

ETHICS ADVISORY PANEL  
OPINION #93-79 REQUEST #421  
Issued October 5, 1993

The inquiring attorney represents a client in an action before a state agency. Town A is an adverse party to the action. The inquiring attorney also acts as legal counsel to the school committee of Town A. The inquiring attorney asks whether his/her representation of the client presents a conflict of interest.

Rule 1.7 entitled "Conflict of Interest: General Rule" provides in pertinent part as follows:

(a) A lawyer shall not represent a client if the representation of that client will be directly adverse to another client, unless:

- (1) the lawyer reasonably believes that the representation will not adversely affect the relationship with the other client; and
- (2) each client consents after consultation.

In this case, the inquiring attorney is appointed as legal counsel by the school committee to represent it. See, R.I.G.L. 1956 (1988 Reenactment) §§16-2-9 and 16-3-11. Thus, the inquiring attorney has a client/lawyer relationship with the school committee. The inquiring attorney does not have a client/lawyer relationship with Town A. The Panel concludes that Rule 1.7(a) does not preclude the inquiring attorney from representing the client before the state agency because he/she does not represent Town A and is therefore not representing clients with adverse interests.

The Panel's guidance is restricted to interpretations of the Rules of Professional Conduct and does not extend to issues under the State Ethics Code or any other rules, regulations or laws that may have bearing on the issue raised by this inquiry.