

MINUTES

COMMITTEE: Professional Standards Committee

DATE: December 14, 1992

4. Fees

c) A lawyer asked the Committee to consider whether reporting clients to the Credit Bureau is acceptable professional conduct.

The Committee considered a memorandum from staff with regard to confidentiality of client names, and the extent of disclosure which may be justified in order to collect a fee. It was agreed that while there may be an implied waiver on the part of the client permitting disclosure of the client name and address for the purpose of collection, where the client has failed to pay a bill, members may do only the minimum necessary to recover fees. Anything beyond that minimum, and which may be done for an improper purpose, such as the reporting of clients to a Credit Bureau, is prohibited. Lawyers stand in a different position to client/debtors than other creditors. Lawyers are bound by the ethical duty of confidentiality and the legal duty of solicitor/client privilege.