**Call for Input: Proposed Amendments to the Model Code**

**Background**

The Federation of Law Societies’ Standing Committee on the Model Code of Professional Conduct is seeing feedback from the CBA and other stakeholders on draft amendments to the Model Code. The [Consultation Document](https://flsc.ca/wp-content/uploads/2020/01/Consultation-Report-Draft-Model-Code-Amendments-with-Draft-Rules-and-Commentary.pdf) includes proposed changes to the Model Code provisions pertaining to discrimination and harassment. The CBA’s Equality Subcommittee is working with the Ethics and Professional Responsibility Subcommittee to comment on the proposed amendments. To help inform its response, we are inviting input from the CBA Equality Liaison Group, which includes the chairs of the branch Equality Committees and representatives of CBA Sections with an interest in equality.

**Request for Feedback**

The Equality and Ethics Subcommittees are inviting your feedback on Part I of the Consultation Document and the associated portions of the Appendix (don’t worry about proposed amendments relating to ex parte communications).

We are particularly interested in your responses to the following questions about the proposed amendments in Appendix A of the Consultation Document:

1. Commentary [5] to Rule 6.3-2 (prohibition on harassment) clarifies that “this rule is not limited to conduct related to, or performed in, the lawyer’s office or in legal practice.” Do you believe that the Model Code should deal with harassment not related to the lawyer’s office or legal practice, or that law societies should have jurisdiction over this conduct?
2. Proposed Commentary [4] to Rule 6.3-3 (prohibition on sexual harassment), clarifies that “this rule is not limited to conduct related to, or performed in, the lawyer’s office or in legal practice.” Do you believe that the Model Code should deal with sexual harassment that is not related to or performed in the lawyer’s office or legal practice, and that law societies should have jurisdiction over this conduct?
3. Unlike the commentary to Rule 6.3-2 and 6.3-3, the commentary to Rule 6.3-1 (prohibition on discrimination) does not clarify that it is not limited to conduct related to, or performed in, the lawyer’s office or in legal practice. Do you believe that the commentary to Rule 6.3-1 should be amended to include the same clarification as in 6.3-2 and 6.3-3?

The deadline noted in the consultation document has been extended due to the pandemic. If your section or committee has views on the proposed amendments or the questions above, please send your comments in writing to Nadia Sayed [nadias@cba.org](mailto:nadias@cba.org) by June 30, 2020.