See paras, 5-6.

Indexed as:

Rowett v. Rowett

Between
John Donaldson Rowett, petitioner (husband), and
Dianne Lynn Rowett, respondent (wife)

[**2000**] **O.J. No. 1267**

Court File Nos. 98-FP-241958, 403/99

Ontario Superior Court of Justice
Divisional Court - Toronto, Ontario

O'Leary, Matlow and Jennings JJ.

March 27, 2000.

(6 paras.)

Barristers and solicitors -- Relationship with client -- Conflict of interest -- Situations not resulting in a conflict.

Appeal by the wife from a decision finding that the husband's solicitor was not in a conflict of interest. The solicitor had acquired extensive information over the years about assets owned by various members of the wife's family. He worked for the same firm as the corporate secretary and solicitor for a company in which the wife had an interest.

HELD: Appeal dismissed.

Counsel:

Jacqueline Mills, for the respondent (wife).
No counsel mentioned for the petitioner.

---

1 **O'LEARY J.** (endorsement):-- The appellant wife Deanne Lynne Rowett formerly Shaw says Walsh J. should have found the husband's solicitor Mr. Sadvari in conflict of interest because

2 1. He indicated twice he would access private and confidential material from the wife's sister's file when he acted for the wife's sister's husband.

3 Just because Mr. Sadvari has acquired extensive information over a number of years about the assets owned by various members of the Shaw family, including Deanne Rowett (formerly Shaw) by acting against members of the Shaw family does not mean he has a conflict of interest, when acting once more against a member of the Shaw family, namely against Deanne Rowett. In our view the evidence does not indicate that Mr. Sadvari broke, or that he might break the order of Sutherland J. that "the financial statements and supporting documentation filed in the sister's case be treated as confidential."

4 2. Stephen Adams the corporale secretary and solicitor for a private company in which the wife has an interest, who was also the general family solicitors for the Shaw family and who had advised Deanne Rowett in regard to her marriage contract, joined the lawfirm of McCarthy Tetrault's in its London Ontario office.

5 Mr. Sadvari did not learn that Adams had joined McCarthy Tetrault until after he had examined Deanne Rowett for discovery. But Deane Rowett knew and her counsel so advised Sadvari immediately after the discovery. Sadvari immediately set up his own "chinese wall" to ensure he would receive no information from Adams. In light of this and the fact Adams is at the London office and Zadvari is at the Toronto office in our view a member of the public would not be concerned that information about Shaw assets might be passed from Adams to Sadvari.

6 In any event Walsh J. ordered the creation and monitoring of a chinese wall and that should assure Deanne Rowett that no confidence of hers in the hands of Adams will be misused. In this regard we feel bound by the decision of the court of appeal in Davies Word and Beck v. Baker and McKenzie 1998 40 O.R. (3d) 257. The appeal is therefore dismissed with costs of the appeal and the motion fixed at $3500.00

O'LEARY J.

qp/t/qlrme