

ETHICS ADVISORY PANEL  
OPINION #94-48 REQUEST #516  
Issued July 27, 1994

The inquiring attorney maintains a part-time law practice and is also employed as a full-time police officer in Town A. The attorney asks if he/she may serve as the prosecution officer for Town A and serve as trial counsel for Town A's police cases which appear in District Court. In addition, the attorney asks if he/she may enter the same arrangement with other municipalities other than that of which he/she is employed.

Rule 1.7 entitled "Conflict of Interest: General Rule" states:

(b) A lawyer shall not represent a client if the representation of that client may be materially limited by the lawyer's responsibilities to another client or to a third person, or by the lawyer's own interests; unless:

(1) the lawyer reasonably believes the representation will not be adversely affected; and

(2) the client consents after consultation . . .

The Panel opines that the inquiring attorney may serve as trial counsel for Town A and other municipalities as long as the lawyer's own interests do not materially limit the lawyer's responsibilities to other clients. The inquiring attorney may not serve as a prosecution officer to a municipality where he/she represented a defendant in his/her law practice for the same or a related matter.

The Panel does not address the issue of the inquiring attorney's obligations to Town A as a full-time police officer of Town A, as this is not a matter governed by the Rules of Professional Conduct.

The Panel cautions the inquiring attorney with regard to Rule 1.10 entitled "Imputed Disqualification: General Rule" which states in pertinent part that "While lawyers are associated in a firm, none of them shall knowingly represent a client when any one of them practicing alone would be prohibited from doing so by Rules 1.7, 1.8(c), 1.9 or 2.2."