



Facilitator's Guide Small Claims Court Case Study

The E-Mail

Opening Paragraph

Just before his Small Claims Court trial began at 10 a.m. on Tuesday December 7, 2014, Paul Singh (lawyer for the Defendant) reviewed the evidence brief prepared by Rhonda Milburn, the lawyer on the opposing side (until she recently withdrew). He discovered a printout of a confidential e-mail that Rhonda sent to her client's new lawyer referring to her former client as a con man. Paul didn't know how to proceed.

Objectives

1. This case is intended for a study group discussion session on professional responsibility in Small Claims Court.
2. Participants will be expected to put themselves in the position of the lawyer in the case and to identify and analyze the legal, professional and personal challenges he faces.
3. Participants will also be expected to develop alternatives and an action plan for resolving the issues in accordance with the lawyer's professional obligations under the *Code of Professional Conduct*.

Lawyer References

- Courtesy and Good Faith, subrules 6.02(1) and (2)
- Integrity, subrule 1.01(1)
- Communications, subrule 6.02(9)
- Duty to Report Misconduct, subrule 6.01(3)
- Manner of Withdrawal, subrules 2.07(8) and (9)
- Withdrawal, subrules 2.07(1)(2) and (3)
- Informing Client of Error or Omission, subrule 6.08(1)

Suggested Discussion Questions

Assume that you are the lawyer in this case, and answer the following questions with reference to the relevant rules of the *Code of Professional Conduct*:

1. What discussion, if any, would you have with your client about the e-mail?
2. Would you provide Tony with a copy of the evidence brief? Why or why not?
3. What duties, if any, does Rhonda have to Tony?
4. Would you use the information contained in the e-mail at trial? Why or why not?
5. What rules in the *Code of Professional Conduct* apply to this situation?