

MINUTES

COMMITTEE: Ethics Committee

DATE: March 2, 2000

9. CHAPTER 4, RULES 2, 3 AND 4: WHETHER IMPROPER TO OFFER TO WITHDRAW COMPLAINT TO REGULATORY BODY AS PART OF A CIVIL SETTLEMENT

A lawyer asked whether it is proper for a lawyer, while attempting to settle an error or omissions claim against a real estate licensee, to seek the agreement of a person not to initiate or proceed with a complaint to the Real Estate Council as part of the settlement.

The Committee noted that it is improper for a lawyer to attempt to make it a requirement of a civil settlement that a person refrain from making or proceeding with a complaint to the Law Society. However, it was the Committee's view that there are no such rules preventing lawyers from proposing or accepting settlements on behalf of clients that require a person to refrain from making or proceeding with a complaint to the Real Estate Council.

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