

Committee Opinion  
November 26, 1986

LEGAL ETHICS OPINION 866

CONFLICT OF INTEREST – ATTORNEY  
AS WITNESS.

It is not improper for an attorney to continue representing the adverse party in litigation, even though it is obvious that the attorney will be called as a witness for other than his own client, until it is apparent that his testimony may be prejudicial to his client. Whether or not the testimony will be prejudicial is a factual question which is not within the purview of the committee (and should be decided by the court). [ DR:5-102(B)]

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