

Opinion 296
October 1964
18 Baylor L. Rev. 363 (1966)

CONFLICT OF INTERESTS - COUNTY ATTORNEY - EMINENT DOMAIN

An Assistant County Attorney, with the express consent of all concerned given after a full disclosure of the facts, may represent property owners in eminent domain proceedings in which the county is in no way involved.

QUESTIONS

First, where an Assistant County Attorney handles all proceedings in eminent domain for the county of his employment, and is at the same time, with the knowledge and consent of the Commissioners Court of said county, actively engaged in the private practice of law, would it be unethical for said attorney to defend clients in proceedings in eminent domain brought by cities and other condemning authorities located and doing business in said county, but in which cases the county is in no way involved, and said attorney has no connection with said condemning authorities nor does he have any access to their files or confidential information?

Secondly, would it be unethical for said attorney to represent clients against a city or other condemning authority in a condemnation case where the authority is participating said project jointly with the State

Thirdly, would it be unethical for said attorney to represent clients in condemnation cases where the condemning authority is a county other than the one which employs said attorney?

OPINION

Under the facts assumed in each of the three questions, it appears that there is no conflict of interest between the county and the attorney's other clients and therefore no violation of Canon 6. However, the attorney should observe the requirements of Canon 6 by disclosing to his clients all the circumstances of his relations to the parties, and any interest in, or connection with the controversy which might influence the client in the selection of counsel, and by not divulging his clients' secrets or confidences. Whether the attorney can maintain satisfactory relations with clients on opposite sides of the docket is a matter for his own good judgment and not a question of ethics. (9-0.)