

MINUTES

COMMITTEE: Ethics Committee

DATE: February 3, 2000

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9. APPENDIX 3: POSSIBLE CONFLICT WITH CHAPTER 6, RULE 5

A lawyer pointed out a possible conflict between Appendix 3, item 6(a) and Chapter 6, Rule 5 of the *Professional Conduct Handbook*. Item 6(a) states that if a conflict of interest arises the lawyer cannot continue to act for any of the parties in the transaction. Chapter 6, Rule 5 states that under certain circumstances a lawyer could continue to act for one of the parties.

It was the Committee's view that in these circumstances Appendix 3, item 6(a) addresses a specific situation that may arise in the context of a real estate conflict. Because it is a specific pronouncement, it was the Committee's view that it overrides the more general statement contained in Chapter 6, Rule 5.

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