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(FINAL)

ETHICS ADVISORY PANEL  
OPINION #93-53, REQUEST #393  
Issued July 28, 1993

The attorney drafted several lease agreements for Client A which were executed by A. Subsequently, all of the lease agreements were terminated by the consent of both parties involved. Client B seeks the attorney's representation to help in collecting on the unpaid balance of these same contracts. The attorney states that his/her only remaining contact with Client A is that the client owes him/her money for past services as to which the attorney will sue. The attorney asks whether the representation of Client B will propose a conflict.

Rule 1.9 entitled "Conflict of Interest: Former Client" provides that:

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; . . . .

It appears from the facts presented that the matters are the same or substantially related and that Client B's interests are materially adverse to Client A's interests. Pursuant to Rule 1.9, the representation of Client B in this matter would present a conflict of interest absent consent by Client A.