

## **MINUTES**

**COMMITTEE:** Ethics Committee

**DATE:** April 11, 1996

### **5. CHAPTER 8, RULE 11; SCOPE OF ANTI-CONTACT RULE**

The Committee considered a request from a lawyer (lawyer "A") who wished to have the Committee's opinion whether, under certain circumstances, it would be proper to make a contact with the client of another lawyer.

Lawyer A's client has a proposal to make to the client of another lawyer, lawyer "B". However, lawyer B is refusing to transmit lawyer A's client's proposal to his client unless lawyer A's client pays lawyer B's fees. Although the matter has been dormant for some time, the issue was originally one in which lawyer B represented the client who lawyer A wishes to contact.

Under these circumstances, the Committee was of the view that lawyer B was not really acting for his client. It would be proper for lawyer A to contact lawyer B's client directly if lawyer B continues to decline to pass on lawyer A's client's proposal to lawyer B's client. However, lawyer A should give lawyer B reasonable notice of his intention to contact lawyer B's client before making the contact.