

## MINUTES

**COMMITTEE:** Ethics Committee

**DATE:** February 2, 2006

### **4. CHAPTER 5, RULE 15: WHETHER LAWYER MUST DISCLOSE TO CLIENT INFORMATION PROVIDED IN ERROR**

A lawyer advised that the lawyer on the other side of an action inadvertently disclosed confidential information concerning potential settlement numbers to him by sending him documents that included a letter from the party on the other side to her lawyer. The letter is clearly privileged and was sent in error. Although the lawyer has complied with the obligations set out in Chapter 5, Rule 15 of the *Professional Conduct Handbook* in relation to the privileged letter by returning it to counsel on the other side, he advised that the settlement information contained in the letter that he read before he was aware of the error is relevant to the conduct of his client's case. The lawyer asked whether he is obliged to inform his client of the relevant part of the disclosure.

It was the Committee's view that Rule 15 does not prevent lawyers from disclosing the contents of inadvertent disclosures to their clients where they have read the document before realizing it was sent in error. In these circumstances, the ordinary obligation that lawyers have to provide relevant information to their clients must prevail.

JO/  
February 2, 2006.