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THE REGULATION OF PROFESSIONS IN CANADA

James T. Casey, Q.C.
Release No. 5, July 2022

Publisher's Special Release Note 2021

The pages in this work were reissued in June 2021 and updated to reflect that date in the release line. Please note that we did not review the content on every page of this work in the June 2021 release. We will continue to review and update the content according to the work's publication schedule. This will ensure that subscribers are reading commentary that incorporates developments in the law as soon as possible after they have happened or as the author deems them significant.

Changes to chapter and heading numbering may have occurred. Please refer to the Correlation Table in the front matter if you wish to confirm references.

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The *Regulation of Professions in Canada* is the only work which provides a comprehensive synthesis of the law relating to the regulation of professions in Canada, particularly as it applies to the issues of discipline and licensing. This work reviews both the legislative framework — federally, provincially and constitutionally — and the significant body of case law that interprets this subject.

What’s New in This Update

This release features the addition of two new memoranda to Appendix IF: Issues in Focus and the addition of over 25 case digests to several appendices throughout the text (including decisions from appellate courts). The digested decisions relate to the regulation of physicians, lawyers, paralegals, and applied biologists in British Columbia, Saskatchewan, Alberta, Ontario, and Newfoundland and Labrador.

Highlights

- **ISSUES IN FOCUS — APPENDIX IF:24 and 25 — “COVID-19 and Professional Regulators: Part 1 (Procedure and Regulatory Authority) and Part 2 (Disciplinary Proceedings)”** — This release includes two new memoranda tracing the ongoing impact of the COVID-19 pandemic on regulatory issues. Part 1 (Procedure and Regulatory Authority) addresses COVID-19-related challenges to regulators’ authority to govern, new procedural concerns, and innovative arguments in the context of disciplinary proceedings. Part 2 (Disciplinary Proceedings) addresses regulators’ disciplinary adjudications of unique COVID-19-related misconduct and issues.
- **CASE DIGESTS — PROFESSIONAL MISCONDUCT — LAWYERS** — In *Virk v. Law Society of Alberta*, 2022 CarswellAlta 13, 2022 ABCA 2, a lawyer was the subject of 19 citations of misconduct arising from seven different complaints. The lawyer acknowledged his guilt on six grounds, was found guilty on nine grounds, and four allegations were dismissed. The Law Society’s Hearing Committee imposed a global sanction of disbarment, which sanction the lawyer appealed. The majority decision of the Appeal Panel confirmed disbarment, but two dissenting members would have substituted suspension as the sanction. Alberta’s Court of Appeal denied the lawyer’s appeal. The lawyer identified no palpable and overriding error, but merely sought to have the court adopt the dissenters’ reasoning. Severe as the sanction of disbarment was, it was not reserved only for hypothetical worst offenders.
- **CASE DIGESTS — UNAUTHORIZED PRACTICES — PARALEGALS** — In *Law Society of Ontario v. Jahromi*, 2022 CarswellOnt 2063, 2022 ONSC 537, Ontario’s Superior Court of Justice granted the Law Society’s application for a permanent injunction preventing the respondent paralegal from providing legal services. The respondent paralegal’s license to provide legal services had been revoked for misconduct that included the misappropriation of trust funds. There was no dispute that the respondent had provided legal services after the Law Society’s revocation and that the respondent continued to hold herself out as someone who could do so.

ProView Developments

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- The Table of Contents now has internal links to every chapter and section of the book within ProView
- Images are generally greyscale and size is now adjustable
- Footnote text only appears in ProView-generated PDFs of entire sections and pages

