

Committee Opinion  
August 1, 1983

LEGAL ETHICS OPINION 523

CONFLICT OF INTEREST/  
COMMUNICATION WITH ADVERSE  
PARTY/ATTORNEY AS WITNESS.

Even though an attorney who is named as defendant in a lawsuit believes that the Board of Directors of the plaintiff's corporation has been misinformed by counsel of record and desires to send a copy of his request for admissions directly to the Board of Directors, it is not ethically permissible for the attorney to mail his request for admissions, other motions or pleadings directly to the Board of Directors since direct mailing of the pleadings to the Board of Directors would be a communication with an adverse party represented by counsel.

An attorney whose law partner serves as Escheator cannot ethically defend a landowner whose property becomes the subject of a suit to quiet title as a result of an Escheator's sale since there would be a strong possibility that the Escheator would be called as a witness on behalf of the purchaser. [ DR:7-104(A)(1), DR:5-101(B) and LE Op. 521]

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