

---

**E-69-1      Municipal Justice of the Peace: Possible  
conflict**

---

1. Is it proper for a Municipal Justice of the Peace to represent police officers of the same municipality in wage negotiations with that city?

2. Is it proper for an attorney, who is also a Municipal Justice of the Peace, to represent private clients in opposition to the interests of the city as determined by its council (i.e., special assessments levied by the common council)?

The committee is of the opinion that both questions should be answered in the negative.

A Municipal Justice of the Peace is, pursuant to Secs. 62.09 and 62.24 Wis. Stats., an officer of the city against which he proposes to represent adverse interests.

The public and private duties would be incompatible.

Canon 6 (Professional Ethics) holds in part:

“It is unprofessional to represent conflicting interests, except by express consent of all concerned given after a full disclosure of the facts.”

(Informal ABA Opinion 289 interpreting this Canon has held that a lawyer who is an employee should not take employee cases against the employer.)

Canon 4 (Judicial Ethics) holds in part:

“A judge’s official conduct should be free from impropriety, and the appearance of impropriety; . . .”

Canon 24 (Judicial Ethics) holds in part:

“A judge should not accept inconsistent duties; . . .”

Canon 31 (Judicial Ethics) holds in part:

“In such cases one (a judge) who practices law is in a position of great delicacy and must be scrupulously careful to avoid conduct in his practice whereby he utilizes or seems to utilize his judicial position to further his professional success.”