

**ETHICS OPINION NUMBER 169  
OF THE MISSISSIPPI BAR  
RENDERED DECEMBER 15, 1989  
AMENDED APRIL 6, 2013**

**CONFLICT OF INTEREST – GOVERNMENT ATTORNEY** - Employee of law firm may serve as member of the Civil Service Commission of a City even though, from time to time, the firm represents the City.

The Ethics Committee of The Mississippi Bar has been asked to render an opinion as to whether and under what circumstances an active Associate of a law firm may serve as a member of the Civil Service Commission when the firm has in the past, or may in the future, represent authorities, districts, boards and other public entities affiliated with the City that directly or indirectly affect the City, and whether serving as a member of the Civil Service Commission under the hereinabove stated conditions would violate any Rule of Professional Conduct.

Rules 1.7 (Conflict of Interest: General Rule), 1.10 (Imputed Disqualification: General Rule) and 1.11 (Successive Government in Private Employment), of the Mississippi Rules of Professional Conduct are determinative of the issues. With the understanding that the law firm's representation does not extend into matters actually touching the Civil Service Commission (for example, proceedings from, appeals to, or other challenges to actions of the Civil Service Commission), no Rule of Professional Conduct would be violated by the appointment of an Associate of a law firm to the Civil Service Commission of the City.

Rule 1.7 of the Mississippi Rules of Professional Conduct provides generally that a lawyer shall not represent a client where the representation would be adverse to other clients. It is assumed that, in pursuing the duties of the Commission and in the practice of law, the lawyer would comply with Rule 1.7 as specific issues were presented.

Rule 1.10 of the Mississippi Rules of Professional Conduct provides generally that no lawyer in a firm shall knowingly represent a client when any one of them practicing alone would be prohibited from doing so. It is assumed that, in pursuing the duties of the Commission and in the practice of law, the lawyer and the firm would comply with Rule 1.10 as specific issues were presented.

Rule 1.11 provides generally that a lawyer should not represent a private client in connection with a matter in which the lawyer participated personally and substantially as a public officer or employee. It is assumed that, in pursuing the duties of the

Commission and in the practice of law, the lawyer and the firm would comply with Rule 1.11 as specific issues were presented.

Finally, both the law firm and the Associate being considered for membership in the Civil Service Commission should keep in mind Rule 8.4, which provides that "[i]t is professional misconduct for a lawyer to state or imply an ability to influence improperly a government agency or official."

With the foregoing qualifications in mind, the Ethics Committee finds that it is permissible for a member of the law firm to serve on the Civil Service Commission of the city, even though the firm may represent the city with respect to various matters