



Dear Ethics LawyerTM

The Legal Ethics Project. Supporting professionalism with information.

Q: Dear Ethics Lawyer,

I represented a company let's call Acme Rocket Cycle Co. while at a firm let's call Wolf, Wolf and Coyote. I left the firm and took client Acme with me. Only I did any work for Acme while at the firm. May my old firm now represent their client Roadrunner, adverse to Acme, in a new matter that is not related to any matter I handled while at Wolf, Wolf and Coyote?

A: Yes, so long as the new matter your old firm is taking on for Roadrunner is not substantially related to a matter that you handled for Acme while you were at the firm. As concerns the firm, Acme is a former client. Model Rule 1.10(b) permits the lawyers of your former firm to be adverse to your client once you (and the client) left the firm, so long as: it is not the same or substantially related to a matter you handled at the firm, and the lawyers remaining in the firm do not have confidential information protected by Rules 1.6 or 1.9(c) that is material to the matter.

The Ethics Lawyer

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 132 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.