

Committee Opinion
May 1, 1987

LEGAL ETHICS OPINION 903

ATTORNEY/CLIENT – FORMER
REPRESENTATION.

An attorney represents a client in a custody action. The adverse party is the client's former spouse. The client's present wife will be a witness. Client's present wife previously consulted with the attorney representing the client's former spouse. The attorney for the former spouse served as judge pro tempore in the no fault divorce of the client's present spouse and received no fee as a result except the fee for services as judge pro tempore. The client's former spouse appeared in the proceeding pro se. Six months after the no fault divorce was granted, the client's present spouse ran into the former wife's attorney and requested advice regarding a problem dealing with child support. The former wife's attorney advised the client's present spouse to see an intake officer at the juvenile and domestic relations court in order that the intake officer prepare the necessary paperwork.

It is not unethical, given the above, for the client's former wife's attorney to continue to represent the former wife. It does not appear that the attorney for the former wife gained any confidences or secrets in a "professional relationship." Even if such confidences were gained, DR:4-101 prohibits revealing such facts but not subsequent representation of a third party. [DR:4-101]

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