

You advise that you have been asked to represent a widow and four of her children in a partition suit. The facts of the situation are as follows: Testator devised his farm to his wife for life and directed that the farm be sold at her death with the proceeds divided equally among six of his children. The wife and four children have asked you to bring a partition suit to sell the farm so that problems may be avoided after her death. You also indicated that none of the children are minors and another lawyer represents the estate of the deceased child and the other living child. Your interpretation of the statute is that you must bring the suit as the life tenant versus all the remaindermen, even though all parties desire the same result. You have advised and received consent of the wife and four children to represent them.

You wish to know whether it is ethical for you to represent the wife as plaintiff and the four children (remaindermen) as defendants when all parties desire the same result and have consented to your disclosure.

Disciplinary Rule 5-105(C) [DR:5-105] provides that an attorney may represent multiple clients if it is obvious that he can adequately represent the interest of each and each consents to the representation after full disclosure of the possible effect of such representation on the exercise of his independent professional judgment on behalf of each.

The Committee opines that it would not be improper for you to represent the wife as plaintiff and four remaindermen as defendants in the partition suit when all parties desire the same result and have consented to your representation.

Committee Opinion
December 10, 1987