

Committee Opinion
June 11, 1987

LEGAL ETHICS OPINION 925

ATTORNEY/CLIENT – EMPLOYEE AS
CLIENT.

A supervisor at a large corporation is also a licensed attorney who maintains a small private practice. The supervisor/attorney performed minor real estate services for an employee under his supervision and whom he evaluates at the large corporation. The legal services provided by the attorney/supervisor were outside of the regular work and the fee charged was comparable to that charged by other licensed Virginia practitioners in that area for similar services. The supervisor/attorney subsequently gave the employee a negative evaluation and recommended termination of the employee.

With reference to the above circumstances, it is not per se improper for an attorney to provide legal services to an employee.

The committee declines to opine as to whether or not the attorney/supervisor should perform legal services only after signing a waiver. It is proper to render the services without a waiver provided the attorney is mindful of the provisions of the Code.

It is proper for the attorney/supervisor to perform legal services for an employee even though the attorney/supervisor may need to take adverse employment actions toward the employee, provided there is no conflict with Canon 5.

It is proper not to refund legal fees when, subsequent to representation, the attorney/supervisor recommends termination of the employee/client if no ethical violations have occurred. [Canon 5; DR:4-101(B); EC:5-1, EC: 5-2]

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