

Task Force largely responsible for this report purport to be lawyers and it is inconceivable that such irresponsible charges would be made without first making themselves familiar with the rules of professional conduct pertaining to attorneys, and also checking the facts.

I am enclosing herewith the following: (a) xerox copy of Rule 7, of the Rules of Professional Conduct of the State Bar of California; (b) Canon 6 of the Canons of Professional Ethics of the American Bar Association; (c) xerox copies of California Jurisprudence 2d text relating to the subject matter of divided loyalty (conflicts of interest).

It is to be noted that the gist of the foregoing is that there is not a conflict of interest if the attorney acts in good faith and here is a *full disclosure and knowledge* by all parties concerned of the role the attorney is to play. I call your attention to that portion of California Jurisprudence which I have underlined in red.

The facts of the case in which the Secretary has chosen to involve me in his report are simple and were well-known by all the parties concerned, including various officials at the Bureau of Indian Affairs office in Palm Springs. A non-Indian lessee of land involving several different Indian estates sought relief from certain rental payments it was required to make under the leases. In other words, it was asking something from the Indians. All parties agreed that the case was such that the best interests of the Indians dictated that the relief be granted. After numerous meetings at the Bureau's offices in Palm Springs, a modification agreement was worked out, of which the Bureau of Indian Affairs fully approved. It was clearly understood by all that the Indian estates were to be put to no expense in obtaining the necessary court approvals, including attorney's fees. The Bureau was advised that the lessee would have to bear these costs and expenses I happened to represent one of the Indian estates and received a fee of \$150.00 from the lessee for presenting the necessary papers to the Court for its approval. For this I am charged with a conflict of interest—and this is my *only involvement in the report!* I might inferentially point out that the report released last Tuesday, April 2, 1968, stated that the matter was under submission to the court. A check of the Court records will reveal that the matter was resolved by the Court on December 8, 1967, nearly four months before the report was released.

I trust that you will give my position ample coverage for it does appear from preliminary research that I am powerless to seek legal redress from the Secretary and his staff. It is a classic example of a "wrong without remedy."

Very truly yours,

JOHN P. CARROLL.

Enclosures.

CALIFORNIA STATE BAR—RULES OF PROPER CONDUCT

Rule 7. A member of the State Bar shall not represent conflicting interests, *except with the consent of all parties concerned.*

AMERICAN BAR ASSOCIATION—CANONS OF ETHICS

6. ADVERSE INFLUENCES AND CONFLICTING INTERESTS

It is the duty of a lawyer at the time of retainer to disclose to the client all the circumstances of his relations to the parties, and any interest in or connection with the controversy, which might influence the client in the selection of counsel.

It is unprofessional to represent conflicting interests, *except by express consent of all concerned given after a full disclosure of the facts.* Within the meaning of this canon, a lawyer represents conflicting interests when, in behalf of one client, it is his duty to contend for that which duty to another client requires him to oppose.

The obligation to represent the client with undivided fidelity and not to divulge his secrets or confidences forbids also the subsequent acceptance of retainers or employment from others in matters adversely affecting any interest of the client with respect to which confidence has been reposed.