

ETHICS ADVISORY PANEL  
Opinion #93-43, Request #389  
Issued June 30, 1993

An attorney represents a client in a personal injury claim against a state agency. This same agency seeks to engage the attorney as a special prosecutor in an unrelated matter. The attorney states that the representation of the client and the state agency are totally unrelated and would not be directly adverse to each other.

Rule 1.7 entitled "Conflict of Interest: General Rule" states that:

(a) A lawyer shall not represent a client if the representation of that client will be directly adverse to another client, unless:

(1) the lawyer reasonably believes the representation will not adversely affect the relationship with the other client; and

(2) each client consents after consultation.

The Panel concludes that the attorney may represent the state agency so long as the attorney reasonably believes the other client will not be adversely affected and each client consents to the representation after consultation.