

Committee Opinion
April 1, 1987

LEGAL ETHICS OPINION 895

DOMESTIC RELATIONS – CONFLICT
OF INTEREST.

An attorney represents the maternal grandparents of a child whose custody is in dispute. The maternal grandparents gained custody of the child at the time the child's parents were divorced. The child's father is now petitioning for custody and the child's mother wishes to be represented by the same attorney who represents her parents in this matter. The father agrees to withdraw the petition for custody if the child remains in the custody of the maternal grandparents. The maternal grandparents are willing to remain the child's custodians or to abide by the wishes of the child's mother (their daughter), which are presently unclear and may be adverse to the interests of the maternal grandparents or the child's father.

Given these circumstances, it is not proper for the attorney to continue representing the mother, having been originally employed by the maternal grandparents, if the interests of the clients are different. It is not improper for the attorney to continue to represent multiple clients, if the interests of the clients are not different and if it is obvious that the attorney is able to adequately represent the interest of each and if each party consents after full disclosure. [DR5-105(C)]

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