

Committee Opinion
June 11, 1987

LEGAL ETHICS OPINION 940

CONFLICT OF INTEREST – ATTORNEY
JOINING NEW FIRM WHICH
REPRESENTS CLIENT ADVERSE TO
FORMER CLIENT.

An attorney worked for Firm A which represents a client in commercial litigation pending in federal court. The attorney wishes to join Firm B, which represents the opposite party to the same cause. While employed at Firm A, he performed legal research and work on the case, but claims to have learned no confidential information concerning the case and no information which would be to the future firm's advantage. The attorney has advised the client of his desire to join Firm B, but has received no response. The attorney has learned that the client has relieved Firm A and retained a new firm. No response has been received from the client or the new firm for the client concerning the attorney's involvement with the client's case.

It is not improper, given the above, for the attorney to join Firm B and for Firm B to continue representing the client as long as the attorney discloses his position to all parties and receives consent. It is not improper *per se*, given the above, for the attorney to rent office space from Firm B and carry out an independent practice as long as he is extremely mindful of Canons 4 and 9. [Canons 4 and 9; *see also Silver Chrysler-Plymouth, Inc. v. Chrysler Motors Corporation*, 518 F.2d 751 (1975).]

Committee Opinion
June 11, 1987