

Colorado Legal Services

For low-income Coloradans seeking legal assistance and Colorado's legal advocates

www.coloradolegalservices.org



Conflict Rules

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Conflicts between pro bono attorneys and CLS clients

Prior to discussion of a potential case referral, CLS staff will provide a pro bono attorney with complete conflict information, including the client's name and the names of all other parties known to be involved in the legal situation. CLS will wait until an attorney has had an opportunity to check for any possible conflicts, and to determine that no conflicts exist, prior to discussing the case with the attorney.

Conflicts between CLS clients

CBA Ethics Opinion 117 (*Ethical Responsibilities of Attorneys in Legal Services and Pro Bono Programs Concerning Prospective Clients, 06/16/07*) deals with the conflict situation that occurs when two sides of a case both request assistance from a pro bono program. The conclusion of this Ethics Opinion is:

Pursuant to Colo. RPC 1.10 (Imputation of Conflicts) CLS attorneys are considered to be members of the same firm for purposes of imputed disqualification. Pro bono attorneys who agree to accept referrals from CLS generally are not members of the same law firm and are not considered members of CLS. Colo. RPC 1.10 (Imputation of Conflicts). Therefore, CLS may refer applicants eligible for its services but who are adverse to existing clients or clients it may subsequently determine cannot be further represented because of a conflict to pro bono attorneys who agree to accept referrals from CLS. Similarly, a pro bono program may refer otherwise eligible clients with adverse interests to different attorneys associated with the pro bono program. When the program is required to refer an applicant and the existing adverse client to volunteer counsel, those referrals are permissible as long as they are not attorneys in the same firm.

CLS may refer clients who represent opposing interests in a case to different pro bono attorneys, as long as information is not shared by CLS concerning the other attorney's client with each pro bono attorney. This may happen in limited situations where CLS determines that each client

meets program eligibility requirements and is in need of attorney representation to preserve significant client interests. This also avoids the situation where a client whose situation clearly merits attorney assistance is denied help simply because the client was not the first person in the case to contact CLS.

Let us know how we are doing by completing our very short user survey.

Printed: January 22, 2019

<http://www.coloradolegalservices.org/node/13/conflict-rules>

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