

## MINUTES

**COMMITTEE:** Ethics Committee

**DATE:** February 5, 2004

### **4. CHAPTER 14, RULE 4(c): MEANING OF VERIFIABLE UNDER THE RULE**

A lawyer asked the Committee to state what the meaning of “verifiable” is under Chapter 14, Rule 4(c). Although the issue arose from a Conduct Review in which the lawyer acted as counsel for another lawyer, the lawyer advised that the conduct review process in that matter has now been concluded and an Ethics Committee opinion on the matter will not have an impact upon the Conduct Review. The Ethics Committee considered the matter on the basis of that assurance.

It was the Committee’s opinion that “verifiable” in this context means that a particular claim or statement made by a lawyer in marketing activity is capable of verification by an independent observer through the objective examination of evidence. It is not necessary that the evidence be available in the marketing activity itself.

The Committee did not consider the application of its opinion to the conduct in question and expressed no view on statements made concerning that conduct by the Conduct Review Subcommittee in its report.

JO/  
February 2004