

**ATW FAMILY LAW**  
**CONFLICT OF INTEREST**  
**POLICY**

**Procedures**

1. The practice will not act in any client matter where it has a Conflict of Interest.
2. The practice will not assign any client matter to a fee earner who has a Conflict of Interest in relation to either that matter, or the client on whose behalf the practice will act.
3. For the purposes of this Policy, a Conflict of Interest exists in each of the following circumstances:
  - a. where accepting the instructions would require the practice to act against, or in opposition to, a former client of the practice;
  - b. where accepting the instructions would require the practice to act against, or in opposition to, a company or trust in which a former client of the practice is a major stakeholder;
  - c. where accepting the instructions would require the practice to act against, or in opposition to, a former client of a solicitor-director of the practice;
  - d. where accepting the instructions would require the practice to act against, or in opposition to, a former client of a practice to the business of which the practice has succeeded;
  - e. in any other circumstance referred to in Rule 3 of the *Solicitors Rules*;
  - f. where the practice would otherwise act for persons in any opposing interest in any proceedings or transaction;
  - g. in any circumstance prohibited by Pt.66 r.2 of the *Supreme Court Rules*, Pt.48 r.2 of the *District Court Rules*, 0.45 r.2 of the *Federal Court Rules*, or any equivalent rule in any other Court jurisdiction;
  - h. in any other circumstance referred to in Rule 9 of the *Solicitors Rules*;
  - i. in any circumstance where the practice, or a member or an employee of the practice, or any other person who is an associate (within the meaning of that term in s.60 of the *Legal Profession Act, 1987*) of a solicitor in or employed by the practice has an interest in the subject matter of the transaction;
  - j. in any other circumstance referred to in Rule 10 of the *Solicitors Rules*;
  - k. in any circumstance to which Rule 11 of the *Solicitors Rules* applies;
  - l. in any circumstance to which Rule 12 of the *Solicitors Rules* applies;
  - m. where the matter involves proceedings being brought against any governmental, semi-governmental or quasi-governmental Council, Board or

Committee of which any solicitor-director, or solicitor employed by the practice is a member;

- n. in any other circumstance to which Rule 36 of the *Solicitors Rules* applies;
  - o. in any circumstance to which Rule 38.1 or Rule 38.2 of the *Solicitors Rules* applies.
4. Immediately following completion of a Client Engagement Checklist, that checklist must be forwarded to the Accounts Section.
  5. Upon receipt of a Client Engagement Checklist, the Accounts Section must carry out a Conflict of Interest Search, and endorse that checklist with the result of the search.
  6. Where a conflict of interest is identified as a result of a Conflict of Interest check, and the conflict cannot be otherwise resolved, the practice will decline instructions to act in the matter and will, as soon as possible, advise the client in writing of that conflict and of that decision not to act.
  7. In any matter in which the practice has accepted instructions to act, in which a Conflict of Interest subsequently arises, or is subsequently identified, the practice will cease to act immediately. In such an event, the responsible fee earner will notify that fact to the client or clients whose matters or interests are affected by the operation of this Rule, and explain the basis for the decision.
  8. The practice acknowledges that any referral fee which, apart from these Procedures and Rule 38 of the *Solicitors Rules*, may be payable to the practice is, as between the practice and the client, the property of the client in relation to whose matter it is paid or offered.