



**ILLINOIS STATE
BAR ASSOCIATION**

ISBA Advisory Opinion on Professional Conduct

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This Opinion was AFFIRMED by the Board of Governors in May 2010. Please see the 2010 Illinois Rules of Professional Conduct 1.7 and 1.10. This opinion was affirmed based on its general consistency with the 2010 Rules, although the specific standards referenced in it may be different from the 2010 Rules. Readers are encouraged to review and consider other applicable Rules and Comments, as well as any applicable case law or disciplinary decisions.

**Opinion No. 90-34
May 1991**

Topic: Conflict of Interest; Partners; City Attorney and Public Defender

Digest: It is permissible for two attorneys to form a partnership where one is a City Attorney prosecuting ordinance violation and the other is a part-time public defender in the same county. However, neither may defend clients charged with violations of said City's ordinances nor charges initiated or investigated by said City's Police Department.

Ref.: 1990 Illinois Rules of Professional Conduct, Rules 1.7, 1.10
ISBA Opinions 86-13, 823.

FACTS

Attorney A, engaged in the private practice of law, serves as City attorney prosecuting City ordinances. That same attorney defends criminal defendants as a regular course of his private practice. He defends no person where the acts charged may also constitute City ordinance violations or where the charges were initiated or will be supported by City Police Officers.

Attorney B, engaged in the private practice of law in the same city as Attorney A, independently contracts with the County to serve as an assistant public defender. Attorney B will not represent persons charged under State Statutes where the acts charged may also constitute City ordinance

violations or where the charges were initiated or will be supported by City Police Officers.

QUESTION

May Attorneys A and B form a partnership for the practice of law?

OPINION

The Committee has addressed this basic question numerous times. The facts in this case clearly define permissible conduct by these attorneys. (ISBA Opinions 86-13 and 823 are cited as representative of these opinions).

These attorneys are avoiding conflict of interest concerns under rules 1.7 and 1.10 by limiting their representation of certain clients. The key is not to represent clients charged with violation of the City ordinances or charged with State violations initiated or supported by that City's Police Department.

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