

ETHICS ADVISORY PANEL
OPINION #94-37 REQUEST #499
Issued June 22, 1994

The inquiring attorney is a sole practitioner in City X, and is also an assistant city solicitor of City X on a part-time basis. The attorney asks whether any city solicitor can represent an employee of City X in the inquiring attorney's private practice in non-city related matters. The second inquiry is more specific. The attorney was retained by a city employee (client) to represent him/her in a personal injury matter against a third party, "A." At the time of the accident, the client was acting as an employee of City X and was operating a City X vehicle. The client began to collect Workers' Compensation Benefits in this matter, as a result of injuries sustained.

After the attorney settled the personal injury suit against A for the client, the attorney sought to collect attorney's fees as provided by RIGL 28-35-58 in the workers compensation matter. City X has a lien on the client's personal injury suit to reimburse it for Workers' Compensation Benefits paid. The attorney asks whether he/she is entitled to the attorney's fee pursuant to the aforementioned statute.

Based upon the facts presented by the inquiring attorney, the Panel does not believe that the inquiring attorney as a part-time city solicitor is prohibited from representing an employee of that same city in the inquiring attorney's private practice regarding non-city related matters.

With regard to the second inquiry, the Rules do not bar representation of private clients in non-city related matters where the interests of the the client and City X are not directly adverse. See, Rule 1.7(a). In this particular situation, the Panel does not view the relationship with the client as directly adverse to City X. That being the case, the attorney is entitled to a reasonable attorney's fee for the representation of the client.

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 issues raised by this inquiry.