Potential conflict in representing criminal defendants

The Ethics Committee is of the opinion that it is not inherently improper for an attorney for a local policemen’s protective association to represent defendants in criminal prosecutions at the same time. Citing its previous opinions—Informal A and B—1970, regarding other problems of potential conflicts in the representation of criminal defendants, the committee holds that although an inherent conflict does not exist, nevertheless in each instance the lawyer must inform his potential client of the facts and that such conflict could later develop during the representation which could necessitate his total withdrawal from the case. After consent to such representation under these conditions, the lawyer may go ahead with the case. The committee again cautions that the attorney must be guided by Canon 5 of the Code of Professional Responsibility which requires that a lawyer exercise independent professional judgment in behalf of his clients. (1/8/71)