

Committee Opinion
January 17, 1985

LEGAL ETHICS OPINION 655

CONFLICT OF INTEREST – LAW
PARTNER APPEARING AS WITNESS IN
ARBITRATION PROCEEDING.

It is improper for a law firm to continue its representation of a client in a litigated matter when it becomes apparent that one of the firm's partners will be required to testify as a material witness in an arbitration hearing concerning the same case, unless the factual circumstances in the matter qualify for the application of one of the exceptions set forth in DR:5-101(B). [DR:5-101(B), DR:5-102(A), EC:5-10]

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Legal Ethics Committee Notes. – See Rule 3.7(c) stating that there is no longer disqualification of the entire firm when a lawyer must testify, unless representation would create a conflict under Rule 1.7 or Rule 1.9. Under Rule 3.7(c), this disqualification is not imputed to the lawyer's firm unless there is an actual conflict of interest.