

MINUTES

COMMITTEE: Ethics Committee

DATE: March 5, 1998

9. LAW SOCIETY RULE 403 AND CHAPTER 14, RULE 10: WHETHER PROPER FOR A LAWYER TO DESCRIBE HIMSELF AS A “RETIRED MEMBER” ON LETTERHEAD

A lawyer has left practice because of illness and has become a non-practicing member. He sold his practice to another law firm but, in the interests of giving that law firm the benefit of the good will from his practice, would like to remain on the firm letterhead. He wishes to designate himself on the firm letterhead as “retired” as opposed to “non-practising.” The Committee was asked whether this is acceptable.

The Committee noted that Law Society Rule 403 sets out specific requirements that a lawyer is required to meet before being considered to be a retired member. Chapter 14, Rule 10 states certain restrictions on designations that may be used on any letterhead or in any marketing activity for persons not entitled to practice law in British Columbia, including the designations “retired,” and “non-practising member.”

It was MOVED by Mr. Trotter and SECONDED by Mr. Toews as follows:

“Because the word ‘retired’ has a specific meaning in the *Law Society Rules* and the *Professional Conduct Handbook*, it would not be proper for a non-practising member to designate himself as a retired member on firm letterhead unless he meets the criteria for that designation set out in Rule 403.”

THE MOTION WAS PASSED.

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