

DIGEST OF ETHICS ADVISORY PANEL  
OPINION #91-3, REQUEST #131  
Issued February 20, 1991

An attorney seeks Panel advice as to whether the lawyer may accept employment as an attorney for a state public agency which would be a party opponent in administrative and judicial proceedings to the company with which the attorney is presently employed in a non-lawyer capacity.

The lawyer has been employed over an eight year period by a public utility corporation. The positions held involved communications, public affairs, legislative relations and regulatory compliance. During this time the attorney was never employed by the corporation as a lawyer. The attorney attended law school during this period and successfully applied for admission to the practice of law in the State of Rhode Island.

The attorney has testified as a non-lawyer before the state legislature and a state agency on behalf of the company. The corporation has never specifically offered the lawyer employment as an attorney. The corporation has not recognized an attorney-client relationship between the lawyer and itself.

The Panel takes the position that the facts submitted do not give rise to a conflict of interest. The Panel bases this view on the fact that the attorney had access only to "public information" as a non-lawyer employee of the corporation.

Ethics Advisory Panel advice is protective in nature. There is no requirement that an attorney abide by a Panel opinion, but if he or she does, he or she is fully protected from any charge of impropriety.