
**E-90-5 City attorney as defense counsel in state
prosecutions**

Question

May a part-time city attorney or a member of the city attorney's law firm represent defendants in state prosecutions in which city law enforcement personnel are potential witnesses?

Opinion

The committee concludes that such representation should not be accepted unless the lawyer or law firm can fully comply with SCR 20:1.7(b). Compliance with SCR 20:1.7(b) would require obtaining the informed written consents of the appropriate city officials and the defense client. While the defense client he appropriate city officials and the defense client. While the defense client could reasonably question the lawyer's loyalty when the lawyer has a close working relationship with the testifying city law enforcement officer, the city may be concerned about its city attorney attacking the credibility of its officers. *See generally* Committee on Professional Ethics Formal Opinion E-86-14 (1986).

In concluding that the proposed representation is not absolutely prohibited by the *Rules of Professional Conduct for Attorneys* (SCR Chapter 20), we accordingly modify our prior formal opinions E-76-12 and E-81-3 in this respect.