Conflict in representing host driver and guest passenger

An attorney who has represented the interests of a host driver in a traffic citation case arising from a vehicle accident may not also represent a guest passenger in the same automobile in the claim for personal injuries. The committee unanimously concluded that such conduct ordinarily is improper because the lawyer cannot exercise the independent professional judgment in behalf of the two clients. Also, he likely will gain confidential information from one or the other which he must not compromise. It was further concluded that if the attorney had commenced the representation on both parties and had received confidential information from one or the other, he would have to withdraw from both sides of the matter. (6/11/70)