

MINUTES

COMMITTEE: Ethics Committee

DATE: March 16, 1995

12. HUSBAND AND WIFE LAWYERS IN FIRMS ON OPPOSING SIDES

The Committee noted that a member had requested the Committee's opinion on a number of situations which might arise in two law firms, one of which employed the husband as a lawyer and the other the wife as a lawyer. The Committee noted that the Professional Standards Committee had originally dealt with this question on November 14, 1994 but that the member making the request wished the Committee to elaborate on its answer.

The Committee noted that Canon 3(2) of Chapter 1 of the Professional Conduct Handbook requires a lawyer to disclose to the client all the circumstances of the lawyer's relations to the parties and interest in or connection with the controversy, if any, which might influence whether the client selects or continues to retain the lawyer. The Committee concluded that if this Canon is followed, the rules do not prohibit a husband and wife who practice in different firms from acting for clients whose interests conflict.

Revised: