



MEMORANDUM

To: Cyberlaw Clinic Students
From: Cyberlaw Clinic Staff
Date: August 27, 2017
Re: Cyberlaw Clinic Conflict of Interest Policy

Conflict of Interest Policy

To fulfill its obligation to avoid conflicts of interest in representing clients, the Cyberlaw Clinic (“Clinic”) has established the following Conflict of Interest Policy for its staff and student attorneys (“Clinic Attorneys”).

1. All incoming clients must be evaluated for conflicts of interest with: (a) current and former Clinic clients; (b) current and former Clinic activities; and (c) current Clinic staff. Examples of potential conflicts include:
 - A Clinic Attorney cannot simultaneously represent two clients who are adversaries in a case. Similarly, a Clinic Attorney cannot simultaneously represent parties whose interests directly oppose each other in two different cases, unless both clients are advised of the situation and both waive the conflict.
 - A Clinic Attorney may represent different clients in separate cases and advocate for a common position on a given issue or set of issues. An issue conflict may arise, however, if a Clinic Attorney must advocate a position in one case that is adverse to a position advocated in another case or cases addressing a similar or related issue.
 - Successive representation may raise ethical issues in a situation where interests of a Clinic Attorney’s former and current clients are adverse, if the past and current matters are closely related in some way.
 - An imputed conflict may arise when a Clinic Attorney who previously acted for a party later joins a new firm, and that firm is currently representing a client whose interests are adverse to the Clinic Attorney’s previous client. In this case, the

Clinic Attorney's relationship with the previous client may be imputed to her new firm and prevent the firm from working with the new client.

2. The Clinic cannot advise or assist on policy advocacy efforts for one client that are adverse to the policy advocacy efforts of another client.
3. The Clinic frequently represents Harvard-affiliated programs and persons and thus cannot accept clients who are adverse to Harvard University. The Clinic should consult with Harvard University's Office of General Counsel if it anticipates a potential conflict.
4. Clinic staff will collectively manage the conflict of interest review of potential clients. Individual staff members are responsible for keeping track of their personal conflicts accrued from other experiences and for alerting their colleagues to their existence in a timely manner. A staff member's activities outside of the Clinic (e.g. volunteer work, outside consulting, etc.) are relevant and cannot be adverse to the Clinic's clients and activities.
5. All potential Clinic students and interns must complete a conflict of interest form listing prior legal and non-legal employment, previous clients, current and prior involvement in legal disputes as a plaintiff, defendant, or third-party, and current and future employment plans. The Clinic's staff must review such form before the student/intern begins working for the Clinic.
6. Any student/intern with a direct and ongoing conflict with a current Clinic client will be prohibited from participating in the Clinic unless that student obtains express written permission to participate from the Clinic's Managing Director.
7. Students and interns are responsible for managing their conflicts throughout their engagement with the Clinic. If confronted with a potential conflict, the student/intern should convey this concern to the student's supervisor as soon as possible.
8. In order to avoid ongoing conflicts, students interested in participating in a legal internship concurrent with the Clinic must get approval from the Clinic's Managing Director.
9. Students must also alert Clinic staff if they become a party to any lawsuit, or plan to participate in legal action as part of a student group or an external organization.