

Law Society of Ireland

Protocol for conflicts of interest relating to proceedings of regulatory committees

It is a requirement of the Society that its regulatory committees are, and are seen to be, objective and unbiased in dealing with matters before them. Members of regulatory committees should not participate in proceedings involving any persons or matters with which they have a connection to a degree that if they were to so participate there may be a reasonable concern on the part of the respondent solicitor or the complainant or an independent observer that those proceedings would not be, or would not be seen to be, objective and unbiased.

In practice, committee members themselves will have the best knowledge of their own potential conflicts. Therefore, members of regulatory committees should intimate to the committee prior to consideration of the relevant agenda item if they believe that a conflict of interest may arise and outline the nature of the possible conflict. The committee member should withdraw from the relevant proceedings if either they or the committee decide that they should do so. Cases of reasonable doubt should be resolved in favour of withdrawal.

It is recognised that sometimes withdrawal will result in the committee ceasing to be quorate requiring adjournment of the agenda item. While adjournment for this reason may cause inconvenience, the public interest in, and the Society's reputation for, objective and unbiased regulatory dealings should override considerations of convenience.

Is it not practicable to draw up an exhaustive list of potential conflict of interest situations. Committee members understand the concept of conflict of interest and recognise potential conflicts. The following non-exhaustive list illustrates the most common potential conflict of interest situations:-

1. The committee member is related by blood or marriage or cohabitation to the respondent solicitor or complainant.
2. The committee member is a professional or business partner of, or an employer or employee of, the respondent solicitor or complainant.
3. The committee member has acted as solicitor to the respondent solicitor or complainant or has been a client of the respondent solicitor.
4. The committee member (if a solicitor) has especially regular professional contact with the respondent solicitor or complainant (if a solicitor) by reason of practising in the same locality or in the same legal specialism.
5. The committee member has significant social contact with the respondent solicitor or complainant.
6. Situations analogous to any of the foregoing such as a lay committee member having a good reason not to participate due to past or probable future dealings by themselves or their employer with any persons connected with matters before the committee.

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