

**THE LAW SOCIETY OF SINGAPORE**

**PRACTICE DIRECTION 7.2.5**

*[Formerly PDR 2013, para 29; PDR 1989, chap 1, para 25(b)]*

**COUNCIL RULING: CONFLICT OF INTEREST – ACTING AGAINST FORMER  
CLIENT IN LITIGATION PERTAINING TO SAME TRANSACTION**

A member has queried as to whether a legal practitioner who has acted for both the mortgagor and the mortgagee in the same transaction, can subsequently act for the mortgagee in an action against the mortgagor for default of payment under the mortgage. The query was raised in relation to a transaction where the separate Certificate of Title has been issued and the mortgage had been completed before the event of default.

The Council feels that in view of the fact that a conflict of interest may arise, members should note the following advice:

A legal practitioner who has previously acted for both the mortgagor and mortgagee should refrain from acting for either of them in litigation pertaining to the same transaction irrespective of whether:

- (a) the loan has been fully disbursed;
- (b) separate title has been issued for the property; and
- (c) the transfer in favour of the purchaser/mortgagor has been perfected.

Date: 1 June 2018

**THE COUNCIL OF THE LAW SOCIETY OF SINGAPORE**