

Committee Opinion
December 19, 1984

LEGAL ETHICS OPINION 640

CONFLICT OF INTEREST – PERSONAL
INJURY – ADVERSE PARTIES –
MULTIPLE REPRESENTATION.

With the consent of the defendant clients and provided that an attorney can adequately represent the interests of each, an attorney may represent the insurer of two defendants in an action maintained on behalf of the estate of a third party even though those two defendants have, previously, been in litigation against each other arising out of the same facts. The provisions of DR:5-105(B) and (C) of the Virginia Code of Professional Responsibility are dispositive of this inquiry.

Also, if the infant beneficiaries are represented by counsel in regard to a claim for wrongful death, then it is improper for an attorney representing the defendants previously referenced to contact directly those statutory beneficiaries absent consent from their lawyer. See DR:7-103(A)(1).

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