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ETHICS ADVISORY PANEL
OPINION #93-86 REQUEST #429
Issued October 19, 1993

The inquiring attorney represents a group of clients in a class-action lawsuit against an academic institution. The inquiring attorney seeks to represent an employee of the same academic institution in a lawsuit against the academic institution. The inquiring attorney asks whether his/her representation of the clients in the class-action lawsuit precludes him/her from representing the employee.

Rule 1.7 entitled "Conflict of Interest: General Rule" provides 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 presented in the inquiring attorney's inquiry, the Panel does not believe Rule 1.7 precludes the inquiring attorney from representing the employee because the employee's interests do not appear adverse to the interests of the clients in the class-action lawsuit.