

Final

ETHICS ADVISORY PANEL
OPINION 96-04 , - REQUEST # 653
ISSUED - MARCH 14, 1996

Facts:

One of the inquiring attorney's long-standing clients has sought legal representation for an automobile accident involving a former client. The inquiring attorney represented the former client fourteen years ago in a divorce action. There has been no other representation since.

Issues Presented:

May the inquiring attorney represent the current client in a personal injury matter against a former client.

Opinion:

Yes the personal injury matter is not "the same or substantially related to" the former client's divorce action.

Reasoning:

Rule 1.9 entitled **Conflict of Interest: Former Client**" states the following:

A lawyer who has formerly represented a client in a matter shall not thereafter:

- (a) represent another person in the same or a substantially related matter in which that person's interests are materially adverse to the interests of the former client unless the former client consents after consultation; or
- (b) use information relating to the representation to the disadvantage of the former client except as Rule 1.6 or Rule 3.3 would permit or require with respect to a client or when the information has become generally known.

According to the Rule, the inquiring attorney may represent the current client in the personal injury matter because the matters are not the same or substantially related to the former client's divorce action. The inquiring attorney must also be mindful that he/she may not use any information relating to the representation to either clients' disadvantage.