

ETHICS ADVISORY PANEL
OPINION #93-71 REQUEST #410
Issued September 14, 1993

The inquiring attorney is employed full-time by a municipality as a teacher. He/she practices law on a part-time basis and asks whether it is permissible to represent clients before the municipality's probate court.

Rule 1.7 entitled "Conflict of Interest: General Rule" provides 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 the representation will not adversely affect the relationship with the other client; and

(2) each client consents after consultation.

(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. When representation of multiple clients in a single matter is undertaken, the consultation shall include explanation of the implications of the common representation and the advantages and risks involved.

The Panel believes that the inquiring attorney is not representing clients with adverse interests, within the meaning of Rule 1.7, as he/she does not have a client-lawyer relationship with the municipality simply by virtue of his/her employment with the same or by virtue of appearing in the municipality's probate court. The provisions of Rule 1.7 therefore do not bar the inquiring attorney from representing clients before the municipality's probate court.