

Committee Opinion
November 16, 1988

LEGAL ETHICS OPINION 1168

ATTORNEY-CLIENT RELATIONSHIP –
CONFLICT OF INTEREST: ATTORNEY
REPRESENTING DIRECTORS OF A
HOME OWNERS ASSOCIATION WHICH
NAMES AS DEFENDANTS MEMBERS
OF THE ASSOCIATION.

You wish to know whether it is improper to represent the board of directors of a homeowners' association in a declaratory judgment action which names as defendants members of the association. From the facts you have outlined, the Committee is assuming that the members of the association who are defendants in the declaratory judgment action are not personal clients of your firm but only members of the homeowners' association which your firm represents.

Based on the facts you have outlined and assuming the members of the association joined as defendants are not otherwise clients of your firm, the Committee opines that no conflict of interest exists since there is no attorney-client relationship between your firm and these members of the association. The fact that you may advise the homeowners' association as an entity does not ethically preclude you from initiating the declaratory judgment action which names as defendants members of the association when your firm does not otherwise represent these members of the association.

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