TLA Response to the Report on Amendments to the Conflict of Interest Rules: Legal Aid Ontario Dated April 25, 2019 of the Professional Regulation Committee of the Law Society of Ontario

In its Report, the Committee asked the following questions:

1. **Should the Short-term *Pro Bono* Legal Services Rules be amended to include lawyers providing short-term legal services while employed by Legal Aid Ontario or through a Legal Aid Ontario program or clinic?**

The TLA supports amending the Rules to included lawyers while employed by Legal Aid Ontario.

It is not clear from the amendment which lawyers are captured by “or through a Legal Aid Ontario program or clinic.” If the lawyers to be captured by that portion of the clause are those employed by Legal Aid Ontario, then the TLA supports the amendment. Otherwise, the first two clauses of the definition of “*pro bono* lawyer” should continue to apply to lawyers who wish to provide *pro bono* services through a Legal Aid Ontario program or clinic.

1. **Should the Short-term *Pro Bono* Legal Services Rules be expanded to include other not-for-profit legal service providers? If so, which providers, why, and under which circumstances?**

The Rules currently define "*pro bono* provider" to mean a *pro bono* or not-for-profit legal services provider that makes *pro bono* lawyers available to provide advice or representation to clients. A *“pro bono* lawyer” is taken to mean a volunteer, a lawyer working under a Pro Bono Ontario program, and if the Rules are amended, a lawyer working for Legal Aid Ontario while providing short term *pro bono* services.

[NTD: Are they suggesting a decoupling of being a not-for-profit and the requirement to make “*pro bono* lawyers available to provide advice or representation to clients”? If so, I think we would object.]