



LEGAL PROFESSION (LAWG-5939-1) - SYLLABUS

1. COURSE DESCRIPTION

Despite the title of this course, it is not a course about the legal profession as a sociological phenomenon. It is a course about legal ethics and professional responsibility in Canada. The [Federation of Law Societies of Canada](#) (FLSC) has developed mandatory competencies for our common law degree that all law students must demonstrate upon graduation. One of these competencies is “Ethics and Professionalism”. In describing the importance of this competency, the FLSC Task Force on the Canadian Common Law Degree stated:

Ethics and professionalism lie at the core of the profession. The profession is both praised for adherence to ethical codes of conduct and vilified for egregious failures. Increasing evidence of external scrutiny of the profession in this area and internal professional debates about ethical failures point to the need for each lawyer to understand and reflect on the issues. In the Task Force’s view, the earlier in a lawyer’s education that inculcation in ethics and professionalism begins, the better. The Task Force believes that more, not less, should be done in this area and that legal educators and law societies together should be identifying ways to ensure that law students, applicants for admission and lawyers engage in focused and frequent discussion of the issues. To ensure that law students receive this early, directed exposure the Task Force believes a stand-alone course is essential.¹

Successful completion of this course will satisfy this competency.

2. LEARNING OUTCOMES

The LSO has created the following ethics and professionalism competencies for entry-level [Barristers](#) and [Solicitors](#) which will be examined on the Bar Ad exams.² Following this course, the student should be able to demonstrate these competencies set out by the LSO:

1. Declines to act or seeks appropriate assistance and/or educational resources when the matter is beyond current abilities and knowledge (Section 3.1) (e.g., consults senior counsel, specialists, mentors, Law Society Practice Management Helpline).
2. Declines to act on matters that are incapable of performance.

¹ Summarized in FLSC Common Law Degree Implementation Committee, “Final Report” (2011) available on-line at

<http://flsc.ca/wp-content/uploads/2014/10/APPROVALCommitteeFinalReport2011.pdf>.

² See also, the following document used by the Law Societies of BC, Sask, AB and Man: [Western Canada Competencies](#).

3. Avoids or manages conflicts of interest (e.g., clarifies joint retainers, acting against a client, doing business with a client, borrowing from a client, acting for client with whom the lawyer has a personal or sexual relationship).
4. Charges fair and reasonable fees and disbursements, which are disclosed in a timely manner.
5. Fulfils duties relating to confidentiality (Section 3.3).
6. Obtains all necessary consents respecting disclosure (e.g., pursuant to relevant privacy legislation).
7. Delegates and supervises appropriately (Section 6.1 and By-Law 7.1).
8. Withdraws from representation only in compliance with the *Rules of Professional Conduct* (Section 3.7).
9. Fulfils all practice-related promises, undertakings and trust conditions, and does not make or accept promises, undertakings or trust conditions that cannot be fulfilled.
10. Does not engage in sharp practice (Rule 7.2-2).
11. Encourages public respect for and promotes the effective administration of justice.
12. Complies with requirements of the Law Society related to books and records (e.g., manages trust funds, preserves the client's property).
13. Fulfils all obligations to the court or tribunal under the rules and as an officer of the court or tribunal.
14. Does not become the tool or dupe of an unscrupulous client or persons associated with such a client (Rule 3.2-7).
15. Acts with integrity in dealings with others (e.g., clients, other lawyers, the Law Society, the court or tribunal, staff members, law students, the public).
16. Does not knowingly assist in or encourage any dishonesty, fraud, crime or illegal conduct (Rule 3.2-7).
17. Markets and advertises ethically and in accordance with the *Rules of Professional Conduct*.
18. Maintains appropriate professional relationships with lawyers, employees, students, clients and others (e.g., treats others with courtesy, civility and respect).
19. Respects human rights laws (e.g., does not engage in sexual harassment, discrimination or other human rights violations) (Section 6.3).
20. Respects the relationship of the opposing lawyer and their client (Section 7.2).
21. Identifies and fulfils any fiduciary obligations.
22. Fulfils obligations in cases of dishonesty and fraud when the client is an organization (Rule 3.2-8).
23. Complies with the cash transactions requirements of By-law 9.
24. Complies with duties with respect to unrepresented persons (Rule 7.2-9).
25. Recognizes how cultural differences may impact interactions between lawyers, paralegals, clients and others from diverse cultural groups.
26. Analyzes how cultural differences may impact interactions between lawyers, paralegals, clients and others from diverse cultural groups.
27. Adjusts perceptions and behaviours to respond to lawyers, paralegals, clients and others from diverse cultural groups.
28. Implements appropriate policies and practices that support the integration of cultural diversity, equality and inclusion into the practice of law.
29. Demonstrates knowledge of (i) the rights, legal interests and governing systems of Indigenous Peoples; (ii) the unique historical and ongoing challenges facing Indigenous Peoples and communities; (iii) the history of Indigenous–Crown relations; (iv) Treaties and Aboriginal Rights; (v) the United Nations Declaration on the Rights of Indigenous Peoples; and (vi) Indigenous law.
30. Demonstrates knowledge of the history and legacy of residential schools, and the issues created by specific legislation regarding Indigenous Peoples that the process of reconciliation seeks to

address through the Truth and Reconciliation Commission of Canada's Calls to Action.

31. Recognizes the importance of a trauma-informed and anti-racist approach to the practice of law in relation to Indigenous clients.

3. **LSO LICENCING EXAMS**

All applicants to the Ontario Bar are required to write the Bar Ad exams (Barristers exam and the Solicitors exam). The competencies tested on these exams include:

The [barrister](#) and [solicitor](#) competencies tested on the licensing examinations are those required for entry-level practice that have the most direct impact on the protection of the public and that influence an effective and ethical practice.

The barrister licensing examination assesses competencies in the following categories:

- ethical and professional responsibilities
- knowledge of the law (Ontario and Federal legislation and case law)
- establishing and maintaining the barrister-client relationship
- problem/issue identification, analysis and assessment
- alternative dispute resolution
- litigation process
- practice management issues.

The solicitor licensing examination assesses competencies in the following categories:

- ethical and professional responsibilities
- Knowledge of the law (Ontario and Federal legislation, case law, policy, procedures and forms)
- establishing and maintaining the solicitor-client relationship
- fulfilling the retainer
- practice management issues.

The exams are four and a half (4 ½) hours in length. They consist of 160 multiple choice and case-based multiple choice questions. This course is designed to prepare students to answer the ethics professional questions.

3. **ANTI-INDIGENOUS & ANTI-BLACK RACISM**

Anti-Indigenous and anti-Black racism are serious systemic problems in all adjudicative processes in Canada. This problem is particularly acute in the criminal justice system. With respect to anti-Indigenous racism, the Supreme Court of Canada acknowledged in *R v Barton* 2019 SCC 33 that:

We live in a time where myths, stereotypes, and sexual violence against women — particularly Indigenous women and sex workers — are tragically common. Our society has yet to come to grips with just how deep-rooted these issues truly are and just how devastating their consequences can be. Without a doubt, eliminating myths, stereotypes, and sexual violence against women is one of the more pressing challenges we face as a society. While serious efforts are being made by a range of actors to address and remedy these failings both within the criminal justice system and

throughout Canadian society more broadly, this case attests to the fact that more needs to be done. Put simply, we can — and *must* — do better. ... In short, when it comes to truth and reconciliation from a criminal justice system perspective, much-needed work remains to be done.

With respect to anti-Black racism, the Ontario Court of Appeal in *R v Theriault* 2021 ONCA 517 observed that:

The existence of anti-Black racism in Canadian society is beyond reasonable dispute and is properly the subject matter of judicial notice. It is well recognized that criminal justice institutions do not treat racialized groups equally ... This reality may inform the conduct of any racialized person when interacting with the police, regardless of whether they are the accused or the complainant. ... In my view, it is incumbent on trial judges to consider relevant social context, such as systemic racism, when making credibility assessments. The trial judge did not err in doing so, and his findings are entitled to considerable deference on appeal.

Similarly, in *R v Morris* 2021 ONCA 680, the same Court held:

It is beyond doubt that anti-Black racism, including both overt and systemic anti-Black racism, has been, and continues to be, a reality in Canadian society, and in particular in the Greater Toronto Area. That reality is reflected in many social institutions, most notably the criminal justice system. It is equally clear that anti-Black racism can have a profound and insidious impact on those who must endure it on a daily basis ... Anti-Black racism must be acknowledged, confronted, mitigated and, ultimately, erased.

These are powerful exhortations from our highest courts that cannot be ignored by judges, Crown Attorneys, defence counsel and law students. Windsor Law is committed to the Truth and Reconciliation Commission's (TRC) Calls to Action, which calls on law schools and many other social and socio-legal systems to both come to grips with the destructive role law and other systems have played in the lives of Indigenous communities, and to make significant reforms to improve our collective futures.

5. MENTAL HEALTH RESOURCES

“From time to time, students face obstacles that can affect academic performance. If you experience difficulties and need help, it is important to reach out to someone.” A full list of on- and off-campus resources is available at: <http://www.uwindsor.ca/wellness>. For a list of the resources available at the law school see: <https://www.uwindsor.ca/law/node/1148/mental-health-wellness-windsor-law>. Some of the material we cover including racism and violence against women can cause harm to survivors and those close to survivors. It is important that if you are feeling unwell or unsettled with the material, that you take advantage of the resources that are available at the law school and on campus. Of course, we all have a responsibility to ensure that we minimize the harm and trauma caused by teaching sensitive material.

6. SEXUAL MISCONDUCT RESOURCES

The University of Windsor values dignity, respect and equality for all individuals and strives to foster an atmosphere of healthy attitudes and behaviours towards sexuality, sex and gender. The University is committed to maintaining a healthy and safe learning, living, social,

recreational and working environment. The University's sexual misconduct policy can be found here: <https://www.uwindsor.ca/sexual-assault/301/university-policies>. If you wish to speak confidentially about an incident of sexual violence, please contact the Office of Sexual Violence Prevention, Resistance, and Support by email at svsupport@uwindsor.ca. Dusty or Anne will be happy to follow-up to discuss the supports and information that will be most helpful to you. Please note, you do *not* have to formally report your experience in order to receive support, resources, and guidance. If you would like to consider filing a formal complaint with the University, or have questions about policies and procedures regarding sexual misconduct, Dusty and Anne can also provide this information and assist with the process.

7. RELEVANT ACADEMIC AND ACCOMMODATION POLICIES

All relevant academic and accommodation policies for the law school can be accessed here: <https://www.uwindsor.ca/law/student-resources/41/forms-and-policies>.

8. CLASSES

Date: Wednesday
Time: 6:00 pm – 8:50 pm
Location: Moot Court

All class power-points will be posted on Brightspace.

9. RECORDING CLASS

I will not be recording classes. However, all students may record lectures, provided that the recording is for their own personal study use. Recordings are intended to permit lecture content review to enhance understanding of the topics presented. Recordings are not a substitute for attending class and, of course, you cannot record a class for personal use if you are not in class to conduct the recording. To assist students in recording class, I will be using a microphone. Regulations and limits surrounding recording of lectures are covered in the fair dealings section of the Federal *Copyright Act*. The *Copyright Act* and copyright law protect lectures by University lecturers. It is therefore stressed that the material recorded still belongs to the instructor and can only be used for personal study in the course in question. Student who record lectures may not share, distribute, email or otherwise communicate or disseminate these materials. If a student shares or disseminates a recorded lecture in any way (including transcription), thereby breaching copyright legislation, the student will be subject to University misconduct policies, at a minimum, and may be subject to other legal action including disclosure of the misconduct to the Law Society of Ontario as part of the “good character” requirement. The University has implemented a new policy on recording guest lectures and student presentations as well as limits that may be placed on what is recorded: see <https://tinyurl.com/wgfenjn>.

10. OFFICE HOURS

My office is on the second floor - #2310. Office hours will be held on Wednesday from 12:00 – 1:30 pm. Office hours are also available by appointment although I will be in my office most days and students should feel free to drop by with questions. Extended in-person and online office hours will be offered before the final exam. To book an appointment, please contact my Assistant is Cassie Jewell (Cassie.Jewell@uwindsor.ca). My contact information: tanovich@uwindsor.ca (e-mail); <https://www.uwindsor.ca/law/tanovich/> (website); ext 2966 (phone).

11. TEXTS

Alice Woolley, Richard Devlin, Brent Cotter, John Law, *Lawyers' Ethics and Professional Regulation* (4th ed) (Toronto: LexisNexis, 2021) **The cost of this textbook is \$175 plus HST.**

Law Society of Upper Canada, *Rules of Professional Conduct* (<https://lso.ca/about-lso/legislation-rules/rules-of-professional-conduct>)

Other materials will be hyper-linked in the Syllabus or posted on our Brightspace page.

12. EVALUATION

(i) *Final Exam* (April 16, 2026 (Thursday) from 1-4 pm)

The exam is a 100%, three-hour multiple choice open-book exam. You will not be able to access your computer during the exam. Scantron sheets will be used to record your answers.

(ii) *Numerical Grade Distribution*

All course work is to be marked and final grades submitted using the 100% scale. The average grade for this course will be B (73-76.9) and individual grades will be adjusted to conform to the B average.

13. STUDENT EVALUATION OF TEACHING

A new survey instrument known as Student Perceptions of Teaching (SPT) is in effect. In accordance with Senate Bylaws 54, and 55, you will be provided with 15 minutes to complete the STPs online at the beginning of one regular class session within the last 2 weeks of scheduled classes.

14. CLASS TOPICS AND READINGS

January 7 [Class #1]

Introduction to the Course

Learning How To Answer M/C Questions

The Regulatory Regime

[Law Society Act](#)

[Barristers Act](#)

[Solicitors Act](#)

[By-Law 4 – Licencing – Classes of Licences](#)

[By-Law 7.1 – Supervision, Client Identification and Verification, Withdrawal](#)

[By-Law 9 – Financial Transactions and Records](#)

[By-Law 11 – Regulation of Conduct, Capacity and Professional Competence](#)

[Rules of Professional Conduct](#) – Chapter 1 – Definitions (please review); Rule 2.1 (Integrity) (the organizing ethical principle)

Readings: Casebook (pages 749-761) (Self-Regulation); (pages 598-613) (Unauthorized Practice); [Western Canada Competencies](#)

January 14 [Class #2]

Introduction to the Rules – Regulating AI Use by Lawyers

Readings: Casebook (pages 105-119; 711-718) (Use of Technology); LSO, Licensee Use of Generative AI:

- [Licensee use of generative artificial intelligence](#) (White paper)
- [Generative AI: Your professional obligations](#) (Practice note)
- [Generative AI: Your quick-start checklist](#) (Checklist)
- [Building a generative AI policy: A checklist of key questions](#) (Checklist)
- [8 best practice tips for using generative AI](#) (Tool)

Amy Salyzyn, “[Straight Made-Up: the Ongoing Saga of Problematic AI-Generated Legal Submissions](#)” (June 2025); “[AI and Legal Ethics 2.0: Continuing the Conversation in a Post Chat-GPT World](#)” (September 2023)

Relevant Rules: 3.1 and 3.1-2 (Comm 4) (Competence); 3.3 (Confidentiality); 3.2-2 (Duty of Honesty/Candour); 6.1 and 6.2 (Duty to Supervise); 3.6 (Reasonable Fees & Disbursements); 5.1 (Duty Not To Mislead Tribunal)

Relevant Competencies (from Learning Outcomes) Addressed: #4; #5; #7; #13

January 21 [Class #3]

Introduction to the Rules – [Representing Indigenous Clients](#) – Cultural Competence

Readings: Casebook (pages 119-139); LSO, “[Guidelines for Working With Indigenous Peoples](#)”;

FLSC, [Reforming the Model Rules to Respond to TRC Recommendation #27](#)

Relevant Rules: 3.1-2 (Competence); 6.3-1 (Discrimination)

Relevant Competencies (from Learning Outcomes) Addressed: #1; #2; #25-#31

January 28 [Class #4]

Challenges for Lawyer Regulation – Access to Justice

Readings: Casebook (pages 77-94; 661-709); LSA (section 4.2); By-Law 4 (section 21(1))

Relevant Rules: 4.1-1 (Making Legal Services Available); 4.1-2 (Solicitation); 4.2 (Marketing); 4.3 (Advertising)

Relevant Competencies (from Learning Outcomes) Addressed: #11; #17

February 4 [Class #5]

The Formation, Function and Termination of the Relationship: Choosing Clients, Fees, Advising, Counselling, Withdrawal

Readings: Casebook (pages 87-89; 96-105; 152-164; 623-625; 383-390)

Relevant Rules: 3.2 (Quality of Service); 3.2-2 – 3.2-9 (Advising and Counselling); 3.6 (Fees & Disbursements); 3.7 (Withdrawal); 4.1-1 (Making Legal Services Available)

Relevant Competencies (from Learning Outcomes) Addressed: #1; #2; #4; #8; #13; #16; #22

February 11 [Class #6]

Duty of Loyalty - Confidentiality

Readings: Casebook (pages 167-231)

Relevant Rules: 3.3 (Confidentiality)

Relevant Competencies (from Learning Outcomes) Addressed: #5; #6;

February 25 [Class #7] (No Live Class)

Practice Management – Client Identification & Verification; Trust Accounts; Cash Transactions

Students will be working on their own or in groups (if they so choose) and are responsible for working through the following FLSC modules (2 hrs length):

[Key Due Diligence Requirements](#)

[Proper Use of Trust Accounts](#)

[Cash Transactions](#)

Readings: By-Law 9 (Parts III (Cash Transactions) & IV (Trust Accounts)); By-Law 7.1 (Part III (Client ID/Verification & IV (Withdrawal))

Relevant Rules: 3.2-7;

Relevant Competencies (from Learning Outcomes) Addressed: #4; #8; #12; #16; #23

March 4 [Class #8]

Duty of Loyalty - Conflicts

Readings: Casebook (pages 233-310)

Relevant Rules: Rule 3.4 (Conflicts)

Relevant Competencies (from Learning Outcomes) Addressed: #3

March 11 [Class #9]

Advocacy

Readings: Casebook (pages 313-373)

Relevant Rules: 5.1 (Advocacy); 5.1–3.1 (Discovery); 5.1–6 (Undertakings); 5.2 (Lawyer as Witness); 5.3 (Interviewing Witnesses); 5.4 (Communications with Witnesses Giving Evidence); 7.2-2 (Sharp Practice)

Relevant Competencies (from Learning Outcomes) Addressed: #9; #10; #13

March 18 [Class #10]

Criminal Law Practice

Readings: Casebook (pages 405-470)

Relevant Rules: 5.1 (Commentaries [9] and [10]); 5.1 – 2A (Incriminating Evidence); 5.1-3 (Duty as Prosecutor)

Relevant Competencies (from Learning Outcomes) Addressed: #5; #8; #14; #15; #16

March 25 [Class #11]

Obligations to the LSO, the Administration of Justice and Students and Other Lawyers

Readings: Casebook (pages 614-623)

Relevant Rules: 5.6 (Lawyer and Administration of Justice); 6.1 (Supervision); 6.2 (Students); 6.3 (Sexual Harassment); 6.3-1 (Discrimination); 7.1 (Obligations to the Profession & LSO); 7.2 (Obligations to Lawyers and Others); 7.3 (Outside Interests); 7.4 (Lawyers in Public Office); 7.5 (Public Appearances and Statements); 7.6 (Preventing Unauthorized Practice); 7.7 (Retired Judges Returning to Practice); 7.8 (Errors and Omissions)

Relevant Competencies (from Learning Outcomes) Addressed: #7; #9; #10; #11; #13; #15; #18-#20; #21; #24

April 1 [Class #12]

Review