

FINAL

ETHICS ADVISORY PANEL  
OPINION # 96-19, - REQUEST # 677  
ISSUED - AUGUST 8, 1996

**FACTS:**

The inquiring attorney represented Corporation A in a claim against the corporation's Former Employee X. Thereafter, the inquiring attorney's associate represented Corporation A in collection cases. There has been no representation of Corporation A for several years. Most recently, Former Employee Y of Corporation A seeks the inquiring attorney's legal services regarding an age discrimination case against Corporation A. The inquiring attorney states that the prior collection cases bear no relation to this matter.

**ISSUE PRESENTED:**

May the inquiring attorney represent Former Employee Y against Corporation A?

**OPINION:**

Yes.

**REASONING:**

The Rule pertinent to this inquiry is Rule 1.9 entitled "Conflict of Interest: Former Client." That Rule states:

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.

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The crucial issue is whether or not the matters are the "same or substantially related." If they are not, then the inquiring attorney may represent the client in a matter against Corporation A. However, the inquiring attorney is prohibited from using information relating to the representation of Corporation A to Corporation A's disadvantage. In this case, Corporation A's cases related to collection matters which is not "the same or substantially related" to Client's age discrimination law suit.