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**E-80-12 Public defender candidate for D.A.**

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**Question**

May a public defender, or an employee of that office, become a candidate for the office of district attorney while continuing to defend indigent clients under the present public defender system?

**Opinion**

The committee knows of no Canon of Professional Ethics or Disciplinary Rule that prohibits such action and, therefore, reply in the affirmative.

However, anyone becoming a candidate for such office is cautioned to be alert to certain applicable rules under the Code of Professional Responsibility. Those to which the committee particularly desires to call your attention are:

SCR 20.22, Preservation of Confidences and Secrets of a Client;

SCR 23.23, A lawyer should exercise independent professional judgment on behalf of a client;

SCR 20.48, A lawyer should avoid even the appearance of professional impropriety.

Although the committee does not repeat the above sections in detail, the committee calls them to your attention for your consideration and review, as well as the applicable ethical considerations.

To the foregoing, the committee adds one further caveat: Should the candidate be elected to the office of district attorney, he or she would be prohibited from acting as prosecutor in, or participating in, any criminal action which had been referred to the Office of State Public Defender prior to the candidate's separation from that office.