

*Committee Opinion*

LEGAL ETHICS OPINION 299

CONFLICT OF INTEREST.

It is improper for an attorney representing driver (X) and passenger (Y) who have filed separate suits against driver (Z) of another vehicle to defend a third-party action against driver (X). However, the impropriety would be obviated if (X) and (Y), after full disclosure by the attorney, agree (independent of the attorney's advice) that no judgment secured on behalf of passenger (Y) would be enforced should the defendant driver (Z), third-party plaintiff, be successful in securing contribution or indemnity from driver (X), the third-party defendant. [See II: DR:5-105(C).]

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