

LAWYERS PROFESSIONAL RESPONSIBILITY BOARD

Repealed: January 26, 2006

OPINION NO 6

DEFENSE OF CRIMINAL CASES BY MUNICIPAL ATTORNEYS

It is improper for a city or municipal attorney to accept the defense of a criminal case arising within the limits of the city or municipality which he serves. It is not improper for a city or municipal attorney to accept the defense of criminal cases in other areas provided he is not required to challenge the validity of a state statute which he would otherwise be required to support while acting in his capacity as a prosecutor, and provided there is no other actual conflict of interest. If such a challenge or conflict arises, he should withdraw from the case.

In any event, defense counsel who is also a city or municipal attorney shall scrupulously refrain from any reference to his position as a city or municipal attorney in the course of all proceedings.

Adopted: June 26, 1974.

Repealed: January 26, 2006.