published in Part 2 of the *Gazette officielle du Québec* of 14 January 2009 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office has examined the Regulation and made its recommendation;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Justice:

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

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

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

Professional Code  
(R.S.Q., c. C-26, s. 87; 2008, c. 11, s. 1 and 56)

**1.** Section 3.03.04 of the Code of ethics of advocate is amended:

1° by replacing paragraph *c* with the following:

“*c*) inducement by the client to perform unfair or immoral acts;

2° by adding the following paragraph at the end:

“When a client induces an advocate to perform an illegal or fraudulent act, the advocate shall, after having advised the client of the illegal or fraudulent nature of the act and of his withdrawal from the file if the client persists, cease representing the client.”

**2.** Section 4.03.02 of this code is amended:

1° by replacing “inspector” with “expert”;

2° by adding the words: “, the director of the Service de l’inspection professionnelle or his assistant” after “member of the professional inspection committee”.

**3.** This Regulation comes into force on the fifteenth day following its publication in the *Gazette officielle du Québec*.

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\* The last 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 59-2007 dated 30 January 2007 (2007, *G.O.* 2, 972). For previous amendments, see the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2009, updated to 1 March 2009.