

Navigating the Conflicts Maze

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Clients need to believe that they can divulge private information, or "spill the beans" so to speak, and trust that their attorney will keep all confidences. Because attorneys serve as the public's conduit to the judicial process, they are held to a high standard when it comes to ethics, loyalty, confidentiality and competency. Hence, the attorney owes a fiduciary duty to his or her clients.

Loyalty is one of the most important pillars upon which an attorney client relationship is built. This duty is enshrined in the ethical conflict of interest rules that restrict attorneys from undertaking simultaneous representation of two or more clients that are adverse (or potentially adverse) to one another. In California, the ethical parameters governing attorney conflicts of interest are embodied in Rule 3-310 of the California Rules of Professional Conduct. Rule 3-310(C) provides that an attorney shall not accept or continue representation of more than one client in a matter in which the interests of the clients actually conflict or potentially conflict without informed written consent of each client. Failure to address a conflict of interest in accordance with the rules regulating attorney conduct could result in a myriad of consequences ranging from attorney disqualification to malpractice to fee disallowance or disgorgement to discipline by the State Bar.

This article can be read in full at <https://www.dailyjournal.com>.

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