

**ETHICS OPINION NUMBER 79
OF THE MISSISSIPPI BAR
RENDERED DECEMBER 4, 1982
AMENDED APRIL 6, 2013**

CONFLICT OF INTEREST - It is not proper for an attorney to represent a criminal defendant when the defendant is arrested as a result of cooperation between authorities and another criminal defendant represented by the same attorney.

The Ethics Committee of The Mississippi Bar has been requested to render an opinion concerning the propriety of an attorney representing criminal defendants where there is reason to believe that those criminal defendants were arrested as a result of cooperation with the authorities by another criminal defendant represented by the same attorney.

The Committee finds that such representation would be improper. This decision is controlled by Opinion No. 28 of the Ethics Committee of the Mississippi State Bar rendered on November 15, 1974, as amended. There a criminal defendant represented by the attorney had become a witness for the prosecution against another defendant whom the attorney desired to represent. The Committee found that such representation was improper.

The authority cited for Opinion No. 28, which included Rule 1.7 of the Mississippi Rules of Professional Conduct, remains valid authority. The probability of a conflict in the given factual situation is simply too great for such representation to be proper. For example, the probability exists that the attorney would find himself facing the prospect of having to attack the credibility of his own client to properly represent the interest of other clients.