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**E-87-1      City attorney/conflict of interest:  
Advocate and advisor to appellate board  
in the same matter**

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**Question**

May a city attorney's office ethically serve both as an advocate of the city and a advisor to an appellate board or commission of the city in proceedings involving the same matter?

**Opinion**

In Formal Opinion E-83-12 [57 Wis. Bar Bull. 84 (June 1984)], the Committee on Professional Ethics concluded:

The city attorney is asked to be both a zealous advocate of the complaining party and advisor to the impartial trier of fact. The Professional Ethics Committee is not convinced that a city attorney can adequately serve both these competing interests. Moreover, even if such a dual representation were proper, the appearance of impropriety is overwhelming. *See* SCR 20.48.

Based on the same reasons and concerns in E-83-12, the committee expands its holding in E-83-12 to include all proceedings in which city attorneys may be called upon to serve both as advocates and advisors to administrative tribunals. To hold otherwise would be inconsistent with the spirit or letter of numerous court rules relating to lawyers' conduct, which seek to insure the integrity and impartiality of judicial and administrative tribunals. *See, e.g.*, SCR 11.08, SCR 20.34(2)(1), SCR 20.34(3)(q), SCR 20.44, SCR 20.46(2), SCR 20.48(4) and SCR 20.49(3).