

Committee Opinion
May 20, 1988

LEGAL ETHICS OPINION 1085

ATTORNEY/CLIENT – ATTORNEY
EMPLOYED BY FIRM REPRESENTING
CLIENT AGAINST FORMER PARTNER.

You advise that you were an associate for approximately five years for two law firms that had X as a partner. You have been with another law firm for the past nine months. You recently filed a mechanic's lien on behalf of one of your new clients against A in which X is a shareholder. You state that it does not appear from your client's records that any of the work was performed while you were an associate with X's firm. You further state that you had no knowledge of your present client's work on the project at that time. You wish to know whether or not it would be unethical for another member of your firm to handle this case, as you are not comfortable proceeding against a firm in which X is a shareholder.

Whether or not you learned any confidential information while employed by the firms in which X was a partner, when a lawyer is associated in a firm with another lawyer who directly represents a client, that lawyer is presumed to have access to confidential information about the client. *Westinghouse Electric Corporation v. Kerr McGee Corp.*, 580 F.2d 1311 (CA7), cert. denied, 439 U.S. 955 (1978). However, in this situation X never represented the company against which your client wishes to proceed. Furthermore, you state that you have no knowledge of either your client's work or the work of A while employed with the former law firms.

The Committee therefore opines that it would not be improper for either you or other members of your firm to continue to represent your client.

Committee Opinion
May 20, 1988