

# Professionalism in the Law

TAKE AWAYS

ACADEMIC  
CONTEXT

ROADMAP

WHAT IS  
PROFESSIONALISM?

EMPLOYMENT  
CONTEXT



UNIVERSITY OF TORONTO  
FACULTY OF LAW



# ROADMAP



TODAY'S  
SCHEDULE

## TODAY'S SCHEDULE

Background to  
professionalism  
and definitions

Application in an  
employment  
context

Application in an  
academic context

Take aways

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# WHAT IS PROFESSIONALISM?

THOUGHTS

DEFINITIONS

# Professional Integrity & Ethical Lawyering

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**Justice Warren  
Winkler**

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**Former Chief  
Justice of Ontario**

**Professionalism  
is the "life force  
that pulses  
through every  
lawyer"**

# DEFINITIONS

MEANING

ATTRIBUTES







# International Bar Association

- **Dedication to serving clients before self**
- **Dedication to serving the public interest**
- **Maintenance of competence**
- **Devotion to honesty, integrity & good character**

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**EMPLOYER  
PERSPECTIVE**

**EMPLOYERS'  
DEFINITION**

**BREAKDOWN**

**LACK OF  
PROFESSIONALISM**

- 
- **Work ethic**
  - **Interpersonal relations**
  - **Quality of work product**
  - **Honesty**
  - **Civility**
  - **Fairness**
  - **Time Management**
  - **Self-care**

## **BREAKDOWN OF PROFESSIONALISM**

- **Understand role**
- **Overconfidence**
- **Humility vs. confidence**
- **Treatment of support staff**

## **EMPLOYERS REPORT**

- **Failing to submit time docket**s
- **Failing to register/attend**
- **Reneg on commitments**
- **Inappropriate written communications**

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## **COMMON CONCERNS AT SCHOOL**

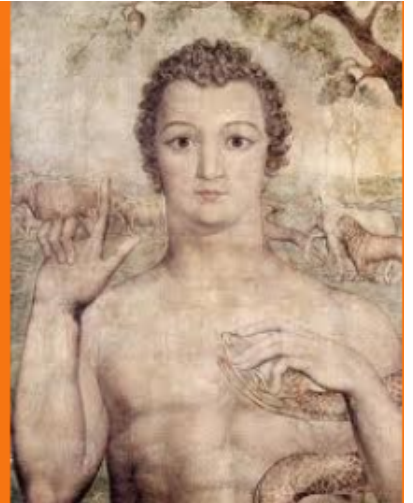
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- **Failing to comply with deadlines**
- **Failing to adhere to policies/rules**
- **Using inappropriate tone or approach on social media**
- **Failure to register/attend events**

**Academic  
Offences**



# Academic Offences



1. It shall be an offence for a student knowingly:

- (a) to forge or in any other way alter or **falsify any document** or evidence required by the University, or to utter, circulate or make use of any such forged, altered or falsified document, whether the record be in print or electronic form;
- (b) to use or possess an **unauthorized aid** or aids or obtain unauthorized assistance in any academic examination or term test or in connection with any other form of academic work;
- (c) to **personate** another person, or to have another person personate, at any academic examination or term test or in connection with any other form of academic work;
- (d) to **represent as one's own any idea or expression of an idea or work of another** in any academic examination or term test or in connection with any other form of academic work, i.e. to commit plagiarism.
- (e) to submit, without the knowledge and approval of the instructor to whom it is submitted, any academic work for which **credit has previously been obtained** or is being sought in another course or program of study in the University or elsewhere;
- (f) to submit any academic work containing a **purported statement of fact** or reference to a source which has been concocted.

# Offences not limited to those enumerated in the Code

It shall be an offence for a faculty member and student alike knowingly:

to forge or in any other way alter or falsify any academic record, or to utter, circulate or make use of any such forged, altered or falsified record, whether the record be in print or electronic form;

to engage in any form of cheating, academic dishonesty or misconduct, fraud or misrepresentation not herein otherwise described, in order to obtain academic credit or other academic advantage of any kind.



# What “Knowing” Means & Faculty Role

Wherever in this Code an offence is described as depending on "knowing", the offence shall likewise be deemed to have been committed if the person **ought reasonably to have known**.

It shall be an offence for a faculty member knowingly to approve any of the previously described offences.



## B.ii. Parties to Offences

Every member is a party to an offence under this Code who knowingly...

(ii) does or omits to do anything for the purpose of aiding or assisting another member to commit the offence;

(iii) does or omits to do anything for the purpose of aiding or assisting any other person who, if that person were a member, would have committed the offence;

(iv) abets, counsels, procures or conspires with another member to commit or be a party to an offence; or

(v) abets, counsels, procures or conspires with any other person who, if that person were a member, would have committed or have been a party to the offence.

(b) Every party to an offence under this Code is liable upon admission of the commission thereof, or upon conviction, as the case may be, to the sanctions applicable to that offence.



# C.i.(b) Divisional Sanctions

- Range of penalties from an oral or written reprimand to expulsion.
- Limit to what Division can impose, the Centre's list of possible sanctions is longer.
- Post-graduation penalties are possible.
- Informal consequences can be worse if you are in a professional program that has high expectations for reputation.
- Knock-on effects can cause problems in lock step programs.



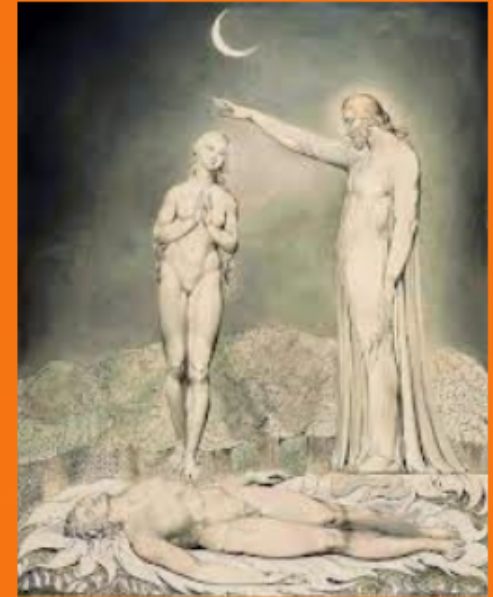
# C.i.(b)3 Transcript Notations

3. The dean shall have the power to record any sanction imposed on the student's academic record and transcript for such length of time as he or she considers appropriate. However, the sanctions of suspension or a notation specifying academic misconduct as the reason for a grade of zero for a course shall normally be recorded for a period of five years.



# Where does this intersect with professional regulator?

- “Good character” requirements form the basis of a licensing hearing and are part of the Law Society's mandate to protect the public, to maintain high ethical standards, to maintain public confidence in the legal profession and its ability to regulate itself, and to deal fairly with persons whose livelihood and reputation are affected.
- Under section 27(2) of the Law Society Act and section 8(1) of By-Law 4, a recipient of a lawyer or paralegal license is required to be of good character. As a result, the Law Society requires all licensing applicants to disclose, among other things criminal convictions, whether they have been subject to a penalty imposed by a court, administrative tribunal or regulatory body, or whether there are other matters in their past or present circumstances that may place their character at issue.



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## WHAT CAN YOU DO?

- Engage academically
- Embody integrity
- Maintain e-professionalism
- Start NOW

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