



PRACTICE ADVISORY

THE LAWYER AS ADVOCATE: COMMUNICATING WITH WITNESSES THROUGH AGENTS

Lawyers will often have contact with potential witnesses, some of whom will be opposite in interest to the lawyer's client. Many such persons will be unrepresented and may not be fully aware of the lawyer's role, the legal process, or their own rights. Lawyers will often employ agents in order to contact witnesses and perform other tasks to assist in the representation of clients.

Chapter IX of the Canadian Bar Association's Code of Professional Conduct addresses, in several parts, a lawyer's communication with witnesses.

Lawyers are reminded that, when they employ agents to assist in the representation of clients, they are responsible to ensure their agents conform to the rules of conduct binding the lawyer.