

For April 9/1/82

ETHICS COMMITTEE INFORMAL OPINION

QUESTION:

Can a part-time states attorney be retained by a victim to act as a private attorney in pursuing a lawsuit to recover damages after the time for appeal has expired in the criminal action, regardless of the verdict in the case?

ANSWER:

Yes, providing that there has been no discussion which would lead to the establishment of a lawyer-client relationship based on a civil action while the criminal action is pending. The committee recognizes that in certain instances a preliminary discussion of the various alternatives available to the victim is inevitable between the victim and the part-time states attorney. Such preliminary discussions, are not meant to preclude the later establishment of an attorney-client relationship.

(Composed by Neil Fleming,
edited by Linda Catalano)