

**COMMITTEE:** Ethics Committee

**DATE:** April 2014

**RULE 7.2-1, COMMENTARY [5]: WHETHER RULE APPLIES IN THE CASE OF SELF-REPRESENTED LITIGANTS**

The Committee was asked whether a lawyer would have similar duties to a self represented litigant that the lawyer has to another lawyer under rule 7.2-1, commentary [5].

The Committee noted that neither rule 7.2-1 nor the rule dealing with a lawyer's duties to unrepresented persons, rule 7.2-9, expressly require a lawyer to extend the duties described in commentary [5] to self represented litigants. Moreover, because of rules that govern the behaviour of lawyers, generally, lawyers can be confident they can readily contact other lawyers and are able to rely on statements made by those lawyers in a way that is not true of self represented litigants.

It was the Committee's view that a lawyer's general duty of courtesy and good faith to all persons with whom the lawyer has dealings may require a lawyer to extend certain courtesies to self represented persons similar to those accorded to lawyers. However, it was the Committee's view that the requirements of commentary [5] are standards to which lawyers should aspire as much as possible when dealing with self represented litigants, not standards to which they are bound.

[1003764]