

Bankruptcy and insolvency

5.12 (1) Every member admitted as such by the Society shall immediately notify the Executive Director upon

(a) receipt of a petition under the Bankruptcy and Insolvency Act (R.S. 1985, C. B-3) in which the court is asked to make a receiving order with respect to the property of the member,

(b) the making by the member of an assignment under the Bankruptcy and Insolvency Act,

(c) the making by the member of a proposal under the Bankruptcy and Insolvency Act.

(2) From the date of the event set out in Rule 5.12(1), until the petition, assignment, proposal or receiving order has been satisfied, withdrawn, discharged or is otherwise of no further force or effect, the member and the trustee of the estate of the member in bankruptcy shall not, without written permission of the Executive Director, accept from or on behalf of clients any money or other property, except in payment of costs and fees of the member, and then only on such conditions imposed by the Executive Director.

(Amended Part V, Summer Term Convocation, June, 2004 to come into force October 1, 2004; Amended Rule 5.12, Winter Term Convocation, February 22, 2005)

Failure to Comply

Failure to Comply

5.13 Failure to comply with these Rules shall constitute an allegation of conduct deserving of sanction.

(Adopted Rule 5.13, Special Term Convocation, December 5, 2005)

Bankruptcy and insolvency

9.29 (1) Every member or student-at-law admitted as such by the Society shall immediately notify the Executive Director upon

(a) receipt of a petition under the Bankruptcy and Insolvency Act (R.S. 1985, C. B-3) in which the court is asked to make a receiving order with respect to the property of the member or student-at-law,

(b) the making by the member or student-at-law of an assignment under the Bankruptcy and Insolvency Act,

(c) the making by the member or student-at-law of a proposal under the Bankruptcy and Insolvency Act,

(2) The Executive Director may require the member or student-at-law to submit additional information for more complete examination outlining the circumstances relating to any of the matters referred to in subsection 9.29(1) and the member or student-at-law shall be obliged to respond fully to the Executive Director's request within seven days after receiving the request for further information.

(3) Upon occurrence of one or more of the events as set out in Rule 9.29(1) (b) or (c), or in the event that a receiving order is made against a member or student-at-law under the Bankruptcy and Insolvency Act then that member's entitlement to engage in the practice of law or that student-at-law's articles of clerkship is suspended pending a review by the Executive Committee.

(4) A member or student-at-law affected by Rule 9.29(3) may make an immediate written submission to the Executive Director and upon receipt of same the Executive Committee may, after ascertaining that the protection of the public will not be jeopardized, reinstate the member's entitlement to engage in the practice of law or the student-at-law's articles of clerkship, and attach such conditions to his or her practice of law or articles of clerkship as it deems reasonable for such protection.

(5) A member or student-at-law suspended pursuant to Rule 9.29(3) and who makes a written submission in accordance with Rule 9.29(4) shall be entitled to a hearing before the Executive Committee as soon as practicable and in no case longer than seven days from the date of his or her written submission, unless the member or student-at law requests a longer period of time be extended for the hearing.

Judgment and orders

9.30 A member or student-at-law must notify the Executive Director immediately upon:

(1) a judgment becoming outstanding against him or her and remaining unsatisfied for a period of 30 days, whether or not an appeal from the judgment has been taken.

(2) a contempt order having been made against him or her,

or

(3) the making of an order for costs against him or her personally under Rule 55.14 of the Rules of Court.

Duty to report guilty plea or finding of guilt

Duty to report

9.31(1) A lawyer shall advise the Executive Director in writing immediately upon being charged with respect to any offence pursuant to:

- (a) the Criminal Code of Canada;
- (b) the Controlled Drugs and Substances Act;
- (c) the Income Tax Act;
- (d) any other Federal or Provincial legislation where the offence relates to a breach of trust, dishonesty or fraud, or the conviction for such offence may result in a period of incarceration.

(Rule 9.31(1): Adopted Benchers Convocation, April 10, 2017)

(2) A lawyer shall advise the Executive Director in writing immediately upon pleading guilty or being found guilty with respect to any offence pursuant to:

- (a) the Criminal Code of Canada;
- (b) the Controlled Drugs and Substances Act;
- (c) the Income Tax Act;
- (d) any other Federal or Provincial legislation where the offence relates to a breach of trust, dishonesty or fraud, or the conviction for such offence may result in a period of incarceration.

(Rule 9.31(2): Adopted Benchers Convocation, April 10, 2017)

Professional misconduct

9.32 The occurrence of an event set out in Rules 9.29, 9.30, or 9.31 may be treated as an allegation of conduct deserving of sanction.

(Adopted: Rule 9.29-9.32, Winter Term Convocation, February 22, 2005)