

Committee Opinion
March 6, 1978

LEGAL ETHICS OPINION 291

DEFENSE OF THIRD PARTY MOTIONS
– CONFLICT OF INTEREST.

It is improper for an attorney representing a driver and passenger in a vehicle who have filed separate suits against the driver of another vehicle after an auto accident to defend a third party motion for judgment against the driver of the first vehicle without full disclosure and agreement by the attorney's clients (independent of the attorney's advice) that the attorney's passenger client will not enforce his judgment against the defendant if the defendant secures a third party judgment for contribution or indemnity against the third party defendant. [See II: DR:5-105(C) and DR:7-103(A)(2).]

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