

SUBJECT: CITY ATTORNEY REPRESENTING CLIENTS IN GENERAL SESSIONS COURT WHEN THE CITY IS THE ARRESTING AGENCY

SUMMARY:

A City Attorney is advised against representing clients in General Session Court when the city is the arresting agency.

QUESTION:

The City Attorney for the City of Newberry questions whether he may represent clients, other than the city, in general sessions court where the city is the arresting agency.

DISCUSSION:

This opinion is rendered in response to a letter dated August 20, 1991 requesting an opinion from the State Ethics Commission. The Commission's jurisdiction is limited to the applicability of the State Ethics Act (Act No. 248 of 1991; Section 8-13-100 et. seq., 1976 Code of Laws). This opinion does not supersede any other statutory or regulatory restrictions or procedures which may apply to this situation.

In Advisory Opinion 86-030, the Commission reviewed a number of earlier opinions concerning the representation of clients issue. In that opinion, the Commission advised that representation of clients when the agency had a stake in the outcome would be prohibited. From the facts as submitted, it appears that the City Attorney would be involved in representing clients when the city was the arresting agency. In those circumstances, it would appear that the City has an interest in the outcome. The State Ethics Commission advises the City Attorney against representation of clients in general sessions court when the city is the arresting agency.