

MINUTES

COMMITTEE: Ethics Committee

DATE: October 3, 1996

11. CHAPTER 7, RULE 1: WHETHER A LAWYER HAS AN INTEREST IN THE MATTER

The Committee considered the following situation placed before it by a lawyer who is counsel for a village in the interior of British Columbia:

The lawyer acts for the village in an appeal before the Environmental Appeal Board. He is instructed by his client to attempt to uphold the decision of the village Deputy Director of Waste Management to permit the discharge of effluent generated within a specified area in the village.

The lawyer and a partner own an office building within the specified area and the lawyer stands to benefit financially if the decision of the village official is upheld. Moreover, his partner is chairman of a group that seeks to gain intervenor status in the appeal to support the decision of the village.

The office building owned by the lawyer and his partner is one of about 50-70 households or businesses located within the specified area and one of about 20-30 businesses that could be favourably affected by the granting of the permit. His partner is president of an association that was specifically established to promote the granting of the waste permit.

In these circumstances, the Committee was of the view that the lawyer has a "direct or indirect financial interest" in the outcome of the issue, contrary to Chapter 7, Rule 1(a) of the *Professional Conduct Handbook*. Moreover, the lawyer's partner had an interest that would reasonably be expected to affect the lawyer's professional judgment, contrary to Chapter 7, Rule 1(b) of the *Professional Conduct Handbook*. It would not be proper for the lawyer to act in the matter.

JO:ld/hjm