

**Opinion 32**  
**October 1950**  
**18 Baylor L. Rev. 210 (1966)**

**CONFLICTING INTERESTS - CRIMINAL DISTRICT ATTORNEYS - PROSECUTION OF RELATIVES**

A criminal district attorney may not prosecute a relative.

Canon 6.

**QUESTION**

Should the duly-elected criminal district attorney conduct the prosecution of a relative who is charged with the commission of an offense?

**OPINION**

It is the unanimous opinion of the committee that the prosecution of a relative by the duly-elected criminal district attorney would violate the spirit, if not the letter, of Canon 6 of both the State Bar of Texas and the American Bar Association. Canon 6 requires a lawyer to avoid adverse influences and conflicting interests, and, as one member of the committee has very ably expressed it: "It is quite obvious that if the defendant should be acquitted, or if the district attorney should feel after putting on his evidence that the case should be dismissed in order to bring about substantial justice, he would never be able to explain such action to the prosecuting witness or witnesses, and they would always believe that he took such action because of his relationship to the defendant."

The committee feels that the district attorney should recuse himself and the case should be prosecuted by someone who is not related to the defendant. (10-0)