

**ETHICS OPINION NUMBER 68  
OF THE MISSISSIPPI BAR  
RENDERED JANUARY 4, 1982  
AMENDED APRIL 6, 2013**

**CONFLICT OF INTEREST** - Attorney who has represented one spouse in irreconcilable differences divorce may not subsequently represent the other spouse against the other on Petition to modify divorce.

The Ethics Committee of The Mississippi Bar has been requested to render an opinion regarding whether or not an attorney who had represented a wife in an irreconcilable divorce could subsequently represent the former husband in a proceeding to modify the child support provisions contained in the original decree.

Rule 1.9 of the Mississippi Rules of Professional Conduct (MRPC) provides that:

A lawyer who has formerly represented a client in a matter shall not thereafter:

(a) represent another in the same of a substantially related matter in which that person's interest are materially adverse to the interests of the former client unless the former client consents after consultation; or

(b) use information relating to the representation to the disadvantage of the former client except as Rule 1.6 would permit with respect to a client or when the information has become generally known.

In the opinion of the Committee, the representation of the former husband by the same attorney who represented the former wife would be in violation of Rule 1.9, MRPC.