

MINUTES

COMMITTEE: Ethics Committee

DATE: April 6, 2000

8. CHAPTER 6: WHETHER PROPER FOR LAWYER TO PRESENT DIVORCE PETITION JOINTLY ON BEHALF OF THE TWO SPOUSES

The Committee originally considered this issue in April 1998 but adjourned it to give the opportunity for family law subsections throughout the province to comment on it. The Committee considered a number of letters from lawyers concerning the issue.

The Committee noted that Section 8 of the *Divorce Act* and Rule 60(11) of the Supreme Court Rules contemplate that a divorce may be granted to both spouses in some circumstances. In 1989 the Professional Standards Committee published an opinion in the *Benchers' Bulletin* that lawyers should not act for both spouses in bringing a joint petition for divorce.

The Committee was of the view that because of the potential for disagreement between the parties to emerge in family law matters, even after both spouses have received independent legal advice, lawyers should not act for both spouses in bringing a joint petition for divorce.

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