

## MINUTES

**COMMITTEE:** Ethics Committee

**DATE:** June 7, 2001

**8. CHAPTER 5: WHETHER A LAWYER MAY RELEASE A CLIENT'S WILL AND OTHER INFORMATION TO PUBLIC GUARDIAN AND TRUSTEE**

A lawyer who is in-house counsel to the Public Guardian and Trustee asked whether it is proper for lawyers who hold confidential information of a patient, including the patient's will, to disclose that information to a committee appointed for the patient pursuant to the *Patients Property Act*. The lawyer posed the questions in this way:

- Does a Committee have the right to all information about the assets which are the subject of the committee'ship, including all information included in a solicitor's files?
- Is that right one which the solicitor ought to recognize and therefore to provide the information without requiring the committee to obtain a court order directing the solicitor to provide the information?

The Committee noted that, subject to some limitations, section 15 of the *Patients Property Act* gives the committee of a patient "all the rights, privileges and powers with regard to the estate of the patient as the patient would have if of full age and of sound and disposing mind." For that reason, it was the Committee's view that it is proper for a lawyer to provide confidential information of a client who is a patient to the client's committee without the authority of a court order. However, it was the Committee's view that it is not wrong for a lawyer to require the committee to obtain a court order compelling the lawyer to provide the information. It would be appropriate for a lawyer to require the committee to obtain such an order when the lawyer is uncertain whether there is an identity of interest between the client and the committee, or for some other good reason.

JO:jeh  
01-06