

The Conflicted Counsel¹

There has been a deeply disturbing development in my long-running whistleblower litigation(s).

I have discovered that:

- while counsel was still representing me, counsel was also professionally instructed in matters actually involving the Central Bank of Ireland;
- this is the very regulator whose conduct and role I had been investigating as an Expert Adviser to the Oireachtas Banking Inquiry;
- And this is what I am struggling to get my head around: the timelines overlap.
- This wasn't work taken on years after representing me.
- Counsel was still acting for me, while undertaking work for the Central Bank.

I knew absolutely nothing about it until this morning. Thank you to those who assisted.

- I had previously discovered that the same counsel had attended a Fine Gael fundraising event with a family member, something also that had never been disclosed to me.
- Prior to that I had directly raised concerns about potential conflicts in 2023;
- I was told in writing that there was no conflict;
- It now appears that the Central Bank relationship was ongoing at that time and not disclosed either;
- Finding this out now has hit me extremely hard;
- I am looking back at years of advice, delays and "strategic decisions" through an entirely different lens. "Advice" given on withdrawal is patently incorrect and misleading.
- A client cannot make an informed decision about representation when material relationships and concurrent professional engagements are completely unknown to them.

¹ Copied from a public post on @ and edited for sharing on this page

Now a message

To any solicitor or barrister who knows that

- a **conflict**; a **divided loyalty**; or
- other interest means they never or are no longer advancing their client's case *fearlessly and independently*:

Please withdraw.

Do not remain in a case while

- quietly delaying it;
- narrowing it;
- discouraging legitimate avenues;
- withholding material information;
- obstructing evidence; or
- steering the client away from steps that might expose interests you would rather protect and might be rewarded for protecting.

If you cannot act solely in your client's interests within your professional duties, please get out of the way.

- Do not use the authority and trust that come with legal representation to become another obstacle the litigant has to overcome.
- Withdraw properly.
- Return the papers.
- Identify urgent deadlines.
- Do nothing to prejudice existing rights.
- Give the person a fair opportunity to obtain alternative representation — or, if they choose, to move forward as a self-represented litigant.
- A person fighting powerful institutions already has an opponent - in my case, resourced by Irish taxpayers.

Their own legal team must never become another one (opponent).