

FINAL

ETHICS ADVISORY PANEL
OPINION # 95-53, - REQUEST # 627
ISSUED - NOVEMBER 9, 1995

The inquiring attorney recently served as a state-appointed mediator for contract negotiations between a school committee and a teachers' group. The matter is set for arbitration and the mediation process has abated. One week after the mediation process ended, a member of the school committee sought the services of the inquiring attorney in connection with a law suit commenced by the former superintendent of the same town. The lawsuit concerns matters unrelated to those that were addressed in the mediation matter. The inquiring attorney asks whether he/she may represent this client without violating the conflict of interest rules.

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

- (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.

Pursuant to Rule 1.7, a lawyer shall not represent a client if the representation will be directly adverse to another client, unless the lawyer has a reasonable belief that the clients' representation will not be adversely affected and each client consents. According to these facts, the inquiring attorney was an impartial party and did not represent the school committee or the teachers' group. The representation of the school committee member will not be adversely affected by the inquiring attorney's position as mediator. The inquiring attorney may represent the client in accordance with Rule 1.7.