

Committee Opinion
November 1, 1985

LEGAL ETHICS OPINION 729

CONFLICT OF INTEREST- ATTORNEY
AS WITNESS.

When two attorneys are the principals of a professional corporation and are counsel for a land holding corporation for which one of the attorneys is the managing director, an officer and shareholder who will testify as a witness for the land holding corporation in a contested condemnation proceeding, neither attorney may represent the land holding corporation. [See: DR:5-101(B)]

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Legal Ethics Committee Notes. – See Rule 3.7(c) 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.