

Committee Opinion  
May 27, 1986

LEGAL ETHICS OPINION 786

MULTIPLE REPRESENTATION –  
PARTITION SUIT – INCONSISTENT  
INTERESTS.

A partition suit has been filed in which a widow/mother and her minor children have potential interests in one of the fractional shares. The widow/mother's interest has been challenged based on the allegation that she deserted her husband, the deceased beneficiary, prior to his death. Given the above circumstances, it is not proper for an attorney to represent both the minor children and the widow/mother. Due to the challenge to the widow/mother's claim, her interests and those of her children are potentially adverse. Since the minor children are not capable of giving the consent required by DR:5-105(C), said attorney may not represent the mother, but may continue to represent the children provided the mother consents to such representation after full disclosure. [ DR:5-105(B) and (C)]

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