

Final

Rhode Island Supreme Court Ethics Advisory Panel
Opinion No. 2003-09 Request No. 871
Issued December 4, 2003

Facts:

The inquiring attorney was recently appointed to the position of municipal court judge. The inquiring attorney is also employed as an associate in a law firm.

Issue Presented:

The inquiring attorney asks whether the Rules of Professional Conduct permit him/her and other lawyers in the law firm to represent clients charged with criminal offenses by the municipality's police department, and to represent clients before the municipality's council, and its various boards and commissions.

Opinion:

The inquiring attorney who is a municipal judge, and other lawyers in his/her law firm, may represent clients charged with criminal offenses by the municipality's police department, and also may represent clients before the municipality's council, its boards and commissions in compliance with Rule 1.7(b)(1) and (2), provided the attorneys reasonably believe that the representation will not be adversely affected, and the clients consent after full disclosure.

Reasoning:

Neither the inquiring attorney nor other lawyers in the law firm may represent clients in matters before the municipal court. See Rule 1.7; Rule 1.10. The propriety of representing clients charged with criminal offenses by the municipality's police, and representing clients before the municipality's council, boards and commissions is governed by Rule 1.7(b) which states:

(b) A lawyer shall not represent a client if the representation of that client may be materially limited by the lawyer's responsibilities to another client or to a third person, or by the lawyer's own interests, unless:

(1) the lawyer reasonably believes the representation will not be adversely affected; and

(2) the client consents after consultation. . . .

The inquiring attorney's relationship with, and his/her responsibilities to, the municipality as its employee and as an appointee could conceivably present a material limitation on the representation of clients. However, the Panel concludes that the inquiring attorney and other lawyers in his/her law firm may represent clients charged with criminal offenses by the municipality's police, and may represent clients before the municipality's council, boards and commissions so long as, in compliance with Rule 1.7(b) (1) and (2), the lawyers reasonably believe that the representation will not be adversely affected, and the clients consent after full disclosure. See R. I. S. Ct. Ethics Advisory Panel Op. 2003-03 (2003), (part-time municipal court judge and other lawyers in his/her firm may represent property owners before tax assessor and tax assessment board of review in appeals from revaluations of property subject to Rule 1.7(b)(1) and (2)); R. I. S. Ct. Ethics Advisory Panel Op. 99-03 (1999) (attorney who is deputy probate judge may represent client's before municipality's zoning board subject to Rule 1.7(b)(1) and (2).)

The Panel's guidance is restricted to interpretations of the Rules of Professional Conduct and does not extend to issues under the State Ethics Code, the Code of Judicial Conduct, or any other rules, regulations or laws that may have bearing on the issues raised by this inquiry.

