

Committee Opinion
February 5, 1988

LEGAL ETHICS OPINION 1033

CONFLICT OF INTEREST –
REPRESENTING CLIENT ADVERSE TO
FORMER CLIENT.

You advise that you represented client “A” on a charge of reckless driving. “A” was the driver of a car involved in an accident in which “B” (the twin sister of “A”) was a passenger. “B” was seriously injured in that accident. Subsequent to your representation of “A” on the traffic charge, “A” has requested that you represent “” in her civil claim against “A”. Disclosure has been made to “A” and “A” consents to the representation.

You wish to know whether or not you may represent “B” in the civil action if “B” consents after full and adequate disclosure. DR:5-105(D) states that “A lawyer who has represented a client in a matter shall not thereafter represent another person in the same or substantially related matter if the interest of that person is adverse in any material respect to the interest of the former client unless the former client consents after disclosure”.

Pursuant to DR:5-105(D), it is permissible for you to represent “B” although “B” is adverse to “A” and the two matters are substantially related since you have made disclosure to and received the consent of “A”.

The Committee also refers you to LE Op. 662 and LE Op. 672.

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