

Digest of Ethics Advisory Panel
Opinion #91-51, Request #129a
Issued August 16, 1991

An attorney seeks Panel opinion concerning the ethical rules governing imputed disqualification and successive government and private practice. The inquiring attorney states that an ex-partner in his/her law firm was employed for many years as a town solicitor. The inquiring attorney states that he/she appeared as co-counsel with the ex-partner/solicitor in several cases on behalf of the town. The inquiring attorney has been approached by a potential client who seeks representation before various boards in this particular town.

The attorney poses two questions:

1. How long after severance of the professional relationship between the firm and the ex-partner/solicitor must the firm wait before its associates may appear before boards of the town?
2. If the inquiring attorney withdraws immediately from all town cases, is he/she barred from appearing before town boards for one year from his/her date of withdrawal.

The first question is governed by Rhode Island Rule of Professional Conduct 1.10(c).

The Panel is of the opinion that the firm may presently represent clients before the town boards so long as the subject matter of the representation does not involve the same or a substantially related matter in which the ex-partner/solicitor participated on behalf of the town.

The second question is controlled by Rhode Island Rule of Professional Conduct 1.11(b), which provides in pertinent part:

Notwithstanding any other provision of this Rule, a lawyer who has been employed by any government office or agency shall not represent a private client before that government office or agency for a period of one year following the termination of employment.

The Panel takes the position that the inquiring attorney cannot represent a private client before any town board in which the attorney appeared as an assistant or co-counsel to the ex-partner/solicitor for a period of one year.