

THE LAW SOCIETY OF SINGAPORE

PRACTICE DIRECTION 3.6.1

[Formerly PDR 2013, para 59; Council's Practice Direction 1 of 2005]

CLIENT CONFIDENTIALITY AND CONFLICT OF INTEREST FOR LOCUM SOLICITORS

This Practice Direction must be read in conjunction with the Legal Profession Act (Cap 161, 2009 Rev Ed) ('LPA') and Legal Profession (Professional Conduct) Rules 2015 (S 706/2015) ('PCR 2015') which govern locum solicitors (as defined by the Act) who have been issued with a locum solicitor practising certificate as defined in section 2 of the LPA.

This Practice Direction sets out directions as for a locum solicitor and for member law practices who engage a locum solicitor.

For the avoidance of doubt, this Practice Direction will apply in addition to the LPA and PCR 2015.

A. Duty of Confidentiality

As a locum solicitor can practise in more than one law practice at any one time, the need for a locum solicitor and the law practice engaging him/her to ensure that client confidentiality is maintained when a locum solicitor practises in several practices is essential.

Therefore a locum solicitor and the law practice that engages him/her must respect the terms stated in rule 6 of the PCR 2015.

The issue of conflict of interest will be a very live issue for a locum solicitor for the same reasons specified above in this Practice Direction. The rules of conflict of interests enacted in rules 11 and 20–22 of the PCR 2015 apply to locum solicitor in addition to the common law principles on conflict of interests.

A locum solicitor must be familiar with the terms of the PCR 2015 described above so that he/she and the law practice that wishes to engage him/her can determine if he/she can be so engaged.

B. Disclosure of Existing and Intended Engagements as Locum Solicitor

A locum solicitor must, before acceptance of an engagement with a law practice, state the names of all law practices that had engaged him/her so that the practice and the locum solicitor may determine if the locum to be engaged may have acted or acts against a former or current client of the law practice. This way both parties can determine if any issues of conflict exist that need to be resolved.

A locum solicitor, during the course of engagement, must advise each law practice that engages him/her of the names of all law practices that he/she proposes to be engaged as a locum solicitor so that the law practice and locum solicitor may determine if any issues of conflict will exist that needs to be resolved.

Date: 1 June 2018

THE COUNCIL OF THE LAW SOCIETY OF SINGAPORE