

Committee Opinion
November 16, 1988

LEGAL ETHICS OPINION 1163

DUAL PRACTICE: PERSONAL
INTEREST OF ATTORNEY/
ACCOUNTANT NOT AFFECTING
REPRESENTATION.

You wish to know whether an attorney who is also a certified public accountant may ethically represent a client as an attorney and also prepare audits of that client's accounts, as well as perform accounting services such as tax preparation and recordkeeping. You are particularly concerned that in the fact situation described, the attorney is in a position to bill for work he performs at a rate not regulated by HUD, and as an accountant he may be in a position to audit those expenditures and to advise the owners as to his fee's reasonableness.

Disciplinary Rule 5-101 [DR:5-101] is the appropriate and controlling rule in this situation. Disciplinary Rule 5-101 provides that a lawyer shall not accept employment if the exercise of his professional judgment on behalf of his client may be affected by his own financial business, property, or personal interest except with the consent of his client after full and adequate disclosure under the circumstances. The Committee opines that the attorney should advise his client of his dual role in this situation and indicate how his own financial interest could be affected. Upon consent of the client after full and adequate disclosure, the Committee opines that it would not be improper for the attorney to represent the client as an attorney and certified public accountant based on the facts you have outlined.

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