

# ADVISORY ETHICS OPINION 86-06

## **SYNOPSIS:**

There is no ethical reason why a City Grand Juror cannot prosecute criminal cases against defendants represented by a Defense Attorney who also holds the office of City Alderman.

## **FACTS:**

A municipality carries on its legislative city function through the elective Board of Aldermen. The municipality prosecutes misdemeanor level criminal cases in the District Court through the services of City Grand Juror A. We assume for purposes of this opinion that City Grand Juror is an elective office. Defense Attorney B, who defends misdemeanor level cases in District Court, is elected to the municipal Board of Aldermen.

## **OPINION:**

In Opinion No. 86-4 recently released by the Committee, the Committee limited the scope of its opinions to only conduct involving the inquiring attorney. Because Attorney A is the inquiring attorney in this opinion request, the opinion discusses only Attorney A's conduct.

The Committee has reviewed the Canons of Professional Responsibility and has found no ethical reason which would in any way prevent Attorney A from prosecuting Defendants who may be represented by Attorney B. The role of Attorney A as prosecutor before a judicial forum does not appear to create competing interests due to his role as counselor to the Board of Aldermen, which is essentially a legislative function. It does not appear to the Committee that Attorney A's involvement as Counselor to the Board of Aldermen would create or involve him in representing different interests or impair the exercise of his independent professional judgment.