

May 28, 2003

Re:10-03-35

You inquired whether a county council member who is also a lawyer may defend clients on criminal charges in the county when county police officers are involved as witnesses. The ethics commission advises that this activity is permissible because the county does not have a "legal interest" in the matter.

Section 3-105(c)(1) prohibits a county employee from representing a person in connection "with a matter in which the County has an interest, except in the course of the employee's *official* duties". The county is not a party to a criminal proceeding and so it does not have a legal interest - although it may be interested - in the matter. In AO-02-151, the ethics commission advised that a county employee may testify as an expert witness in court in a matter in which the county was a witness but not a party to the matter. The situation you describe is no different.

Thank you for your inquiry.

Sincerely,

Betsy K. Dawson  
Executive Director