

## MINUTES

**COMMITTEE:** Ethics Committee

**DATE:** April 3, 2008

**3. CHAPTER 11: WHETHER IMPROPER FOR LAWYER TO DECLINE TO COMPLY WITH CONTRACT REQUIRING USE OF STANDARD FORM UNDERTAKINGS**

A lawyer asked the Committee whether it is proper for a lawyer whose client has agreed to a contract of purchase and sale that provides that the Canadian Bar Association standard undertakings will be used to complete and document the transaction to refuse to accept those undertakings.

It was the Committee's view that it is not improper for a lawyer to attempt to renegotiate a contract of purchase and sale when the circumstances of the contract warrant such renegotiation and when the lawyer receives client instructions to do so. However, it was the Committee's view that a lawyer who routinely declines to accept the standard undertakings contained in client contracts that have been negotiated prior to the lawyer's involvement in the matter places each client at risk of losing the benefits of the client's contract and may be practising negligently.