

fairness. This is a conflict of interest that denies the defendant the right to effective assistance of counsel. Such conflicts are always a potential problem because different defendants may have different degrees of involvement. Each defendant has the right to a lawyer who represents only him or her.

- E. Point out the various ways in which dual representation might work to defendant's disadvantage. This may be done by giving defendant a form to read or by advising defendant in the following way:
1. Dual representation may inhibit or prevent counsel from conducting an independent investigation in support of each defendant's case. For example, the attorney-client privilege may prevent your lawyer from communicating information gathered from another defendant to you.
  2. The government may offer immunity or offer to recommend a lesser sentence to one defendant for cooperating with the government. Should you receive such an offer, your lawyer ought to advise you whether or not to accept it. But if your lawyer advises you to accept the offer, it may harm the cases of the other defendants represented by that lawyer.
  3. The government may let a defendant who is not as involved as other defendants plead guilty to lesser charges than the other defendants. After the guilty plea, however, the government may require the defendant to testify. A lawyer who represents more than one defendant might recommend that the first defendant not plead guilty to protect the other defendants that the lawyer represents. On the other hand, the lawyer might recommend that the first defendant plead guilty, which might harm the cases of the other defendants.
  4. Dual representation may affect how your lawyer exercises peremptory challenges or challenges for cause during jury selection. Potential jurors who may be perceived as favorable to you may be perceived as harmful to another defendant, or jurors who may be perceived as favorable to other defendants may be harmful to you.