

Committee Opinion  
June 18, 1984

LEGAL ETHICS OPINION 593

MULTIPLE REPRESENTATION –  
ATTORNEY AS A POTENTIAL  
WITNESS.

Attorney filed suit for "X" against "Y", based upon the testimony of "F", former employee of "Y"; "Y" sued "F" and "F" wishes attorney to defend his case.

It is not improper for the attorney to represent both clients "X" and "F", so long as full disclosure is made to both clients and said clients consent to the representation. Such representation can continue until the attorney becomes aware of facts which place said clients in conflicting positions. The representation is not prohibited solely by virtue of the potential for being called as a witness by the opposite party, until it is apparent that the attorney's testimony is or may be prejudicial to his client(s). [ DR:5-102(A), DR:5-102(B), DR:5-105(B), (C); DR:5-107]

Committee Opinion  
June 18, 1984