

LO 88-05

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December 5, 1988

[REDACTED]

Re: Ethics Committee.

Dear [REDACTED]

The Ethics Committee of the State Bar Association of North Dakota addressed the questions raised in your letter of October 5, 1988, at its meeting on December 2, 1988.

We advise you that the question which you present regarding an attorney doing collection work for another law firm, and later handling lawsuits in which an attorney from that law firm is on the opposite side is one to which Rule 1.7 of the North Dakota Code of Professional Responsibility applies.

We cannot give you a blanket approval or disapproval of such practice, and you will have to deal with the particular ethical situations as they arise. You should be guided in particular by Rule 1.7 of the Rules of Professional Conduct, and the Rules generally as questions do arise.

It would seem that at the outset you should obtain the written consent of the law firm. Thereafter, if and when a conflict arises, you would be required to obtain the consent of the client after full consultation.

As Rule 1.7 provides, if situations arise where you believe that your representation would be adversely affected by your own interests, or your responsibilities to another client, you must not represent the client.

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[REDACTED]

December 5, 1988
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I hope this advice is of some assistance to you. If you have any further questions, please do not hesitate to contact the Committee.

Sincerely,

Pat Ward

Patrick J. Ward

[REDACTED]

88-05-188
m/tg

[REDACTED]

October 5, 1988

Patrick J. Ward
Attorney at Law
P.O. Box 1695
Bismarck, North Dakota 58502

Re: Ethical question

Dear Mr. Ward,

I am wondering under our current rules whether or not an attorney could do collection work for another law firm and after undertaking this collection work could be involved in lawsuits in which an attorney from the law firm is on the opposite side.

I am sure that in such a situation the attorney doing the collection work would have to inform his clients that he does collection work for the law firm. Then if the client still wants the attorney to represent him I am wondering if the North Dakota Rules of Professional Conduct will allow it.

Would you please check this out with the other members of the Ethics Committee and then give me an answer.

Yours very truly,

[REDACTED]

12/2 m/tg

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