



Dear Ethics Lawyer™

The Legal Ethics Project. Supporting professionalism with information.

Q: Dear Ethics Lawyer,

I am a litigation partner in a firm. My daughter and niece graduated from law school together, and they have now gone to work for separate local litigation boutiques. A large multi-party case was recently filed against a number of defendants, including one of my firm's clients. Most local law firms have become involved. In a quirk of coincidence, my daughter, my niece and I have each entered appearances for defendants, which have cross-claimed against each other. Do I have a conflict appearing as counsel in the action in which my daughter and niece are on opposing legal teams if they are not the lead? Does this situation result in Rule 1.10(a) imputed disqualification of any of the firms?

A: This tangle of circumstances implicates personal interest conflicts under Model Rule 1.7, with clients who are adverse being represented by lawyers with family relationships. Relationships can create a "material limitation" conflict under Rule 1.7(a)(2) if representation of a client would be affected or limited (e.g., would you file a motion for sanctions against your daughter, if otherwise appropriate?). Comment 11 to Rule 1.7 states that clients are entitled to know of the relationships and their implications (which could include potential confidentiality, loyalty and independent professional judgment issues): "Thus, a lawyer related to another lawyer, e.g., as parent, child, sibling or spouse, ordinarily may not represent a client in a matter where that lawyer is representing another party, unless each client gives informed consent."

Here, the parent-child relationship would almost certainly fall within this prohibition, while the cousin-cousin and aunt-niece relationship are less clear as triggers. It could perhaps be argued whether the non-lead team member roles of the two recent graduates sufficiently reduce the conflict considerations, but best practice suggests that all three lawyers inform their clients and obtain consent to remain in the case (particularly given what appear to be close relationships). See, e.g., ABA Formal Ethics Op. 494 (2020) (close relationships other than family can give rise to personal interest conflicts). If any client does not consent, while the lawyer may be disqualified, their firm is likely not to be. Rule 1.10(a)(1) (personal interest conflict does not work imputed disqualification of firm in the absence of a material limitation affecting the other lawyers of the firm).

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About Dear Ethics Lawyer

The twice-monthly "Dear Ethics Lawyer" column is part of a training regimen of the Legal Ethics Project, authored by [Mark Hinderks](#), former managing partner and counsel to an AmLaw 125 firm; Fellow, American College of Trial Lawyers; and speaker/author on professional responsibility for more than 25 years. Mark leads Stinson LLP's [Legal Ethics & Professional Responsibility](#) practice, offering advice and "second opinions" to lawyers and law firms, consulting and testifying expert service, training, mediation/arbitration and representation in malpractice litigation. The submission of questions for future columns is welcome: please send to mark.hinderks@stinson.com.

Discussion presented here is based on the ABA Model Rules of Professional Conduct, but the Model Rules are adopted in different and amended versions, and interpreted in different ways in various places. Always check the rules and authorities applicable in your relevant jurisdiction – the result may be completely different.