

Professional Responsibilities in the Context of Immigration Processing Delays

Integrity (Rule 2.1-1)

Lawyers must:

- Carry on practice of law honourably and with integrity
 - Fulfill responsibilities to:
 - Clients
 - Tribunals
 - The public
 - The profession
-

Competence (Rule 3.1-2)

A lawyer must perform all services to the standard of a competent lawyer.

- Tailor communication to:
 - Client sophistication
 - Nature of the retainer
 - Avoid:
 - Overconfidence
 - Unrealistic assurances (especially where retainer depends on outcome)
-

Honesty & Candour (Rule 3.2-2)

- Be honest and candid when advising clients
 - Particularly important in immigration delay cases where:
 - Outcomes are uncertain
 - Timelines are unpredictable
-

Communication

Best Practices

- Keep clients informed at every stage
- Set realistic expectations about delays
- Document key advice and updates

Resources

- [LAWPRO: Managing the Lawyer-Client Relationship](#) (includes communication checklist)
 - [LAWPRO: Immigration claims fact sheet](#)
-

Retainer Agreements & Scope of Work

Engagement Letters

- Clearly set out:
 - Scope of services
 - Fees
- Update terms as the matter evolves

- Use:
 - Non-engagement letters ([LAWPRO models](#))
 - Disengagement/termination letters
-

Limited Scope Retainers

Requirements (Rules 3.2-1A & 3.2-1A.1)

Before acting:

- Explain scope, limits, and feasibility clearly

During/after:

- Confirm in writing:
 - What is included
 - What is **not** included
 - When the retainer ends

Resource

- [LAWPRO limited scope representation resources](#)
-

Withdrawal from Representation

Rule 3.7-1

- Withdrawal only for **good cause** and with **reasonable notice**

Rule 3.7-8

When withdrawing:

- Minimize:
 - Client expense
 - Prejudice
 - Facilitate **orderly transfer** of the file
-

Successor Counsel (Rule 3.7-10)

Before acting, successor counsel must ensure:

- Prior lawyer has:
 - Withdrawn
 - Been discharged
 - Consented
-

Leaving a Law Firm (Rule 3.7-7A)

- Client's interests are paramount
 - Reasonable notice and reasonable steps to obtain instructions
-

Mandatory Client Contingency Plans (Effective Jan 1, 2025)

All private practitioners must maintain a **client contingency plan**.

Minimum Requirements

The plan must appoint an administrator who will:

1. **Notify:**
 - Law Society Trustee Services
 - Professional liability insurer
 2. **Inform clients** and arrange:
 - File transfer to another lawyer **OR**
 - Return of files and property
 3. **Manage trust accounts** (if applicable):
 - Return or transfer funds as directed
-