

Opinion 49
March 1952
18 Baylor L. Rev. 217 (1966)

CONFLICTS OF INTERESTS - EMPLOYMENT - CITY ATTORNEY

A city attorney may practice criminal law in courts other than the corporation court.

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The fact that a city attorney represented persons charged with crime in courts other than the corporation court where city policemen testified as state's witness, in itself is not a violation of the Canons.

Canon 6.

QUESTIONS

1. Is it ethical for a city attorney to represent persons charged with crime in any court other than the corporation court?
2. Is it ethical for a city attorney to represent persons charged with crime in courts other than the corporation court where policeman of the city will testify as state's witnesses?

OPINION

1. All but one of the members of the committee are of the opinion that the practice of criminal law by a city attorney in any court other than the corporation court is permissible and not in violation of the Canons of Ethics. (8-1)
2. The committee is divided on whether or not the city attorney should be permitted to represent a person charged with crime in a court other than the corporation court where city policemen will be state's witnesses. The majority, however, are of the opinion that such representation in itself would not be in violation of the canons of legal ethics. All were of the opinion that the ethics of such representation would have to be based on the facts in the particular case and that in all events the city attorney should so conduct himself as to remain above all suspicion, even at personal financial sacrifice, should very carefully guard against situations that might give rise to criticism, not only of him personally but also of the Bar generally, and that he should, under no circumstances, use his office to gain advantage.