

ETHICS ADVISORY PANEL
Opinion 92-63, Request #289
Issued July 23, 1992

An attorney seeks Panel advice as to whether a conflict of interest exists. The attorney is in private practice and a volunteer City Solicitor of City A. The attorney attends City A's zoning board meetings and gives legal advice on pertinent issues. Recently the zoning board has been involved in a stop work order against a manufacturer in City A. The City Solicitor's Office must represent City A against the manufacturer in an appeal related to the stop work order. In addition, the President of this manufacturing company inquired as to whether the attorney would be interested in drafting an agreement for a trade association of which the manufacturing company is a member. The trade association has retained the attorney's law firm in the past.

It appears that Rhode Island Rule of Professional Conduct 1.11(d) "Successive Government and Private Employment" applies to this inquiry. The Rule states that:

(d) Except as law may otherwise expressly permit, a lawyer serving as a public officer or employee shall not:

(2) negotiate for private employment with any person who is involved as a party or as attorney for a party in a matter in which the lawyer is participating personally and substantially

It is the Panel's opinion that a conflict does exist based on Rule 1.11(d)(2) and the facts presented. The Rule prohibits a government lawyer from negotiating for private employment with any person "who is involved as a party or as attorney for a party in a matter in which the lawyer is participating personally or substantially."