

ETHICS ADVISORY PANEL
Opinion #92-59, Request #283
Issued July 23, 1992

An attorney seeks Panel advice as to whether a conflict of interest with a former client exists under the circumstances described. A few years ago, the attorney represented several corporations owned by the client-husband for collection matters. The client-wife recommended the attorney for the collection matters. The attorney informs the Panel that at no other time did the law office represent this client other than for the collection matters. In addition, the law office never represented any personal matters or acted jointly for the husband and wife. The wife has recently sought representation for a domestic matter with the attorney. The attorney questions the ethical propriety of representing the wife in a domestic matter.

The Panel advises the attorney that Rule 1.9 "Conflict of Interest: Former Client" governs this matter. The Rule states that:

A lawyer who has formerly represented a client in a matter shall not thereafter:

(b) use information relating to the representation to the disadvantage of the former client

The Panel believes that the attorney may represent the wife in a domestic matter provided the attorney does not use any information which the attorney may have gained through previous representation of the husband's corporations to the disadvantage of the former client.