

An attorney has been requested to serve as an expert witness for the U.S. Attorney's office in a possible criminal action involving the principals and some of the former employees of a certain corporation. The attorney's testimony will relate to whether certain real estate transactions were fraudulent. The attorney will be required to examine title to certain properties and to opine regarding recorded documents and closing procedures. A former employee of the potential defendants is now a corporate officer of corporations the attorney currently represents. It is not improper, given the above, for the attorney to serve as an expert witness as long as full disclosure is made to and consent received from both the U.S. Attorney and corporate client. [DR:5-101, DR:5-105]

Committee Opinion
July 9, 1987