

ETHICS ADVISORY PANEL
OPINION #94-26 REQUEST #485
Issued May 5, 1994

The inquiring attorney represented a family as plaintiffs in a Victims Compensation Fund lawsuit against the School Committee in Town A. The attorney's fiance' is a town solicitor for Town A, however, he/she does not represent Town A's school committee. The inquiring attorney asks whether he/she may continue to represent the clients against the school and if he/she can represent the clients in other unrelated matters.

The inquiring attorney's concern is whether Rule 1.8(i) entitled "Conflict of Interest: Prohibited Transactions" applies to the factual circumstances. That rule states:

(i) A lawyer shall not represent a client in any matter where the lawyer knows that the lawyer's parent, child, sibling or spouse is the lawyer representing an adverse party to the transaction except upon consent by the client after consultation regarding this relationship.

The Panel does not believe that the attorney is barred from representing the clients under Rule 1.8(i).

The Panel cautions however, that once the marriage takes place, the fiance' shall not represent a client in any matter where his/her spouse is the lawyer representing an adverse party.