

Committee Opinion
November 13, 1984

LEGAL ETHICS OPINION 616

CONFLICT OF INTEREST – ATTORNEY
OF INSURED HIRED BY INSURER.

It is improper for an attorney retained by an insurer to represent its insureds to execute an aggregate settlement in a malpractice case contrary to the expressed direction of one of the several insureds the attorney represents; if the interest of the insured and the insurer differ and cannot be reconciled, it is incumbent upon the attorney retained by the insured to withdraw from representation. [DR:2-108(A)(1), DR:5-106(B), DR:5-107, ABA Informal Opinion 1476 dated August 11, 1981]

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