

ETHICS ADVISORY PANEL
OPINION #94-35 REQUEST #496
Issued June 2, 1994

On occasion the inquiring attorney practices bankruptcy law in the United States Bankruptcy Court for the District of Rhode Island. The inquiring attorney's spouse is a clerk in that Bankruptcy Court; however, his/her duties are purely ministerial and are generally limited to filings under Chapter 11 of the Bankruptcy Code. The attorney would like to represent clients, both creditors and debtors, in proceedings under Chapter 11.

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

(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.

Pursuant to Rule 1.7(b) and past Ethics Advisory Panel Opinion #90-29 (issued June 25, 1990) the Panel opines that the attorney may represent clients who file bankruptcy under Chapter 11.