

Utah Ethics Opinions

1972.

9. USB EAOB Opinion No. 9

Ethics Advisory Opinion No. 9

Approved June 7, 1972

Summary: A special assistant attorney general may represent a client in a civil matter before a municipality.

Opinion: From the fact recital given by Mr. Campbell, we do not see any actual conflict of interest.

However, his position is that of a special assistant attorney general for air matters, and this brings into consideration Canon of the Code of Professional Responsibility, and more specifically, EC 9-2.

The former Canon of Ethics dealing with this problem was Canon No. 6. Under the former Canon, the cases developed the concept that an attorney should avoid the appearance of impropriety, hence the new Code of Professional Responsibility, in effect, is codifying what the prior opinions had laid down.

In analyzing the matter, the question is as to the effect a special assistant attorney general status might give an individual in dealing with other public bodies, and the ability this may or may not give him to obtain from them, information usable for the benefit of a private client.

More specifically, would this status enable him to obtain information from Salt Lake City relating to its plans for airport expansion, or even more specifically, would it appear to the public that he might obtain inside information under such circumstances, for this private client?

The former of the two questions would, to our minds, be answered negatively. That is to say, Mr. Campbell has been fighting with the city on behalf of his private client for some time over the fact the city would not allow Jelco to develop the property, relying on its zoning authority, and it has been a publicly known fact that the city has been eyeing the Jelco property for airport expansion for several years.

Under these circumstances, we doubt that any responsible officials of Salt Lake City would be misled into giving Mr. Campbell any information of a private nature concerning the airport expansion plans regardless of his status as a special assistant attorney general.

Salt Lake City is only one of several agencies participating

in the benefits of Mr. Campbell's activities as a special assistant attorney general and has every right to have counsel of its own represent its special interests.

We are of the opinion that there is no ethical breach involved in the facts as they are stated.