

Opinion 48
February 1952
18 Baylor L. Rev. 217 (1966)

CONFLICTS OF INTERESTS - EMPLOYMENT - COUNTY ATTORNEY IN PRIVATE PRACTICE

If a county attorney is consulted in his official capacity and not because of the prospective client's knowledge of his skill and ability as a lawyer, he may not accept employment in a civil matter. He may not accept civil cases which would interfere with the full and efficient handling of his official duties.

Canon 6.

QUESTION

Should a county attorney, in a county with a population of 20,000 to 100,000 who is paid a salary of \$4,000.00 or more a year and is furnished with a full-time assistant and stenographer, under the Canons of Ethics, engage in the private practice of the law, and in his private capacity in civil matters, accept employment from clients who come to his office to discuss their "rights."

OPINION

The committee is of the opinion that if the county attorney is consulted in his official capacity and not because of the prospective client's knowledge of his skill and ability as a lawyer, he should not accept employment in the civil matter. They also expressed the opinion that under no circumstances should a county attorney accept civil cases which would, in any manner, interfere with the full and efficient handling of his official duties and that he should not prostitute his office or turn it to his private advantage. We are of the opinion that if the prospective client did not consult the county attorney in his official capacity there is no prohibition against his accepting employment in a civil case. (8-0)