

February 28, 2007

Re: AO-07-18

You inquired whether the ethics laws would prohibit you from representing your community in dealing with the school board on a redistricting matter. The question arises because in addition to being a lawyer in private practice, you are also a member of the Anne Arundel County Commission on Disability Issues. You have also asked whether you may represent this client in the event that it files or otherwise participates in a lawsuit against the school board. The ethics commission advises that you may not assist or represent these clients in this matter.

As a member of a county commission, you are subject to the ethics law. §7-1-101(5). The ethics law, §7-5-104 prohibits an employee, or in your case, a volunteer, from assisting or representing a person in any matter in which the county has an interest. In several opinions, the ethics commission has advised that the county must have a legal or economic interest in the matter and that the interest is of an adversarial nature.

In [AO-96-104](#), the ethics commission advised a member of the planning advisory board that representation of plaintiffs in a suit against the school board would violate §3-105, the predecessor provision to current §7-5-104. Even though you serve on a county commission that has no specific connection to the board of education, this provision of law is an absolute bar to any county employee or volunteer covered by the ethics law. The county has an economic interest in the outcome of any redistricting matter since redistricting may well affect capital programs and the capital budget.

For this reason, the ethics commission advises that you may not assist or represent plaintiffs or potential plaintiffs in any matter that may adversely affect the county's economic interests.

Anne Arundel County Ethics Commission

By: _____
Betsy K. Dawson, Executive Director