

Three lawyers (A, B and C) share office space in a building which they own, a phone system, a reception area and furniture, a photocopier and other items in common areas. The three lawyers have separate phone lines, letterhead, accounting systems and filing systems. Lawyers A and B share secretarial help. Lawyer C does not share a secretary with A or B but all secretaries share in answering the phones. In addition, lawyer A is a part-time assistant commonwealth's attorney but his secretary does not handle any of his commonwealth's attorney's duties.

It is not improper per se, based upon the limited information given above, for the three attorneys to represent clients with adverse interests provided full disclosure is made to the clients and consent received. The committee does opine that it would be extremely difficult to avoid violating DR:4-101 and DR:9-101 and that the better course of conduct would be not to accept simultaneous representation of a client whose interest is adverse to one of the other lawyer's existing clients. [DR: 4-101(A) and (B), DR:9-101(C); EC:4-2, EC:9-2; LE Op. 799 and LE Op. 413]

Committee Opinion
June 24, 1987