

---

**E-86-12     Lawyer holding legislative office  
representing persons in proceedings in  
which employees of the same  
governmental unit testify**

---

**Question**

May a lawyer-county board member or state legislator represent persons in Chapter 48 (Children's Code) and Chapter 49 (Public Assistance) proceedings in which employees of the same governmental unit testify?

**Opinion**

Provided that a lawyer-legislator or lawyer-county board member abstains from participating in or otherwise attempting to influence legislative actions specifically and directly affecting such employees individually (e.g., establishment of salary or conduct of a personnel action), the Professional Ethics Committee believes that no basis exists for a per se prohibition against such representation. *See, e.g.*, State Bar Formal Ethics Opinion E-75-25, 57 Wis. Bar Bull. 54-55 (June 1984); and, in accord, *Gomez v. Superior Court*, 149 Ariz. 223, 717 P.2d 902 (1986).

However, the committee would remind such lawyers of the prohibition against using a public position to gain an advantage for him or herself or a client. SCR 20.46(2), SCR 20.48(4) and SCR 20.49(3).