

Lawyer Likely Can't Defend Clients on Related Criminal Charges

"A New York lawyer representing two clients in separate but related criminal matters faces a 'likely unwaivable' conflict of interest based on the facts presented, a recent state bar association opinion said," reports Melissa Heelan Stanzione in Bloomberg Law's *The United States Law Week*.

"A conflict of interest exists for a lawyer in this situation if it will involve the lawyer in representing opposing interests, or that there's a 'significant risk' that the lawyer's professional judgment will be adversely affected by the lawyer's own interests, the April 22 opinion said."

"The lawyer asked the bar about ethical implications of the dual representation."

"The clients are in a relationship, and one is charged with a crime where the other was a victim, the opinion recounted. But the alleged victim was intoxicated when the event occurred, and was arrested for driving while intoxicated after the alleged perpetrator was arrested, it said. And each is a witness in the others case, with the alleged victim wishing to testify in favor of the perpetrator, it said."

Read the article.