

## MINUTES

**COMMITTEE:** Ethics Committee

**DATE:** May 8, 1997

### **10. CHAPTER 5, RULE 15: WHETHER LAWYER MUST RETURN LETTER GIVEN TO HER BY OPPOSING PARTY**

A lawyer advises that she is counsel for a mother in a matrimonial matter where there are three children, ages 5, 3 and 2. The mother separated from the children's father on April 2, 1997, and is currently residing with the children in a transition house. The lawyer's client commenced an action against the father in Supreme Court on April 15, 1997. The father is represented by counsel. There is a restraining order that prevents the father from contacting the lawyer's client.

On April 21, 1997, a plain, brown envelope was delivered to the lawyer's office addressed to the three children in care of the lawyer. The envelope was not marked "Personal & Confidential". It bore a return address in the name of the father, care of his lawyer.

The lawyer has asked whether Chapter 5, Rule 15 of the *Professional Conduct Handbook* requires her to return the letter to the father, or the father's lawyer.

The Committee was of the view that in these circumstances there is no obligation on the lawyer to return the document.

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