

Committee Opinion
October 18, 1988

LEGAL ETHICS OPINION 1134

CONFLICT OF INTEREST –
DISCLOSURE – MULTIPLE
REPRESENTATION – PERSONAL
INJURY REPRESENTATION:
ATTORNEY REPRESENTING
HUSBAND IN PERSONAL INJURY
CLAIM AFTER HAVING SETTLED
WIFE/PASSENGER'S CLAIM.

You advised you had been retained by a family who was in a motor vehicle accident within your locality. The husband was the driver of the automobile, and the wife and children were passengers. The children's claims were resolved in General District Court. You filed suit on behalf of the wife in Circuit Court. Subsequently her husband, the driver, was sued in a third party motion for judgment. At that time you notified all appropriate parties and withdrew from representation of the husband, whereupon the husband retained services of another attorney for his personal injury claim.

The wife's case is settled and the husband's carrier contributed to the settlement. The husband now requests you resume representation of him in this claim against the driver of the other automobile. You wish to know whether you may now represent him in this claim.

Disciplinary Rule 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 the disclosure. Further, DR:5-105(C) states the lawyer may represent multiple clients if it is obvious that he can adequately represent the interest of each party and each party consents to the representation after full disclosure of the possible effect of such representation on the exercise of his independent professional judgment on behalf of each.

The Committee opines that it would not be improper for you to represent the husband as long as full disclosure is made to both parties and consent received by the wife, your former client.

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