

**COMMITTEE:** Ethics Committee

**DATE:** April 2, 2009

**4. CHAPTER 6, RULE 4: FURTHER QUESTIONS CONCERNING COUNSEL'S OBLIGATIONS TO THE INSURED AND INSURER IN THIRD PARTY LIABILITY ISSUES**

- c) If an insured tells the ICBC defence lawyer "you're fired," can the lawyer continue to act on behalf of that insured based on ICBC's instructions?**

In the Committee's opinion, Regulation 74.1 makes it clear that ICBC has the exclusive right to appoint and instruct counsel. While an insured may not wish to be represented by a lawyer appointed by ICBC and may either retain his or her own counsel or elect to self represent, that does not affect ICBC's right to control the defence in the ways permitted by Regulation 74.1 and to continue to instruct counsel in the matter in the ways mandated by the Regulation.