

MINUTES

COMMITTEE: Ethics Committee

DATE: March 6, 1997

PRESENT: Peter D. Warner , Q.C. - Chair
William Trotter, Q.C. - Vice-Chair
Ralston Alexander, Q.C.
Kristian P. Jensen
Carol Ross
Patsy Scheer
Anne Stewart, Q.C.
William J. Sullivan

ABSENT: Christopher E. Hinkson, Q.C.

STAFF: Jack Olsen
Jeff Hoskins (for item 4)

9. CHAPTER 6: WHETHER LAWYER ACTING FOR TWO CLIENTS IN SEPARATE MATRIMONIAL PROCEEDINGS IS IN A CONFLICT WHERE THE TWO OPPOSITE PARTIES LIVE TOGETHER

Lawyer C. acts for Mrs. B. and against Mr. B. and for Mr. W. and against Mrs. W. in two separate divorce proceedings. Mr. B. is represented by Lawyer G. and Mrs. W. by Lawyer D. Mr. B and Mrs. W. live together in a common law relationship.

The Committee was asked by Lawyer G. and Lawyer D. whether Lawyer C. would be acting in a conflict if he continues to act for his clients, Mrs. B. and Mr. W. Lawyer C. was invited to comment on this issue and the Committee considered representations made by him.

The Committee was of the opinion that Lawyer C. would be acting in a conflict of interest if he continues to represent Mrs. B. and Mr. W. Because Mr. B. and Mrs. W. reside in a common household there is a danger that the representation Lawyer C. provides for each of Mrs. B. and Mr. W. will affect the claim of the other. For example, if Lawyer C. does a good job for Mrs. B. there may be fewer resources in the common household to satisfy the claims of Mr. W. Because Lawyer C. has now obtained confidential information from each of Mrs. B. and Mr. W. that may affect the representation of the other, he should withdraw from acting for both Mrs. B. and Mr. W.