

KENTUCKY BAR ASSOCIATION
Ethics Opinion KBA E-347
Issued: March 1991 (Revised June 1991)

Question: A lawyer is a member of Zoning Board or Planning Commission. May his partners or associates represent clients before the Board or Commission if the lawyer member disqualifies himself from any participation in the matter?

Answer: No.

References: Rules 1.7(b), 1.11; New Jersey Op. 15, Maru doc. 1501; Michigan Op. 179, Maru. doc. 1353; KRS 100.171 and 100.220; 56 KLJ 556 (1968).

OPINION

The lawyer member of the Board or Commission may not represent clients before the Board. Rule 1.7(b). We are of the opinion that the maintenance of public confidence in the profession demands that the lawyer's partners and associates also be disqualified from representing clients before the Board or Commission. *Cf.* Rule 1.10. KRS 100.171 and 100.220 are not controlling, since the matter is one of professional ethics.

Note to Reader

This ethics opinion has been formally adopted by the Board of Governors of the Kentucky Bar Association under the provisions of Kentucky Supreme Court Rule 3.530 (or its predecessor rule). Note that the Rule provides: "Both informal and formal opinions shall be advisory only; however, no attorney shall be disciplined for any professional act on his part performed in compliance with an opinion furnished to him on his petition, provided his petition clearly, fairly, accurately and completely states his contemplated professional act."