Publisher's Note

An Update has Arrived in Your Library for:

Please circulate this notice to anyone in your office who may be interested in this publication. *Distribution List*
☐
☐
☐
☐

CONFLICTS OF INTEREST

Eugene A. G. Cipparone and Ted Tjaden

Release No. 3, August 2026

A practical guide that analyzes conflict of interest dilemmas. Find solutions regarding issues of loyalty and confidentiality with *Conflicts of Interest: Principles for the Legal Profession*. This service is designed as a handbook and covers all major legal areas regarding conflicts of interest. The text includes: guidance on and practical resources for identifying and resolving conflict of issues; thorough analysis of the rules governing legal ethics; and resources for managing conflicts arising in legal practice.

What's New in this Update:

This release features updates to Appendix IF – Issues in Focus and Appendix WP – Words and Phrases.

Thomson Reuters®

Customer Support
1-416-609-3800 (Toronto & International)
1-800-387-5164 (Toll Free Canada & U.S.)
E-mail CustomerSupport.LegalTaxCanada@TR.com

This publisher's note may be scanned electronically and photocopied for the purpose of circulating copies within your organization.

Highlights:

Appendix IF. Issues in Focus

Updated for currency:

- § **IF:1.** What duty of loyalty does a lawyer owe to his or her former clients?
- § **IF:2.** Should a lawyer be disqualified from representing a party where that lawyer engages a paralegal who has had direct knowledge and access to the opposing party's privileged information?
- § **IF:3.** What are the rules with respect to lawyers' ability to borrow from their clients?

Appendix WP. Words and Phrases

§ **WP:0.50. ABUSE OF PROCESS**

Supreme Court of Canada

● The abuse of process doctrine reflects the necessarily high threshold for the judiciary to invoke its inherent jurisdiction and intrude on the Attorney General's core prosecutorial discretion.

The doctrine of abuse of process applies in various fields of law and "engages the inherent power of the court to prevent misuse of its proceedings in a way that would be manifestly unfair to a party or would in some way bring the administration of justice into disrepute" (*Saskatchewan (Environment) v. Métis Nation – Saskatchewan*, 2025 SCC 4, at paras. 33-36).

(...)

In the criminal law context, abuse of process targets egregious conduct that threatens an accused's right to a fair trial or undermines the integrity of the justice system (*R. v. Brunelle*, 2024 SCC 3, at para. 27; R. v. Babos, 2014 SCC 16, [2014] 1 S.C.R. 309, at para. 31). (...) [A]buse of process can exist even absent prosecutorial misconduct.

(...)

Abuse of process is a common law doctrine (...).

R. v. Varennes (2025), 4 C.R. (8th) 1, 580 C.R.R. (2d) 295, 449 C.C.C. (3d) 427, 504 D.L.R. (4th) 583, 2025 CarswellQue 5772, 2025 CarswellQue 5771, 2025 SCC 22, 2025 CSC 22 (S.C.C.) at para. 52-54, 84 Karakatsanis J. (Côté, Martin, O'Bonsawin, Moreau JJ. concurring)

Legislation, Code of Professional Conduct and Related Highlights:

None.

Practice Notes:

None.

December 2021