
E-86-13 Lay employee: Multiple part-time employment with different governmental offices

Facts

An office of the district attorney will be hiring a part-time non-lawyer in the very near future. The County Board is also considering hiring that very same person to fill part-time duties in the Register in Probate's office. The register in probate is appointed and retained at the pleasure of the circuit judge. The register in probate's office is responsible for answering phone calls for the circuit judge when he/she and his/her reporter are on the bench. Additionally, the circuit judge has indicated that he/she may sometimes utilize the part-time employee for various unspecified tasks.

Question

May the District Attorney's office ethically employ someone part-time under these circumstances?

Opinion

No per se prohibition exists against a public or private law office employing part-time non-lawyers who have other law related employment. In fact, the *Code of Professional Responsibility* (hereinafter cited as "SCR Chapter 20") and ABA *Model Rules of Professional Conduct* (hereinafter cited as "Model Rules") expressly acknowledge the roles of non-lawyer employees, whether full or part time. See SCR 20.21(2) and (5) and SCR 20.22(3); and Model Rules, Rule 5.3.

Therefore, assuming that the judge and district attorney, on your facts, exercise reasonable care in instructing and supervising the shared employee regarding strict observance of ethical rules pertaining to confidentiality of communications and documents of the respective offices the proposed employment relationship would be permissible. See generally Ethics Committee of the Board of Professional Responsibility of the Supreme Court of Tennessee, Formal Ethics Opinion 85-F-99 (9/12/85), reported at ABA/BNA Lawyers' Manual on

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WISCONSIN ETHICS OPINIONS

Professional Conduct, sec. 801:8118, and at Tennessee Bar Journal, page 37
(May/June 1986).