

(2779J)

ETHICS ADVISORY PANEL OPINION #92-27, REQUEST #265  
ISSUED MAY 20, 1992

An attorney seeks Panel advice as to whether a conflict of interest arises under the following circumstances.

An attorney represents Client A, a financial institution, which made various loans to Client B. The attorney formerly represented Client B two years ago regarding real estate title work and as tax counsel. Client B is in default of the loans to Client A. The attorney wants to represent Client A in the matter against Client B.

The Panel agrees that this inquiry is governed by Rhode Island Rule of Professional Conduct 1.9, entitled "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 client or when the information has become generally known.

The Panel is of the opinion that the attorney cannot continue to represent Client A in the collection matter unless the informed consent of Client B is obtained.