

ETHICS ADVISORY PANEL  
OPINION # 95-16, REQUEST # 575  
Issued March 23, 1995

The inquiring attorney maintains a part-time law practice and is also employed as a full-time police officer for Town A. He/she is also the prosecution officer for Town A's police department responsible for the prosecution of defendants in District Court in that county. The inquiring attorney asks whether he/she is able to represent a criminal defendant in a matter unrelated to his/her employment with Town A and whether he/she can practice in the Administrative Adjudication Court.

The propriety of the inquiring attorney representing either criminal defendants or clients before the Adjudication Court is addressed by Rule 1.7 entitled "Conflict of Interest: General Rule." That Rule provides in pertinent part as follows:

(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 represent criminal defendants as long as neither the lawyer's responsibilities to other clients nor the lawyer's own interests materially limit the inquiring attorney's representation. The inquiring attorney may not represent a criminal defendant in Town A or anyone who has been arrested in or by Town A.

The Panel does not opine on the issue of the inquiring attorney's obligations to Town A as a police officer because this is not a matter governed by the Rules of Professional Conduct.

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 a bearing on the issues raised by this inquiry.