

ETHICS ADVISORY PANEL
Opinion #93-3, Request #333
Issued March 15, 1993

An attorney seeks Panel advice regarding a possible conflict of interest. The attorney represents a client in a domestic matter and also represents the adverse counsel in a matter separate from the domestic action. The attorney states that the client consented to this arrangement. The attorney asks whether any violation of the Rules of Professional Conduct exist.

Rule 1.7 entitled "Conflicts of Interest" governs this inquiry. The Rule States that:

(b) A lawyer shall not represent a client if the representation of that client may be materially limited by the lawyer's responsibilities to another client or to a third person, or by the lawyer's own interests, unless:

(1) the lawyer reasonably believes the representation will not be adversely affected; and

(2) the client consents after consultation.

As stated in the Rule, the inquiring attorney may represent adverse counsel if the inquiring attorney reasonably believes that the representation of the client in the domestic matter will not be adversely affected and the attorney receives informed consent by both clients.