

Committee Opinion
March 8, 1988

LEGAL ETHICS OPINION 1037

ATTORNEY/CLIENT – CONFIDENCES
AND SECRETS.

You advise that you represent a client which is a limited partnership with five general partners. The partnership owns a parcel of land which was down zoned by the city, and the partnership has filed litigation against the city contesting the validity of the down zoning. During the pendency of the litigation, one of your client's general partners accepted employment as a partner with the private law firm representing the city in the defense of the law suit. You state that this general partner was involved in the usual discussions involving strategy, settlement, and the conduct of the suit prior to his accepting his new employment. Since accepting the employment, the new law firm has erected a "Chinese wall" around the general partner. The general partner has also disposed of his partnership interest by conveying it into a trust for the benefit of his children.

You wish to know whether or not the former general partner's new firm may continue to represent the city in the pending litigation.

The Committee opines that there is no violation of Canon 4 due to the fact that the former general partner never served as counsel to the development company.

The Committee further opines that nothing within the facts of the situation you present appears to violate any of the provisions of the Virginia Code of Professional Responsibility.

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