

Final

**Rhode Island Supreme Court Ethics Advisory Panel**  
**Opinion No. 2001-06 Request No. 836**  
**Issued October 18, 2001**

FACTS:

The inquiring attorney wishes to represent a client in a real estate boundary dispute. Two of the inquiring attorney's former clients will be witnesses for the adverse party. The inquiring attorney represented the former clients in an unrelated corporate matter and an unrelated personal injury matter.

ISSUE PRESENTED:

The inquiring attorney asks whether the proposed representation presents a conflict of interest.

OPINION:

The prior matters and the boundary dispute are unrelated and there is no conflict of interest pursuant to Rule 1.9.

REASONING:

Rule 1.9 states:

**Rule 1.9. Conflict of Interest: Former Client.** - 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.

Based on the facts presented, the matters in which the inquiring attorney represented the former clients are unrelated to the boundary dispute. The proposed representation is permissible under Rule 1.9 as long as it does not involve disclosure of confidential information about the former clients that could be used to their detriment.