

## PROF. COND. R. 1.7 CONFLICT OF INTEREST: CURRENT CLIENTS

All potential conflicts of interest for a new or current client must be analyzed under this Rule. The Rule lists two types of conflicts that preclude acceptance or continuation of representation:

1. representation directly adverse to a current client
2. material limitation conflict

Direct adversity conflicts are apparent – even to first year law students! You can't represent a client on the "other side" of a matter.

Material limitation conflicts are more difficult. They require the lawyer to determine if there is a substantial risk that their own ability to consider, recommend or carry out a course of action will be *materially limited* by their responsibilities to another client, a former client, a third person or their own personal interests.

If either of these types of conflicts exist, representation can't continue or be undertaken unless *ALL* of these conditions are met:

1. the lawyer will be able to provide competent and diligent representation to each affected client
2. each affected client gives informed consent, confirmed in writing
3. the representation is not precluded by (c) of the Rule, which does not permit representation, even if the client consents, that is prohibited by law or would involve the assertion of a claim by one client against another client represented by the lawyer in the same proceeding.

If it is determined that competent and diligent representation can be provided, the lawyer can proceed to obtain informed consent. Situations involving consent waivers are often addressed by an OBLIC Ethics Consult.