
**E-89-15 City attorneys, combining advisor and
prosecutor roles: Clarification of
E-83-12 and E-87-1**

Questions

1. May a city attorney who acts as advisor for the majority of city committee and common council business act as an advocate for the city before a committee or the council on matters for which the committee or council has independent counsel?
2. If the answer to Question 1 is yes, may the city attorney also act as advisor to the committee in question or the council on unrelated agenda items at the same meeting?

Opinion

We would answer both questions, yes. The professional conduct implications of the combined advocate-advisor role are adequately resolved by separating those roles *in the same matter*. See, e.g., Committee on Professional Ethics Formal Opinions E-83-12 and E-87-1. If any greater separation of roles is required by due process considerations, that would be a question of law which this committee is not authorized to answer. See, e.g., E-83-12, last paragraph.