

FAMILY CROWN SERVICES OPERATIONAL MANUAL

CONFLICT OF INTEREST	New	Office of the Attorney General / Family Crown Services	Policy 5
Policy Title	New or Amended	Division / Branch / Section	Policy #

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CONFLICT OF INTEREST

1. Introduction

In certain circumstances there may be the potential for an actual or perceived conflict of interest in the conduct of a civil matter. It may be necessary to refer a matter to an out-of-region Family Crown or to *ad hoc* counsel in order to avoid an actual or perceived conflict of interest and to maintain public confidence in Family Crown Services and the administration of justice.

There may also be situations which do not constitute a conflict of interest, but which deal rather with the appearance of a conflict of interest. If the situation would place the administration of justice in disrepute, the process applicable to conflicts of interest should be followed.

2. Statement of the policy

Where a Family Crown Counsel becomes aware of the potential for an actual or perceived conflict of interest, he or she shall notify the Assistant Deputy Attorney General of Family Crown Services. Depending on the nature of the conflict of interest (see section 4 below), the Assistant Deputy Attorney General shall assign the matter to another Family Crown Counsel or shall hire *ad hoc* counsel.

3. Authority for matters referred to Ad Hoc counsel

The Attorney General retains authority for all matters referred to Family Crown *ad hoc* counsel.

Where a matter has been referred to Family Crown *ad hoc* counsel, the Assistant Deputy Attorney General of Family Crown Services should maintain a file on the matter. The file should include the letter of engagement and copies of all correspondence with Family Crown *ad hoc* counsel, including any directions that have been given to him/her.

Where a matter has been referred to Family Crown *ad hoc* counsel, he/she shall act in accordance with this Manual.

4. Proceeding where there is an actual or perceived conflict of interest

In general, matters involving actual or perceived conflicts of interest should be referred as follows:

- (a) where a party to the court matter is a sitting member, or a candidate in an election, of the Parliament of Canada whose constituency is in New Brunswick, or an agent of such a person, the matter shall be referred to *ad hoc* counsel;
- (b) where a party to the court matter is a sitting member, or a candidate in an election, of the Legislative Assembly of New Brunswick, or an agent of such a person, the matter shall be referred to *ad hoc* counsel;
- (c) where a party to the court matter is a member of the judiciary, the matter shall be referred to an out-of-region Family Crown Counsel or to *ad hoc* counsel;
- (d) where a party to the court matter is a deputy head, as defined in the *Civil Service Act*, the matter shall be referred to an out-of-region Family Crown Counsel to *ad hoc* counsel;
- (e) where a party to the court matter is an employee of Family Crown Services, the matter shall be referred to *ad hoc* counsel;
- (f) where a party to the court matter is an immediate family member of an employee of Family Crown Services, the matter shall be referred to an out-of-region Family Crown Counsel or to *ad hoc* counsel;
- (g) where a party to the court matter is a close friend of an employee of Family Crown Services, the matter shall be referred to an out-of-region Family Crown Counsel or to *ad hoc* counsel;
- (h) where a party to the court matter is a police officer or social worker, the matter shall be referred to an out-of-region Family Crown Counsel or to *ad hoc* counsel;
- (i) where a party to the court matter is a lawyer who regularly practises within the scope of work of Family Crown Services, the matter shall be referred to an out-of-region Family Crown Counsel or to *ad hoc* counsel.

This is not an exhaustive list. The Assistant Deputy Attorney General of Family Crown Services will also refer a matter to *ad hoc* counsel where, in the opinion of the Assistant Deputy Attorney General of Family Crown Services, not referring the matter to *ad hoc* counsel could bring the administration of justice into disrepute.

5. Related documents

Policy 6 - *Ad Hoc* Counsel