

Ethics Advisory Panel Digest
Opinion #92-19, Request #232
Issued May 20, 1992

An attorney seeks Panel advice regarding the following scenario: In 1987, the attorney was retained by A to sue B in connection with an automobile accident. In 1990, while the initial case was pending, B retained the attorney to represent him in a Workers' Compensation Claim. The attorney accepted this representation and settled the Workers' Compensation Claim. The attorney at all times was unaware that client B was the defendant in the previously instituted action. The attorney asks whether he may continue to represent client A in the action against former client B.

The Panel advises that if the automobile accident litigation and Workers' Compensation Claim are not the same or substantially related, the attorney is not precluded by Rule 1.9(a) from continuing to represent A.

In view of the likelihood that the attorney may possess information with respect to B that may be utilized against B in the automobile litigation, the Panel advises that the attorney should not continue to represent A without the fully informed consent of A and B. See Rule 1.9 and comments thereto.