

ETHICS ADVISORY PANEL
Opinion #92-48, Request #272
Issued July 23, 1992

An attorney seeks Panel advice with regard to the following circumstances. A law firm represented former Client A for approximately four (4) years with regard to a family law matter. Subsequently, the law firm withdrew from the representation of former Client A and no longer represents A in any capacity. Client B, also a long standing client of the firm, forwarded collection work to the firm where one of the cases was a matter concerning former Client A. The attorney asks whether or not the attorney may file a complaint against former Client A on behalf of Client B.

The Panel agrees that Rule 1.9(b) entitled "Conflict of Interest: Former Client" applies to this inquiry. The Rule states that "a lawyer who has formerly represented a client in a matter shall not thereafter use information relating to the representation to the disadvantage of the former client." Based upon the facts given and because the matters are not substantially related, the attorney may file a complaint against former Client A on behalf of former Client B provided that any information obtained in the representation of former Client A is not used to the disadvantage of A.