

Digest of Ethics Advisory Panel
Opinion #91-69, Request #190
Issued September 19, 1991

An attorney seeks Panel advice concerning a possible conflict of interest involving the attorney's firm as legal counsel to a state agency while also representing a corporation which arguably might benefit from the decision of the agency in a pending case.

Based on the facts given, the Panel is of the opinion that no conflict of interest exists under Professional Conduct Rule 1.7(b), since any effect on the corporation by the agency action is highly speculative and it seems apparent that the firm's legal responsibilities to the agency will not be materially limited by the firm's responsibilities to the corporation, any other party or its own interests.

The attorney's recusal as a hearing officer for the agency in a case directly involving the corporation was clearly appropriate and created no inference bearing on the first conflict issue discussed above.