

ETHICS ADVISORY PANEL  
OPINION #93-90 REQUEST #433  
Issued December 8, 1993

The inquiring attorney has been retained by a court to represent it regarding several pending investigations. The inquiring attorney was advised by the Court of the "rule of necessity" that permits a court to hear matters affecting its own interests and its right to be represented by counsel. The inquiring attorney asks whether he/she may actively practice before the Court while representing it as an institution and what, if any, limitations exist in this regard.

These facts present a unique situation in which the inquiring attorney seeks to appear before a tribunal with which he/she also has a client/lawyer relationship.

The Panel opines that there is nothing in the Rules of Professional Conduct prohibiting a lawyer from appearing before a court that he/she also represents. The Panel does not believe that the inquiring attorney's client/lawyer relationship with the Court imposes any ethical restraints on his/her ability to practice before the Court.

The Panel notes that the inquiring attorney raises the "rule of necessity" with respect to the ability of the Court to hear matters affecting it and its right to be represented by counsel. The Panel has reviewed the rule of necessity and concludes that it does not have the basis to interpret and apply that rule to the facts of this inquiry. 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, Code of Judicial Conduct, or any other rules, regulations or laws that may have bearing on the issues raised by this inquiry.