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Companion Code of Conduct for Collaborative Lawyers

Definitions in this Companion Code

1. “Collaborative Practice” means a form of dispute resolution where parties to a dispute contractually commit to resolve their differences without resort to litigation by retaining collaborative lawyers and associated professionals to assist them in achieving a consensual resolution.
2. “Collaborative Lawyer” means a lawyer in good standing with the Law Society of Alberta and a member of a local association recognized by the Association of Collaborative Lawyers of Alberta.

Law Society of Alberta

3. Collaborative Lawyers shall at all times adhere to and comply with the Provisions of the Code of Professional Conduct as issued and revised from time to time by the Law Society of the Province of Alberta (the “Code”).

International Academy of Collaborative Professionals

4. Collaborative Lawyers shall at all times adhere to the Ethical Standards for Collaborative Practitioners as issued and revised from time to time by the International Academy of Collaborative Professionals.

Integrity of the Judicial System

5. Collaborative Lawyers shall not make any representation or statement, or act in any manner which might reduce the respect of the public in the law or justice system.
6. Collaborative Lawyers may advise clients and the public of the difficulties and expenses inherent in the litigation process. However, in so doing, a Collaborative Lawyer must not

make any statement which in any manner may be taken as inducing disrespect for:

- a. all lawyers not practicing Collaborative Practice;
 - b. members of the Judiciary
 - c. the justice system in general.
7. In advising clients and the public as to the nature of Collaborative Practice, a Collaborative Lawyer must also assure that the client understands in a fair and impartial manner, the general litigation process and all other avenues of dispute resolution, including, but not limited to Mediation and Arbitration.
8. A Collaborative Lawyer may explain the relative benefits of different processes for dispute resolution, including Collaborative Practice, but, in so doing, the Collaborative Lawyer will not unduly influence their client's choice of process. Where a lawyer restricts their practice to Collaborative Practice alone, that lawyer shall assure that the client is made aware of other counsel whose practice is not so restricted if that client should desire further advice in alternate manners of dispute resolution.

Competency

9. In accordance with Chapter 2 of the Code of Professional Conduct, a Collaborative Lawyer shall assure that they, and counsel they are entering into the Collaborative Practice process with, are competent to render proper representation to their clients.
10. A Collaborative Lawyer shall not enter into a Collaborative Practice contract with:
- a. an unrepresented party; or
 - b. counsel not having received training as a Collaborative Lawyer;
11. No lawyer shall represent themselves to be a "Collaborative Lawyer" unless they have received training as a "Collaborative Lawyer" in accordance with the requirements of the Association of Collaborative Lawyers of Alberta and unless they are duly qualified to practice law in the Province of Alberta in accordance with the Legal Professions Act.

Client Representation

12. In accordance with Chapter 6 of the Code, a Collaborative Lawyer shall assure that their advice and judgment is free from compromising influences, in that they will represent their client diligently and to the best of their ability at all times.
13. Notwithstanding the nature of the Collaborative Practice process a lawyer shall at all times carry out discussion and negotiation that advances the interests of their own client.

14. A Collaborative Lawyer shall not, at any time, induce or allow their client to enter into any agreement, where the lawyer is not satisfied that the client fully understands the nature of that agreement, and is entering into same with full knowledge of the nature and effect thereof, free of any undue influence of any other party or either lawyer.

Confidentiality

15. In accordance with Chapter 7 of the Code, a Collaborative Lawyer must, at all times, uphold their duty of confidentiality to their client.
16. A Collaborative Lawyer, while advising their client of their duty to fairly and accurately disclosing all information relevant to the matters in issue in their cause, whether that information is requested or not, shall not disclose any confidential information not otherwise available to any other party or their counsel without the clear consent of their client.
17. If a Collaborative Lawyer is required to withdraw as counsel, they shall not do so in a manner which in any way discloses confidential information not consented to be disclosed by their client, unless compelled to do so in accordance with the provisions of Chapter 7 of the Code.
