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1. Litigation Privilege: S.C.C.

In [Blank v. Canada](#), 2006 SCC 39, the Supreme Court distinguishes between solicitor-client privilege and the litigation privilege, stating that:

The purpose of the litigation privilege, I repeat, is to create a "zone of privacy" in relation to pending or apprehended litigation. Once the litigation has ended, the privilege to which it gave rise has lost its specific and concrete purpose - and therefore its justification. But to borrow a phrase, the litigation is not over until it is over: It cannot be said to have "terminated", in any meaningful sense of that term, where litigants or related parties remain locked in what is essentially the same legal combat.

The court goes on to comment that the privilege applies only to documents that were created for the dominant purpose of litigation.

2. Lawyer Not in Conflict: ON. C.A.

In the recent decision in [Triple 3 Holdings Inc. v. Jan](#), 2006 CANLII 30457, the Ontario Court of Appeal considers whether a lawyer who has a common financial interest with his clients puts himself in a position of conflict with his duty to his clients or his duty to the court. The court finds in favour of the appellant lawyer stating that "...having a common financial interest would not place the appellant in conflict with his duty to provide his clients with objective professional advice provided the client was aware of the lawyer's interest." The court overturns the lower court's order for costs against the lawyer.

3. Appellate Courts at the Pitblado Lectures

Appellate Courts: Policy, Law and Practice are the focus of the 2006 Isaac Pitblado Lectures. The Lectures will be held on November 3 and 4 at The Fort Garry hotel in Winnipeg. The program features keynote speakers The Honourable Madam Justice [Rosalie S. Abella](#) and The Honourable Mr. Justice [Marshall E. Rothstein](#), both of the Supreme Court of Canada as well as The Honourable Mr. Justice Thomas A. Cromwell of the Nova Scotia Court of Appeal and Professor [Daniel Jutras](#) of the Faculty of Law, McGill University. Co-chairs are The Honourable Chief Justice Richard J. Scott and G. Patrick S. Riley. Visit our [website](#) for more information and to download the [registration form](#).

4. Show Me the Money!

The upcoming CLE program *Show Me the Money! 21st Century Collection Law in Manitoba* will provide you with an overview of collections law and practice. The program takes place at The Law Society on October 24, 2006 from 12:00 noon to 4:30 p.m. Visit our [website](#) for details and to register.

5. S.C.C. Rule Amendments

The Supreme Court of Canada's Rules will be amended effective October 13, 2006. The amendments can be found in [Part II of the September 20, 2006 Canada Gazette](#).

6. Cross-Exam Pointers

The Manitoba Bar Association's Civil Litigation section is presenting *Practical Pointers and Proper Practice on Cross Examinations on Affidavits in Motions and Applications* on Tuesday, October 31, 2006 at 12:15 p.m. at The Law Society of Manitoba. For more information and to register, contact the [Manitoba Bar Association](#).

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