

Committee Opinion
September 3, 1987

LEGAL ETHICS OPINION 961

CONFLICT OF INTEREST – PRIOR
REPRESENTATION.

An attorney represents a client who is being sued by a construction company for work allegedly performed by the construction company. The attorney's firm has in the past prepared articles of incorporation for the construction company, prepared the articles of incorporation and organizational minutes for two other corporations for the president of the construction company and continues to serve as registered agent for the construction company. It is not improper, given the above, for the attorney to represent his client in the suit. However, since the above situation gives rise to an appearance of impropriety, the resignation of the registered agent would be a condition precedent to representation of the defendant. [Canon 9, Canon 5, Canon 4; see also *Chantilly Construction Corp. v. John Driggs Co.*, 39 Bankr. 466 (Bankr. E.D. Va. 1984)]

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