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December 25, 1989

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DOUGLAS E. CHRISTENSEN
OFFICE MANAGER

Dear [REDACTED]

RE: Faxed Request for Opinion dated December 21, 1989

The Ethics Committee of the State Bar Association of North Dakota has addressed and discussed the questions raised in your letter of December 21, 1989.

The Committee was of the opinion that a clear conflict of interest exists for your firm to represent both Defendant A and Defendant B. The Committee concluded that in order to properly represent Defendant B, you would have to attack Defendant A as a witness. Clearly you would have to go into information that you may acquire about Defendant A in your representation of Defendant A in his own criminal case. Even if such was not the case, the situation would give the appearance of impropriety. The Committee was of the unanimous opinion that a clear conflict existed and that your firm could not represent both Defendant A and Defendant B.

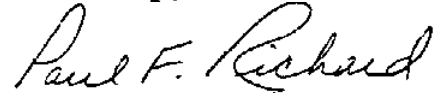
In regard to the second part of your question, the Committee would like to reserve comment. In essence, the Committee would like to hear from the State's Attorney if he desires to have an advisory opinion on the matter. At this time, the Committee is only prepared to respond to the first part of your question which deals with your own individual conduct.

This letter opinion is issued to you for advisory purposes only and is not binding on you, the Court's of North Dakota, the


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Disciplinary Board, Grievance Committees, or any other member of
the Bar of the State of North Dakota.

Sincerely,



Paul F. Richard
Chairman-Ethics Committee
State Bar Association of North Dakota