



# POLICY D: ATTORNEY-CLIENT CONFLICTS OF INTEREST

## Wyoming Guardians *Ad Litem* Program

Empowering youth & families through legal advocacy

### SECTION ONE: PURPOSE, AUTHORITY, & SCOPE

- A. This policy was created pursuant to the *Wyoming Guardians Ad Litem (GAL) Program Rules and Regulations*, Chapter 1, § 2(b) and *The Rules of Professional Conduct for Attorneys at Law*. The purpose of this policy is provide Program GALs with tools to help identifying situations that present potential conflicts of interest and to set forth guidelines for GALs to appropriately and professionally decline or withdrawal from a GAL appointment.
- B. This policy encompasses all guardians *ad litem* attorneys contracted or employed with the State of Wyoming, Office of the State Public Defender, Guardians *Ad Litem* Program to provide GAL services in Wyoming.
- C. Violations of these provisions may be subject to disciplinary action up to, and including, termination.

### SECTION TWO: AVOIDING CONFLICTS WITHIN THE AGENCY

- A. The GAL Program and its contractors and employees and the Office of the State Public Defender (OSPD) and its contractors and employees are separate entities with separate clients, files, and obligations.
- B. A private attorney contracted or employed by the OSPD may not serve as a GAL with the GAL Program.
- C. No contractor or employee of the OSPD shall be allowed access to GAL Program files or confidential client information.
  - I. If any member of a Program GAL's firm is also a contractor or employee of the OSPD, then the GAL is required to keep all GAL Program client information and files separate from (OSPD) client information and files.

### SECTION THREE: DEFINED CONFLICTS OF INTEREST

- A. A Program GAL shall not have any conflicts of interest in their assigned GAL Program cases and shall not represent a client if the representation involves a concurrent conflict of interest.

- I. A concurrent conflict of interest exists if the representation of one client will be directly adverse to another client, or if there is a significant risk that the representation of one or more clients be materially limited by the GAL's responsibilities to another client, a former client, a third person, or by personal interest of the GAL. (See *The Rules of Professional Conduct for Attorneys at Law, Rule 1.8* for exceptions and additional information.)
- B. A Program GAL who has formerly represented a client in a matter shall not thereafter represent another person in the same matter or a matter that is substantially related in which that person's interests are materially adverse to the interests of the former client. (See *The Rules of Professional Conduct for Attorneys at Law, Rule 1.9* for exceptions and additional information.)
- C. A Program GAL shall not knowingly represent a client in the same matter or a matter that is substantially related in which a firm with which the GAL was formerly associated previously represented a client whose interests are materially adverse to the client or when the GAL had acquired information protected by *The Rules of Professional Conduct for Attorneys at Law, 1.6 and 1.9(c)* that is material to the matter. (See *The Rules of Professional Conduct for Attorneys at Law, 1.6 and 1.9(c)* for exceptions and additional information.)
- D. While a GAL is in a firm, they shall not knowingly represent a client when any one of the members of the firm practicing alone would be prohibited from doing so by *The Rules of Professional Conduct for Attorneys at Law, 1.7 or 1.9*. (See *The Rules of Professional Conduct for Attorneys at Law, Rule 1.10* for exceptions and additional information.)
- E. If a conflict of interest arises after representation has been undertaken, the GAL shall withdraw from representation and follow Program Procedures to do so.
  - I. The GAL must notify the Program in writing by completing a Request for Appointment of New GAL form. This form must be submitted to the GAL Program Administrator prior to withdraw from a GAL Program Case.
  - II. Upon review and approval by the Program, the GAL will file a Notice of Withdrawal with the court. The Program will maintain representation of the client and assign a new Program GAL.
  - III. The GAL must consider *The Rules of Professional Conduct for Attorneys at Law, Rule 1.16* prior to termination of representation to ensure the withdrawal can be accomplished without material adverse effect on the client.