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Ontario Court of Appeal Dismisses Appeal in Groia v. Law Society of Upper Canada

Tom Curry, Jaan Lilles, and Andrew Porter of Lenczner Slaght acted as counsel to the Law Society of Upper Canada before the Court of Appeal for Ontario concerning the finding of professional misconduct and one month suspension imposed by the Law Society Tribunal's Appeal Division following a lengthy discipline hearing into the lawyer's unprofessional conduct in court.

A 2-1 majority of the Court of Appeal found that the test formulated by the Appeal Division for professional misconduct for incivility was reasonable and the Appeal Division was correct when it concluded that the requirement for professionalism was breached in this case.

The majority reaffirmed the important role of the Law Society in regulating in-court conduct and the importance of both civility and zealous advocacy in regulating the profession in the public interest: "The requirement of professionalism for lawyers, both inside and outside a courtroom, including zealous advocacy accompanied by courtesy, civility and good faith dealings, secures the nobility of the profession in which lawyers in this province are privileged to practice."