

**ETHICS OPINION NUMBER 217
OF THE MISSISSIPPI BAR
RENDERED MARCH 4, 1994**

CONFLICT OF INTEREST - BAR ASSOCIATION COMMITTEES -- (1.) It is improper for an attorney who is a member of the Lawyers and Judges Assistance Committee to represent an attorney, other than himself, as a respondent in a commitment proceeding for alcohol or drug abuse. (2.) It is improper for an attorney who is a member of the Lawyers and Judges Assistance Committee to represent the lawyer respondent's family or family members or other persons as petitioners seeking to have said lawyer committed for alcohol or drug abuse.

The Ethics Committee of the Mississippi Bar has been requested to render an opinion on the following question:

May an attorney who is a member of the Lawyers and Judges Assistance Committee represent an attorney, other than himself, as a respondent in a commitment proceeding for alcohol or drug abuse in a chancery court in the State of Mississippi or may an attorney who is a member of the Lawyers and Judges Assistance Committee represent the lawyer respondent's family or family members or other persons as petitioners seeking to have said lawyer committed in chancery court for alcohol or drug abuse?

The Board of Bar Commissioners organized the Lawyers and Judges Assistance Committee to be of assistance to impaired judges and attorneys in the state who may be suffering from chemical dependency.

The Lawyers and Judges Assistance Committee is established under Rule 3 (g) of the Mississippi Rules of Discipline for the purpose of intervention and assistance for attorneys with a substance abuse problem which impairs or tends to impair their professional conduct. It states the committee's creation shall in no way be construed to hinder, limit or otherwise effect any other disciplinary process. It is clear from Rule 3 and the notations thereafter that this committee is for the purpose of administering the Court's disciplinary jurisdiction.

Rule 8.4 (d) of the Mississippi Rules of Professional Conduct provides: It is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.

The Committee is of the opinion that it is prejudicial to the administration of the disciplinary process for attorneys who serve on the Lawyers and Judges Assistance Committee to represent an attorney, other than himself, as a respondent in a commitment proceeding for alcohol or drug abuse.

The Committee is also of the opinion that it is improper for an attorney who is a member of the Lawyers and Judges Assistance Committee to represent the lawyer respondent's family or family members or other persons seeking to have the lawyer committed for alcohol or drug abuse. This is consistent with Ethics Opinion Number 201.