

MINUTES

COMMITTEE: Ethics Committee

DATE: September 5, 1996

7. CHAPTER 2, RULE 2: WHETHER LAWYER MAY DECLINE TO PAY ACCOUNT

A lawyer questioned whether he may decline to pay the accounts of doctors and therapists where he is disputing his client's obligation to pay the account or a portion of the account. The lawyer advised that he represents a man accused of sexual assault. As part of his representation of his client he has subpoenaed the records of a number of doctors and therapists. Three of the people served attended at court personally and have issued invoices to the lawyer claiming a fee for their services.

The Committee was of the view that where there is a *bona fide* legal dispute regarding payment of the funds that the lawyer was under no professional obligation pursuant to Chapter 2, Rule 2 of the *Professional Conduct Handbook* to pay the accounts.