

## MINUTES

**COMMITTEE:** Ethics Committee

**DATE:** January 26, 2012

### **CHAPTER 13, RULE 5: WHETHER LAWYER MAY ENGAGE VOLUNTEER WHO IS SUSPENDED LAWYER TO UPDATE A PUBLICATION**

A staff lawyer at a non-profit organization asked the Committee whether it is proper for him to engage the volunteer services of a former lawyer to update a publication that includes references to and analysis of environmental law issues. The former lawyer is suspended by the Law Society from the practice of law because of his failure to satisfy continuing professional development requirements.

The Committee noted Rule 5 which provides:

5. Except with the written approval of the Law Society, a lawyer must not employ, retain or otherwise associate in any capacity having to do with the practice of law with a person who, in any jurisdiction:
  - (a) is suspended from the practice of law,
  - (b) is disbarred,
  - (c) as a result of disciplinary proceedings, is no longer permitted to practise law,
    - (c.1) failed to complete a Bar admission program for reasons relating to lack of good character and repute or fitness to be a member of the Bar,
  - (d) has been the subject of a hearing ordered, whether commenced or not, with respect to an application for enrolment as an articled student, call and admission or reinstatement, unless the person was subsequently enrolled, called and admitted or reinstated in the same jurisdiction, or
  - (e) was required to withdraw or was expelled from a Bar admission program.

It was the Committee's view that since the updating of a publication is not the practice of law the lawyer would not be acting contrary to Rule 5 in making use of the volunteer's services.