



Committee on Professional Ethics

Opinion #333 - 3/21/74 (9-74) Topic: Conflict of interest

Digest: Not improper for associate of special town attorney to represent owners in condemnation proceedings by condemnors other than the town.

Code: Canon 5
EC 5-1, 5-14
Former Canon 6

QUESTION

May an attorney associated with and who assists a special town attorney in condemnation matters for the town, represent owners in condemnation proceedings by condemnors other than the town?

OPINION

Canon 5 provides that a lawyer should exercise independent professional judgment on behalf of a client. EC 5-1 provides that neither his personal interests, the interests of other clients, nor the desires of third persons should be permitted to dilute his loyalty to a client. EC 5-14 precludes acceptance or continuation of employment that will adversely affect his judgment on behalf of or dilute his loyalty to a client.

As stated in Former Canon 6, a lawyer represents conflicting interests when, on behalf of one client, it is his duty to contend for that which duty to another client requires him to oppose.

Within these caveats, so long as the attorney avoids all matters involving the town as a party and there is no relationship between the town and the condemning agency, and so long as the peculiar facts of the situation do not create a conflict or an appearance of a conflict, there is no impropriety in his representation of owners of property in condemnation proceedings brought by other public or private entities having condemnation power. Cf. N.Y. State 292 (1973).
