

COMMITTEE: Ethics Committee

DATE: April 2, 2009

4. CHAPTER 6, RULE 4: FURTHER QUESTIONS CONCERNING COUNSEL'S OBLIGATIONS TO THE INSURED AND INSURER IN THIRD PARTY LIABILITY ISSUES

- b) Do the *Professional Conduct Handbook* conflict provisions require counsel to withdraw if the client maintains the objection to ICBC instructing the lawyer in the areas permitted by Regulation 74.1?**

Given that the insurer has the right to control the defence in the manner permitted by Regulation 74.1, it was the Committee's view that no disqualifying conflict arises that would require a lawyer to withdraw in these circumstances.