



## CONFLICT OF INTEREST

### About Conflict of Interest

Our service conducts a mandatory “conflict of interest” check. We cannot assist someone if a legal conflict of interest exists. For example if we have previously assisted the other party to your specific legal dispute we are unable to assist you. A legal conflict of interest occurs when the duties a lawyer owes to his or her client come into conflict with the duties a lawyer owes to the court, to a different client or with the lawyer's personal interests.

A lawyer needs to focus on the best outcomes for an individual, and if he or she is representing both sides, they are not be able do this with objectivity and integrity.

Conflict of Interest principles exist to protect clients by making sure that lawyers are loyal to them and to maintain a public perception of professional honesty.

#### Why do conflicts occur?

Conflicts arise when the different duties and interests that a lawyer has clash.

Lawyers owe duties to their clients as a result of the type of relationship that exists between themselves and their clients. These duties extend to employees of a lawyer or Community Legal Centre.

Lawyers must be completely loyal to their client. This duty cannot be fulfilled when it is owed to two or more people who have competing interests.

The Duty of Fidelity requires a lawyer to disclose to their client all information that is within the lawyer's knowledge and a duty to act in the client's best interests.

Duty of confidentiality in respect of information communicated to the lawyer as a result of the lawyer client relationship. This duty survives the formal termination of the lawyer client relationship.

Conflicts also arise because lawyers owe duties not only to their clients but to the court. For example, lawyers must conduct court proceedings with candour and honesty and without misleading the court as to the facts of the case.

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*James and Sarah are married. James has recently been convicted of assault and Sarah, who has suffered from domestic violence, decides to leave James. If a lawyer acted for James in the criminal case and then starts to act for Sarah in Family Court proceedings, he or she may be aware of confidential information about James that would help Sarah in the Family Court proceedings against James.*

*This means that the lawyer cannot represent Sarah in the Family Court matter. It does not mean that the lawyer or organisation **does not want** to represent Sarah - it means that they are **not able to**.*

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**If you are experiencing a conflict of interest, we can give you no further details about the conflict. We will, however, endeavour to find you alternative paths for assistance.**

Information extracted from the Community Legal Centres Association (WA). Full details are available:  
<http://www.communitylaw.net/Priority-Client-Resource/conflicts-of-interest/menu-id-53/All-Pages.html>