

Committee Opinion
January 16, 1985

LEGAL ETHICS OPINION 652

CONFLICT OF INTEREST –
SUCCESSOR FIRM REPRESENTING
NEW PARTNER.

It is improper for law firm AB to represent the former firm B and its partners in a legal malpractice case when firm AB was formed as a result of the merger of defendant firm B and firm A, and it appears necessary that one of the members of firm B will have to testify as a witness in the trial of the legal malpractice case. [DR:5-101(A), DR:5-102, EC:5-9, LE Op. 311 and LE Op. 557]

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Legal Ethics Committee Notes. – See Rule 3.7© stating that there is no longer disqualification of the entire firm when a lawyer must testify, unless representation would create a conflict under Rule 1.7 or Rule 1.9. Under Rule 3.7(c), this disqualification is not imputed to the lawyer's firm unless there is an actual conflict of interest.