

## Utah Ethics Opinions

1965.

### 1. USB EAOB Opinion No. 1

Ethics Advisory Opinion No. 1

Approved February 1, 1965

**Summary:** Deputy county attorneys should not be assigned to represent indigent defendants in other counties.

**Comments:** See Utah Opinions 6, 10, 48 and 73

**Facts:** Our attention has been called to a practice which has apparently arisen in some of the districts of the state where the district judges have felt at liberty to assign deputy county attorneys to represent indigent defendants in other counties within the district.

**Opinion:** The Board of Commissioners has several times ruled that it is improper under Canons 6 and 29 for a prosecutor to handle the defense of criminal matters in the same and other counties. In this they are fortified by several opinions of the American Bar Association reflecting this point of view. ABA Formal Opinions 30, 118, 186, 292A, 293A.

The same reasons which impel the Commission to take this view in compensated matters are present with equal force in matters where counsel is assigned.

The Commission is cognizant of the high duty and responsibility placed upon attorneys in the defense of indigents, and we are all, as attorneys, justifiably proud of the unselfish work that is done in representation of indigents. The Commission is also mindful of the responsibility of the courts to insure that indigents charged with crimes are adequately protected by assignment of counsel to represent them and the problem of assignment which arises where the volume of such indigent defenses has risen sharply since *Gideon vs. Wainwright* and similar cases.

**References:** ABA Informal Opinions 1111, 1285; Canon 5, EC 5-14 DR 5-105; Canon 9, DR 9-101(B).