

ETHICS ADVISORY PANEL
OPINION #93-65, REQUEST #404
Issued September 14, 1993

The inquiring attorney represents a mother in a dependency/neglect case. It has become apparent that the mother has little hope of obtaining custody of her children. As a result, the grandparents now seek to have the children physically placed with them. The grandparents desire to have the inquiring attorney represent them. The mother consents to the inquiring attorney representing the grandparents. The inquiring attorney asks whether he/she may represent both the mother and the grandparents.

Rule 1.7 addresses this inquiry and provides in part as follows:

(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 is of the opinion that under these facts, a conflict of interest potentially exists inasmuch as the interests of the mother and the grandparents may become adverse despite existing harmonious relations. The Panel concludes, however, that the inquiring attorney may undertake representation of both parties if he/she believes the representation of the grandparents will not adversely affect the relationship with the mother and both parties consent after consultation. Further, if a dispute arises between the parties in the future the inquiring attorney must withdraw from representation.