

MINUTES

COMMITTEE: Ethics Committee

DATE: April 6, 2000

6. CHAPTER 9, RULE 2: WHETHER LAWYER PRECLUDED FROM ACTING WHERE DIVORCE SERVICE RECOMMENDS HIM

From time to time a lawyer is retained by clients who have obtained his name through an organization called Divorce Resource Centre. Divorce Resource Centre has been running ads and sending out faxes that are targeted at men going through divorce and, for a fee, will send out a package of materials consisting of booklets and videos that provide general information on the subject of divorce. The materials do not provide the names of lawyers but the service, on request, is apparently prepared to provide names of lawyers that practice in the area of family law. It does not appear that the Divorce Resource Centre charges a fee for providing the names of lawyers.

The lawyer has asked whether the Centre, in providing his name to a prospective client, is making a referral to him. If it is making a referral, he asked whether he is prohibited by Rule 2 from acting for the client.

It was the Committee's view that in providing his name to a prospective client in this way, the Centre would not be making a referral to him. Provided he is not paying the Centre for referrals, the Committee was of the view that he is not prohibited by Rule 2 from acting for a client who comes to him through the Centre.

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