

# Ethics Opinion

## 850916

**QUESTION PRESENTED:** When one Partner of a law firm represents a person in a dissolution of marriage proceeding, may another Partner of the same firm sue the represented person in another legal proceeding?

**ANSWER:** No.

**ANALYSIS:** Representation requires loyalty. Rule 1.7 of the Rules of Professional Conduct, in the commentary thereof, states that loyalty to a client prohibits undertaking representation directly adverse to that client without that client's consent. If one attorney in a firm represents a client in an on-going matter, then no other attorney can sue that same client even if in a completely unrelated matter. The rationale is contained in the Disciplinary Rules DR 5-105 (A) (no longer in effect in Montana) in that the "independent professional judgment" of the first attorney could be adversely affected by the knowledge that his partner has sued his client, presumably meritoriously.

**THIS OPINION IS ADVISORY ONLY**