

ETHICS ADVISORY PANEL
OPINION #93-60, REQUEST #399
Issued September 14, 1993

The inquiring attorney is an adjunct faculty member at an academic institution and typically teaches one (1) evening course per semester. He/she also serves as a faculty advisor, having one (1) or two (2) students on independent study. The attorney inquires as to whether he/she may represent a full-time faculty member in a tenure suit against the academic institution.

Rule 1.7 entitled "Conflict of Interest: General Rule" applies. The Rule states in pertinent part as follows:

(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. When representation of multiple clients in a single matter is undertaken, the consultation shall include explanation of the implications of the common representation and the advantages and risks involved.

Under the facts as presented, there is no client-lawyer relationship between the inquiring attorney and the academic institution. To permit representation, under these facts, the inquiring attorney must inform the client of the attorney's potential responsibilities to the third party, the academic institution, and of the attorney's own interests. If the attorney reasonably believes the representation will not be adversely affected, and if the client consents after consultation, the Panel concludes representation is permissible under Rule 1.7.