

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE

Senate Bill 1037

(Senator Pipkin)

Judicial Proceedings

**County Attorneys - Representation of Person That Does Business with the
County - Prohibition**

This bill prohibits a county attorney or an assistant county attorney from knowingly representing a person that does business with the county.

Fiscal Summary

State Effect: None.

Local Effect: The bill should not materially impact local government finances.

Small Business Effect: None.

Analysis

Current Law/Background: According to the Maryland Lawyers' Rules of Professional Conduct, a lawyer must not represent a client if the representation involves a conflict of interest. A conflict of interests exists if the representation of one client will be directly adverse to another client or if there is a significant risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client, former client, a third person, or by personal interest of the lawyer.

A lawyer, however, may represent a client if (1) the lawyer reasonably believes that he/she will be able to provide competent and diligent representation to each affected client; (2) the representation is not prohibited by law; (3) the representation does not involve the assertion of a claim by one client against another client represented by the

lawyer in the same litigation or other proceeding before a tribunal; and (4) each affected client gives informed written consent.

In addition to being subject to the above rules and unless otherwise expressly permitted by law, a lawyer currently serving as a public officer or employee must not participate in a matter in which he/she participated personally and substantially while in private practice or nongovernmental employment, unless the appropriate government agency gives informed written consent.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Association of Counties, Department of Legislative Services

Fiscal Note History: First Reader - April 6, 2007
mll/hlb

Analysis by: Joshua A. Watters

Direct Inquiries to:
(410) 946-5510
(301) 970-5510