

MINUTES

COMMITTEE: Ethics Committee

DATE: June 6, 1996

6. CHAPTER 6; CONFLICT OF INTEREST

The Committee considered a letter from a lawyer inquiring whether he may continue to act for one client after a conflict has developed. The lawyer commenced an action on behalf of a mother and on behalf of her children with the mother acting as guardian *ad litem* for the children. The action is one for negligence arising out of a mishap that occurred in the home. One of the defendants has raised the issue of contributory negligence on the part of the mother. While the lawyer recognizes that he can no longer act for the children, or for the mother acting as guardian *ad litem* for the children, he asks whether he can continue to act for the mother since he has received no confidential information from the children or in relation to the children's claim.

The Committee was of the view that unless the lawyer had an agreement with the clients pursuant to Chapter 6 of the *Professional Conduct Handbook* that permitted him to continue to act for one of his clients, or unless the lawyer received permission to continue to act for the mother from the children after a new guardian *ad litem* was appointed and after the children had obtained independent legal advice, the lawyer should not continue to act for any of the clients.

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