

An attorney was appointed as guardian ad litem for a child whose custody is in dispute stemming from the illegal actions of the former Executive Director of the Department of Social Services. The attorney's firm also represents the former Executive Director in his wrongful discharge action against the DSS. The committee opined it would be improper for the attorney to continue representing both parties under the circumstances. DR:5-105(B) provides that a lawyer shall not continue multiple employment if the exercise of his independent professional judgment in behalf of his client will be or is likely to be adversely affected by his representation of another client except as provided in DR:5-105(C). DR:5-105(C) would permit such representation if it is obvious he can adequately represent the interests of each and if each consents after full disclosure. The attorney's role as guardian ad litem for the child prevents him from receiving the needed consent because he would in effect be consenting to his own representation. [ DR:5-105(B), (C); EC:5-15]

Committee Opinion  
August 2, 1987