

January 19, 2007

Re: AO-06-99

You inquired whether you may represent an entity in your private law practice when, as a former attorney, you participated in discussions about a building moratorium that would have directly affected this entity. The ethics commission advises that you may represent this entity as to any matter that is not related to a moratorium that may affect the entity.

As a former county attorney, §7-5-105 of the ethics law prohibits you from working on a specific matter on behalf of a private client, if you participated significantly in that same matter as an employee, or if you had information that was confidential at the time you undertook the representation or assistance of the private client.

After conferring with the office of law, the ethics commission concluded that you did participate significantly in discussions about a moratorium that would directly affect this client. The commission also concluded that you have confidential information about this same matter.

Because you possess confidential information, the ethics commission is also concerned about representation of this client by your law firm in the event that the moratorium issue is renewed. Although the ethics law does not apply to your firm, and even though you would surely establish ethical barriers between yourself and the firm's other attorneys, representation of this client by your firm in this matter could easily create the appearance of a conflict of interest.

Thank you for your inquiry. If you have any additional questions, please contact us.

Anne Arundel County Ethics Commission

By: \_\_\_\_\_  
Betsy K. Dawson, Executive Director