

KENTUCKY BAR ASSOCIATION
Ethics Opinion KBA E-129
Issued: November 1975

This opinion was decided under the Code of Professional Responsibility, which was in effect from 1971 to 1990. Lawyers should consult the current version of the Rules of Professional Conduct and Comments, SCR 3.130 (available at <http://www.kybar.org>), before relying on this opinion.

Question: May a county attorney also be attorney for a fourth-class city located in the county? May a county attorney share an office with or be the partner of the attorney for a fourth-class city located in the county?

Answer: Qualified yes.

References: DR 5-105; Opinion KBA E-88 (1974)

OPINION

A county attorney may also represent a fourth-class city located in the county, subject to the requirements of DR 5-105, Opinion KBA 88 (1974). In the event a conflict between the county and the city described in DR 5-105(A) or (B) should arise, the attorney cannot continue to represent both under DR 5-105(C), because the county cannot consent to the continued multiple employment as required by DR 5-105(C).

Obviously, if the county attorney can also represent the city, he or his assistant may share office space with, or be the partner of, the city attorney. If conflict between city and county as described in DR 5-105(A) or (B) should arise, the county attorney or assistant must resign from the case, or the city attorney must resign from the case, or the office arrangement or partnership must be terminated, DR 5-105(D).

Note to Reader

This ethics opinion has been formally adopted by the Board of Governors of the Kentucky Bar Association under the provisions of Kentucky Supreme Court Rule 3.530 (or its predecessor rule). The Rule provides that formal opinions are advisory only.