

Utah Ethics Opinions

1978.

48. USB EAOOC Opinion No. 48

Utah State Bar

Ethics Advisory Opinion No. 48

Approved July 28, 1978

Summary: A Salt Lake County municipal attorney may not represent criminal defendants in other jurisdictions.

Comment: See Utah Opinion 10.

Facts: Inquiry has been made as to the ethical propriety of a municipal attorney whose duties consist of prosecuting misdemeanor citations on a part time basis, representing criminal defendants in courts outside of the municipal court's jurisdiction. The attorney practices and is employed within Salt Lake County.

Opinion: This question has been previously addressed by the Ethics Committee in Utah Opinion 10. That opinion held that an exception to the usual rules prohibiting such dual representation would be effective in counties outside of Salt Lake County. That exception was based solely on practical necessities and not on ethical considerations. From an ethical standpoint, such dual representation is prohibited. The Ethics Committee is not of a mind to change that former holding at this time. Therefore, the inquiring attorney may not represent both the municipality and criminal defendants.

Rule Cited:

Utah Opinion 10