

MINUTES

COMMITTEE: Ethics Committee

DATE: April 4, 2013

What weight should be given to each of the rules and commentary in the Code?

This question arose during the educational presentation of the new BC Code to members of the profession.

The Committee noted that the Code is divided into three parts: rules, commentary and appendices. Each of these components contains some statements that are mandatory, some that are advisory and others that contain some mandatory elements and some advisory. Moreover, the Code of Conduct is considered to be a statement of the Benchers' views about proper conduct, some issues are dealt with in more than one place in the Code and the Code itself is not exhaustive of lawyers' professional conduct obligations. Given these factors, the Committee was of the opinion that in determining lawyers' professional obligations, the Code must be consulted in its entirety and lawyers should be guided equally by the language in the rules, commentary and appendices.