

Committee Opinion  
September 13, 1983

LEGAL ETHICS OPINION 527

CONFLICT OF INTEREST/FORMER  
LAW PARTNERSHIP/  
REPRESENTATION OF ADVERSE  
PARTY.

An attorney's former partner represented a client in the investigation of an automobile hit and run, which resulted in the death of a pedestrian. Thereafter, the partnership dissolved and an attorney in the former partnership was requested by an heir of the deceased victim of the hit and run to represent the decedent's family. Given the similarity of the two representations, the risk of disclosure of confidential information and the appearance of impropriety, the committee concluded that representation of the decedent's family by the former law partner is ethically impermissible, even though the attorney may not have been apprised of all the facts concerning his former partner's representation. The partnership relationship imputes knowledge to all other partners. The knowledge, and the attendant responsibility to hold it inviolate, continues after the attorney-client relationship terminates. [ DR:4-101(B), EC:4-6]

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**Legal Ethics Committee Notes.** – Rule 1.9(b) would not disqualify the lawyer with the former firm unless the lawyer had acquired confidential information that was “material” to the subsequent representation and, after full consultation, consent could not be obtained from the client of the former firm and the current client. Rule 1.9(b) analyzes a lawyer’s actual knowledge rather than imputed knowledge when the lawyer moves to another firm.