

**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**

- d) Does the ICBC defence lawyer have to share information with the insured that has been shared with ICBC, particularly when the insured requests "all information"?**

Chapter 6, Rule 4(b) of the *Professional Conduct Handbook* makes it clear that no information received from one of the clients as a part of the joint representation can be treated as confidential as between them. It was the Committee's view that an insured is entitled to receive the same information from counsel that the insurer receives.

The Committee declined to express an opinion on what counsel's obligations may be where there are reasonable grounds to conclude an insured is attempting to obtain information for a purpose harmful to the insurer. The Committee would be prepared to consider this issue in the context of an actual problem where an opinion is requested.