Professional Responsibility & Ethical Issues for Tax Lawyers

**Taxation Law**

**Date:** Monday, October 20, 2014 | 1:30 p.m.-5:00 p.m.

**Location:** Twenty Toronto Street Conferences and Events
20 Toronto Street, 2nd Floor, Toronto

**Program Chairs:** Heather McGeorge, BMO Nesbitt Burns
Robert Kepes, Morris Kepes Winters LLP

Tax lawyers face unique professional responsibilities and ethical issues in their practice, particularly in a self-assessment tax system. Attend this program for a discussion of the numerous ethical and professionalism considerations that often arise in your tax practice and receive practical insights and tips from senior practitioners on how to practically manage them.

Obtain all of your required Professionalism Hours by attending this one program designed just for tax lawyers - register now.

1:00 pm Registration and Coffee

1:30 pm Welcome and Opening Remarks

1:35 pm Core Ethical and Professional Considerations in Giving Tax Opinions

*Colin Campbell, Western University*

- Clarifying the standard of care for opinions relied on by third parties versus for the taxpayer’s use only
- What is the scope of your duty to warn of risks?
- How to deal with facts and assumptions: Duty to investigate
- Types of tax opinions and how the considerations vary
- How to manage opinions contrary to Canada Revenue Agency’s views

2:15 pm Unique Considerations When Your Tax Opinion is Utilized in Particular Transactions

*Moderator: Heather McGeorge, BMO Nesbitt Burns*

*Norman Bacal, Dentons Canada LLP*

*Colin Campbell, Western University*

*Siobhan Monaghan, KPMG Law LLP*

Hear from senior practitioners as they share lessons learned and expert strategies for navigating the ethical and professional considerations involved when your tax opinion is to be relied upon in the context of:

- Tax shelters
- Public market transactions
- Assessment of tax litigation
- Audited financial statements
- Tax planning

2:55 pm Networking Break

3:05 pm How to Determine Whether Backdating is Legitimate or Improper

*John Sorensen, Gowling Lafleur Henderson LLP*

- Balancing your duty to avoid activity you “know or ought to have known” assists a fraudulent enterprise
- Key considerations in determining the purpose and effect of backdating
- Practical challenges: Managing your client and disclosing the backdating
- Knowing when withdrawal is necessary

3:35 pm Best Practices for Reducing the Risk of a Negligence Claim: Recent Case Law

*Kyle Peterson, Affleck Greene McMurtry LLP*

- Lessons learned from *Taiga Building Products Ltd. Et al. v. Deloitte & Touche, LLP*: What actions can you take to protect yourself?
- Considerations for using contingency fees based on taxes saved
- Best practices for disclosing risks to your client
- Setting up a due diligence checklist

4:05 pm Managing the Ethics of Every Day Practice

*Moderator: Robert Kepes, Morris Kepes Winters LLP*

*Panelists: Diana Aird, Department of Justice*

*Jennifer Ip, LawPro*

*Kyle Peterson, Affleck Greene McMurtry LLP*

*Brian Nichols, Speigel Nichols Fox LLP*

Handling day-to-day challenges in your tax practice ethically, while keeping your client satisfied, can be a tricky matter. Through an interactive fact scenario approach, learn strategies for managing the “gray areas” from our expert panel, including:

- Allocating responsibility between you and the accountant: Limiting liability when your client does not save the taxes as the accountant advised
- When is rescission/rectification an appropriate remedy, and when do you need to notify LawPro?
- And more!

4:45 pm Program Concludes