

MINUTES

COMMITTEE: Ethics Committee

DATE: May 6, 1999

**7. CHAPTER 11, RULE 20: PROPRIETY OF CONTRACT OF
EMPLOYMENT FOR LAWYER CONTAINING RESTRICTIVE
COVENANT**

At the March 5, 1998 meeting the Committee was asked whether it is proper for a prospective employer to require a lawyer to enter into a restrictive covenant as a condition of employment.

The Committee noted that Chapter 11, Rule 20 makes it clear that the right of an existing client to choose his or her solicitor from among lawyers who have acted cannot be curtailed by a restrictive covenant. Restrictive covenants, including those with geographic restrictions, that may affect a lawyers ability to act for prospective clients, are not prohibited by the Professional Conduct Handbook, although in some cases they may be unenforceable at law.

The Committee was asked at this meeting whether "prospective clients" includes existing clients on new matters. It was the Committee's view that it does.

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