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**1. SCC on Conflicts of Interest**

The Supreme Court's split decision in [Davis & Company, et al. v. 3464920 Canada Inc., et al.](#), 2007 SCC 24, is required reading for all lawyers. The Court again took on the issues of lawyers' fiduciary duties to their clients and the avoidance of conflicts of interest (see also: [MacDonald Estate v. Martin](#), 1990 CanLII 32 (S.C.C.) and [R. v. Neil](#), 2002 SCC 70 (CanLII).) A narrow majority (5-4) found that:

The lawyer's ability to provide even-handed representation is put in issue. However, commercial conflicts between clients that do *not* impair a lawyer's ability to properly represent the legal interests of both clients will not generally present a conflict problem. Whether or not a real risk of impairment exists will be a question of fact. In my judgment, the risk did not exist here provided the necessary even-handed representation had not been skewed by Strother's personal undisclosed financial interest.

The Court found that Strother breached his fiduciary duties to his client, but did not find that the firm was in breach of its fiduciary duties. For a summary of the decision and commentary, see the June 11, 2007 Law Times article, [SCC Split on Fiduciary Duty of Lawyer](#).

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**2. More Companies Office Fillable Forms**

As of July 3, 2007, four more Companies Office forms can be filled in on-screen before being printed. These new fillable forms are expected to be: Application for Restoration, Articles of Continuance (Share), Articles of Continuance (Non-Share) and Registration of a Limited Liability Partnership. All Companies Office forms can be accessed [online](#).

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**3. Payday Loans Provisions in Force**

Section 3 of [The Consumer Protection Amendment Act \(Payday Loans\)](#), as it enacts ss. 137, 163 and 164 of the Act was proclaimed and came into force on June 5, 2007. The balance of the Act is not yet proclaimed (with the exception of s. 2, which came into force on Royal Assent, given on December 7, 2006.) The remaining amendments, which include licensing requirements, are expected to come into force early next year, after the Public Utilities Board completes its hearings and issues an order.

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**4. Standard Contract Terms: Dos and Don'ts**

For an interesting take on a number of standard phrases found in commercial contracts, have a look at [\*Contract Language and Layout - Ten Dos and Don'ts\*](#) on Ken Adams' blog, [AdamsDrafting.com](#).

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