
Wisconsin Memorandum Ethics Opinion 8/75 B

Municipal Attorney Conflict

Revised May 13, 2021

Question:

Is there an inherent conflict of interest in a lawyer's representation of both a municipality and an area sanitary district?

Opinion:

The answer to this question depends on whether the sanitary district is part of the municipality involved. This requires the lawyer to carefully examine whether under the enabling statutes the city, town or village is authorized to and has created a sanitary district that is part of the same entity, a question of law and fact beyond the scope of the disciplinary rules.

If the municipality and area sanitary district are not the same entity and thus not the same client, representation of both would be permissible unless their interests are directly adverse or there is a "significant risk" representation of one client would be materially limited by the lawyer's obligations to the other client. SCR 20:1.7(a). In such a situation representation of both would not be permissible unless the attorney reasonably believed they could provide "competent and diligent" representation to both, the representation was not "prohibited by law", did not involve a claim by one client against the other, SCR 20:1.7(b)(1)-(3), and both clients provided written informed consent. SCR 20:1.7(b)(4); *See also* A.B.A. Formal Opinion 97-405.