The solcitior-client relationship

Rule 15 of the *Rules of Civil Procedure* contains some reference to the solicitor-client relationship when it speaks of the lawyer of record. In short, a lawyer of record is the lawyer with carriage of the proceeding and ultimate responsibility for its conduct on behalf of the client. In this firm, we continue to refer to this official as a “solicitor of record”.

The solicitor of record, unlike a barrister, joins the court with the client. As a result, the solicitor owes duties to each side of the equation. The solicitor owes a duty to the court to efficiently carry proceedings. The solicitor's duty to its client includes fiduciary responsibilities and the requirement not to leave the client without counsel at a critical stage in the proceedings.

These rules are but rarely expounded upon in the cases. This page attempts to collect judicial commentary on the role of solicitors and the duties that they owe the court and clients.

Duties owed to the court

Duties owed to the client

Removal as counsel

The solicitor of record must guard against potential conflicts of interest when seeking leave of the court to withdraw as counsel. These conflicts arise when the solicitor presents solicitor and client privileged information to the court as part of its submissions for removal from the record (2023 ONSC 2560). The conflict may again arise when the solicitor looks to protect its ability to recover an outstanding account by withdrawing (2023 ONSC 4246).

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