

Committee Opinion  
September 24, 1985

LEGAL ETHICS OPINION 723

CONFLICT OF INTEREST – ATTORNEY  
AS WITNESS – WITHDRAWAL.

An attorney/co-executor/witness must discontinue representation of a client in pending litigation unless the finder of fact determines that the attorney/co-executor's testimony will relate solely to an uncontested matter or to a matter of formality to which no substantial opposing evidence will be offered; or determines that the attorney/co-executor will be called as a witness other than on behalf of the client and the attorney's testimony will not be prejudicial to the client. [See: DR:5-101(B)(1)]

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