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COPY

Re: Ethics Opinion 93-13

Dear

You have requested an opinion from this Committee concerning the following facts:

FACTS

A and B were passengers in a car driven by C which was involved in an accident resulting in the death of D. A and B along with another passenger were injured in the accident. A and B initially told the Highway Patrol that the deceased D had been driving at the time of the accident. Later, overwhelmed by anxiety, A and B came to you and you urged them to make a corrected statement to the Highway Patrol. Thereupon, you arranged such a meeting, obtained immunity for A and B, and A and B gave a corrected statement to the Highway Patrol.

Later, A came to you and asked you to represent him with regard to personal injury claims against C arising from the accident. B also has injury claims but does not desire your services in settling such claims and is seeking to resolve his claims without counsel. There will not be sufficient insurance coverage to adequately compensate all of the injured parties for their losses.

Based on these facts, you have posed the following question: In light of Ethics Opinion 93-10, would the representation of A in settling his damage claims versus C constitute a conflict of interest with regard to the claims of B since initially you had represented both A and B for the sole purpose of obtaining immunity prior to their making a corrected statement to the Highway Patrol?

OPINION

It is the opinion of this Committee that there is no conflict of interest with respect to you representing A and settling his damage claims versus C. See, Rule 1.9.

Should you have any further questions, please do not hesitate to call.

Sincerely,

Michael S. McKnight, Chairman
Ethics Committee