

Digest of Ethics Advisory Panel
Opinion #91-60, Request #176
Issued August 29, 1991

An attorney seeks Panel advice concerning ethical obligations under circumstances in which a presently employed associate in his law firm, while employed by another law firm, represented the plaintiff, in a workers' compensation matter. The workers' compensation matter arose out of an alleged injury caused by a defective product manufactured by a defendant who is represented by the inquiring attorney's law firm.

The specific question presented is whether the inquiring attorney's law firm may properly continue to represent the defendant in the product liability action. The Panel takes the position that the associate's opportunity to obtain sensitive client information about the plaintiff while employed in the other law firm precludes the inquiring attorney's firm from continuing in the representation of the defendant, unless the law firm obtains the informed consent of the plaintiff.