

COMMITTEE: Ethics Committee

DATE: June 10, 2009

6. CHAPTER 11, RULES 16 TO 21: WHETHER RULES APPLY TO CLOSED FILES

A lawyer left his law firm earlier this year. While at the firm he did a number of estate planning matters that have now concluded. He asked the Ethics Committee whether the Rules of Conduct relating to the duty of a lawyer on termination of employment apply to those concluded matters, such that he and his former firm have a duty to comply with Rules 16 to 21 in relation to them.

The Committee noted that Rule 11 refers to “the client’s right to choose who will continue to represent them.” It was the Committee’s view that Rule 11 contemplates clients with active matters and does not refer to clients whose matters are completed. For that reason, it was the Committee’s opinion that Rules 16 to 21 do not assist the lawyer in making a case that he and his firm have a duty to inform former clients of a right to choose between the services of the lawyer and that of the former firm.

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