

THE WEST VIRGINIA STATE BAR
COMMITTEE ON LEGAL ETHICS

UNPUBLISHED LEGAL ETHICS INQUIRY 79-13
(October 5, 1979)

I have discussed your legal ethics inquiry with John O. Kizer, Chairman of The West Virginia State Bar Committee on Legal Ethics. Based on the facts presented in your letter of May 25, 1979, it is his judgment that there would be no conflict of interest in your representation of Ms. if (1) you fully inform her of the fact that your partners had previously represented the alleged victim corporation and (2) she still chooses to retain you. Mr. Kizer believes that you would be wise to obtain a statement in writing from Ms. acknowledging (1) that she understands the prior relationship of your firm to the victim corporation and (2) that she still wishes you to represent her.

We hope that this information will be helpful to you.

LETTER OF INQUIRY
RE: 79-13

May 25, 1979

TO WHOM IT MAY CONCERN:

I am an attorney in _____, West Virginia, and have been contacted by an individual who desires my representation regarding criminal charges that have been brought against her. She has been charged by a warrant sworn to by a Deputy Sheriff of Berkeley County with embezzling a sum of money from a Berkeley County corporation. Following my receiving a retainer from this individual, I was advised by two of my associates that they have represented the corporation which was the alleged victim in this case from time to time in related civil matters. I am concerned with whether my continued representation of the individual would violate Canon 5 of the Code of Ethics.

I have explained the potential conflict to my client, and she advises me that she desires my continuing to represent her. I would appreciate you advising me as promptly as possible as to whether or not you feel this is in violation of Canon 5 so this matter may be resolved as quickly as possible.