

Opinion 59
January 1953
18 Baylor L. Rev. 221 (1966)

CONFLICTING INTERESTS - EMPLOYMENT

A law firm in which 2 partners have consulted with and accepted employment from opposing parties to a dispute, each attorney being ignorant of the fact that his partner had been consulted and employed by the opposing party, should withdraw from the case.

Canon 6.

QUESTION

Two automobiles were involved in a collision, and one member of a law partnership was employed to represent A, who was a passenger in Car No. 1, and thoroughly discussed the facts of the case with A. Some three weeks later, another member of the same law firm was consulted by B, the owner of Car No. 2, thoroughly discussed the case with B, and, being wholly ignorant of the fact that his partner had been consulted and employed by A, accepted employment by B. Later, upon learning the true facts, the second partner returned the written contract of employment to B, and informed him that he could not represent him.

Based upon the foregoing statement of facts, would it be a violation of the Canons of Ethics for this law firm to continue to represent A?

OPINION

The committee is of the opinion that the law firm should withdraw from the case. While we appreciate the fact that there are extenuating circumstances, and that it was unfortunate that different members of the firm had been consulted and employed, on opposite sides of the controversy without a true knowledge of the situation, nevertheless that portion of Canon 6 which reads:

"The obligation to represent the client with undivided fidelity and not to divulge his secrets or confidences forbids also the subsequent acceptance of retainers or employment from others in matters adversely affecting any interest of the client with respect to which confidence has been reposed."

would apply to the facts of this case, and would make it desirable for the firm to withdraw from both sides of the case. (7-2)