

# Friendly relations – proceed with caution



## Acting for a friend or relative can pose problems, especially if things don't turn out as expected.

One of the main risks of acting for family and friends is a loss of objectivity and a failure to clearly define the boundaries between personal and professional advice.

In one claim, a solicitor acted for her brother in a bitter matrimonial and custody dispute. The solicitor practiced in commercial law with no experience in family law. Due to the solicitor's lack of experience, the hearing took considerably longer than it should have and she was exposed to an application for personal costs. In addition, due to her emotional involvement and dislike of her former sister-in-law, the solicitor lost professional objectivity. She engaged in correspondence with her brother (subsequently discoverable) which reflected poorly on her professionalism and exposed her to a complaint to the Office of Legal Services Commissioner.

Another example involved a solicitor and their friend in a joint venture. Joint ventures with friends or family members often pose considerable risk due to both the emotional and monetary involvement. In this claim, the solicitor agreed to do the legal work for the joint venture. When the joint venture failed, the friend's only option for recovery was to sue the solicitor on the basis that their legal advice had been relied upon.

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As emotional involvement will inevitably cloud judgement when acting for a friend or family member, it can be difficult to separate the legal position and facts from the nature of a situation or relationship.

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While it is sometimes hard to say no to a friend or family member when they ask for legal advice, give it serious thought before agreeing to act. You may lose more than your friendship.

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