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## Lawyers & Ethics: Professional Responsibility and Discipline

Gavin MacKenzie Release No. 3, September 2025

A practical, contemporary text dealing with the issues of professional responsibility regularly confronting lawyers in Canada in every area of practice. A valuable reference source for the practising lawyer and the student. Specific types of ethical problems arising in the major areas of practice are identified, and insightful, practical solutions presented. Areas of practice discussed are criminal, civil litigation, estates, real estate, corporate and in-house counsel. A substantial portion of the work is devoted to discipline proceedings.

## What's New in This Release

This release features updates to Chapter 23—Admission to the Bar, Chapter 25—Rules of Professional Conduct and Chapter 26—Discipline Proceedings.

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## **Highlights**

§ 23:3—History and Application of the Good Character Requirement In a 2025 decision [Afolabi v. Law Society of Ontario, 2025 ONCA 257 (Ont. C.A.)] the Court of Appeal for Ontario reversed a decision of the Divisional Court [2023 ONSC 6727] holding that applicants for licences were denied procedural fairness by the Law Society's refusal to hold an oral hearing before denying their applications on good character grounds. The applicants for licensing had obtained answer sheets that duplicated examination questions and provided answers.

The Law Society's Director of Licensing wrote to the applicants to say that the evidence supported the conclusion that they had engaged in prohibited actions, and that the appropriate administrative outcome was to deem void both the exam results and the applicants' registration in the licensing process. The Director of Licensing also wrote that the applicants could re-register for licensing but only after one-year; that if they chose to re-register in Ontario or any other jurisdiction, they must disclose that they had been sanctioned by a regulatory body; that the Law Society might conduct a further investigation into their good character; and that the Law Society would share the Director's decision with other Canadian and territorial law societies... The applicants sought judicial review of the decision of the Licensing Director... The Court of Appeal allowed the Law Society's appeal, and held that the Licensing Director's decision was administrative, rather than quasi-judicial.