

Committee Opinion
November 4, 1987

LEGAL ETHICS OPINION 991

CONFLICT OF INTEREST – ATTORNEY
AS MEMBER AND COUNSEL OF
LOCAL CHAMBER OF COMMERCE.

Your inquiry is whether you can become counsel for the local Chamber of Commerce and at the same time represent your client against one of the members of the Chamber of Commerce. You also indicated that you would be representing the Chamber of Commerce as a separate, distinct corporation and not its members.

Disciplinary Rule 5-101(A) [DR:5-101] provides, “a lawyer shall not accept employment if the exercise of his professional judgment on behalf of his-client may be affected by his own financial, business, property, or personal interest, except with the consent of his client after full and adequate disclosure under the circumstances.” The Committee concludes that it would be appropriate for you to determine which of your clients, if any, are members of the Chamber of Commerce and disclose to them the offer you have received to represent the Chamber of Commerce and make the Chamber aware of those clients that you represent who are members.

Disciplinary Rule 5-105(A) [DR:5-105] provides, “a lawyer shall decline proffered employment if the exercise of his independent professional judgment in behalf of a client will be or is likely to be adversely affected by the acceptance of the proffered employment, except to the extent permitted under DR:5-105(C).” DR:5-105(C) states, “in the situations covered by DR:5-101(A) and (B) a lawyer may represent multiple clients if it is obvious that he can adequately represent the interest of each and that each consents to the representation after full disclosure of the possible effect of such representation on the exercise of his independent professional judgment on behalf of each.” You have not offered the Committee any facts which suggest that this particular Disciplinary Rule is applicable but because of the nature of your representation in this case and the possibility of multiple client representation we bring this particular Disciplinary Rule to your attention.

One other point: the Committee believes you should examine carefully your own status with the Chamber of Commerce and whether you or your partners will be or are members of the organization which you seek to represent. The status of you or your partners as members of the Chamber of Commerce may materially affect the position that you take as counsel to the Chamber of Commerce. Accordingly, the Committee believes that the issues it has addressed as concerns related to your inquiry should be addressed prior to your undertaking any representation of the Chamber of Commerce.

Based on the facts presented the Committee has attempted to provide you with some guidance as you consider your representation of the local Chamber of Commerce.

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