

(LES 2851J)

ETHICS ADVISORY PANEL
Opinion #92-32, Request #250
Issued July 23, 1992

The attorney seeks Panel advice regarding the ethical propriety of representing the school department of Town A while simultaneously representing other clients in cases pending against Town A's Zoning Board of Review. The Panel believes that this situation is governed by Rule 1.7 "Conflict of Interest: General Rule" and the comment thereto. The comment states that:

Ordinarily, a lawyer may not act as advocate against a client the lawyer represents in some other matter, even if the other matter is wholly unrelated. However, there are circumstances in which a lawyer may act as advocate against a client. For example, a lawyer representing an enterprise with diverse operations may accept employment as an advocate against the enterprise in an unrelated matter if doing so will not adversely affect the lawyer's relationship with the enterprise or conduct of the suit and if both clients consent after consultation The propriety of concurrent representation can depend on the nature of the litigation. For example, a suit charging fraud entails conflict to a degree not involved in a suit for a declaratory judgment concerning statutory interpretation.

The Panel is of the opinion that the school department and zoning board of review are sufficiently diverse operations so that the attorney may undertake concurrent representation after each client consents after consultation without violating the Rules of Professional Conduct.