

MINUTES

COMMITTEE: Ethics Committee

DATE: December 5, 2002

6. CHAPTER 7, RULE 2: WHETHER LAWYER HAS DISQUALIFYING INTEREST IN SUBJECT MATTER OF LITIGATION

A lawyer asked the Ethics Committee whether his interest in a matter disqualifies him from acting as a lawyer. He has a 12 ½% unregistered interest in land and timber purchased last year by D Company for a total of \$2.6 million. D Company is the registered owner of the property. D Company is now suing both the vendor and the real estate agent for the sale on the basis of misrepresentation. The lawyer drafted and filed the writ in relation to the matter. The lawyer's own interest of 12 ½% is also at stake in the litigation.

In these circumstances the Committee was of the view that the lawyer must be regarded as having an interest in the matter that would reasonably be expected to affect his professional judgment contrary to Rule 2. For this reason, the Committee was of the view it would be improper for him to act in the matter.

JO/
12-02