

MINUTES

COMMITTEE: Ethics Committee

DATE: October 3, 2002

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

In April 1998 the Committee gave an opinion that lawyers should not act for both spouses in bringing a joint action for divorce. On reviewing that opinion, the Committee agreed that there are some special circumstances in which that prohibition need not apply. The Committee expressed the view that a lawyer, including a lawyer who has acted as a mediator for the spouses, may act for both spouses in a joint action for divorce provided:

- all relief sought is by consent, and
- both parties have received independent legal advice in relation to the matter.

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