
**Wisconsin Memorandum Ethics Opinion 6/70 E Conflict of interest:
Representing Host Driver and Guest Passenger**

Revised June 25, 2020

Question: May an attorney who has represented the interests of a host driver in a traffic citation case arising from a vehicle accident also represent a guest passenger in the same automobile in a claim for personal injuries?

Answer: No, representing the host driver and passenger would violate SCR 20:1.7, and 20:1.9.

Simultaneous representation of the host driver and guest passenger would present a direct conflict of interest. SCR 20:1.7(a)(1) and (2). If the lawyer were to represent the host driver first on the citation and then undertake representation of the passenger, the lawyer would face a former client conflict under SCR 20:1.9(a). Also, the lawyer will likely be in possession of relevant information from the *representation* of the host driver that the lawyer may not disclose or use in a manner that is adverse to the interests of the driver. SCR 20:1.6(a) and (d), 20:1.9. SCR 20:1.9(a). This is a conflict that would be imputed to other members of the attorney's firm (SCR 20:1.10) and such a conflict could not be waived by the two clients' written informed consent (SCR 20:1.7(b)(4)).

See Wisconsin Ethics Opinion E-99-2 for further discussion of multiple representation in automobile accident cases.