

(LES 2851J)

ETHICS ADVISORY PANEL
Opinion #92-41, Request #261
Issued July 23, 1992

An attorney seeks Panel advice regarding the following facts. The attorney, who is a town solicitor, represents the town in all suits or proceedings, civil or criminal brought by or against it or any of its officers, departments or agencies. A spouse and member of the town council filed suit in their individual capacities for relief from real estate taxes assessed by the same town. The town solicitor represents the town in this matter. The attorney/solicitor asks whether there is a conflict of interest under these circumstances.

Rule 1.13(d) specifically mandates that:

In dealing with an organization's directors, officers, employees, members, shareholders or other constituents, a lawyer shall explain the identity of the client when it is apparent that the organizations interest are adverse to those of the constitutents with whom the lawyer is dealing.

The Panel does not believe that a conflict of interest exists in this matter. The town solicitor represents the town and it's agencies of that town, not individual council members.