

## **CIRCULAR NO.4 OF 1997**

### **TO ALL MEMBERS OF THE LEGAL PROFESSION**

I enclosed my notes of the meeting held with the members of the legal profession 16/4/97.

I have raised –

(a) With the Chief Magistrate the right of defendants to be supplied with copies of certain documents.

(b) With the A.G. –

(i) The amendment of the list of Commissioners for Oaths;

(ii) The delays in furnishing information at the Business Names and Companies Registries;

(iii) The lowering of the stamp duty on collateral security documents;

(iv) The execution of warrants of arrest by police officers;

(v) The question of whether he has any objection to legal aid clinic being provided, without charge, by members of the legal profession;

(vi) Whether or not those who receive free legal advice at the clinic should be referred to the A.G.'s chambers for legal aid to be furnished there.

(c) With the C.R. –

(i) Service in the High Court Registry;

(ii) The revival of the Committee on Contingency Fees;

(d) With the magistrate concerned, the judgement outstanding since September 1995.

### **Conflict of Interest**

There was agreement that a Circular on this subject should be issued (and is hereby issued) in these terms –

“CONFLICT OF INTEREST

A solicitor should not accept instructions to act for two or more clients when, to his knowledge, a dispute has arisen between those clients.

Nor should he continue to act for two or more clients when, to his knowledge, a dispute has arisen between those clients.

Subject to the above principles, this will not prevent the same solicitor from acting for the vendor and the purchaser, or for a land owner, developer and lender/borrower of money on the same land.

When a solicitor knows that a dispute has arisen between any of his clients, he should cease to act for any of them, since he may well be in possession of confidential information, which came to him when he was representing one of the parties who are now in dispute."

21st April, 1997.

(ORIGINAL SIGNED)  
**(DATO SIR DENYS ROBERTS)**  
Chief Justice

Copies to - Attorney General  
Chief Registrar  
Legal Adviser, BSP

Encs.