

**KENTUCKY BAR ASSOCIATION**  
**Ethics Opinion KBA E-88**  
Issued: March 1974

***This opinion was decided under the Code of Professional Responsibility, which was in effect from 1971 to 1990. Lawyers should consult the current version of the Rules of Professional Conduct and Comments, SCR 3.130 (available at <http://www.kybar.org>), before relying on this opinion.***

**Question:** May a county attorney represent a city in the same county on a contract basis?

**Answer:** Yes.

**References:** DR 5-105

**OPINION**

The Ethics Committee has been asked to determine whether a county attorney may properly represent a city in the same county on a contract basis.

Under our statutes a county attorney is of course permitted to maintain a private practice in addition to the performance of his official duties. In the conduct of that practice, he is bound by the requirements of DR 5-105 to decline proffered employment if the exercise of his independent professional judgment in behalf of the county will or is likely to be adversely affected by the acceptance of such employment.

Measured against this standard, it does not appear that representation of a city on a contract basis by the county attorney would necessarily impair his judgment in behalf of the county. Accordingly, the Committee finds nothing unethical in the proposed employment so long as such representation does not require participation in activities that bring him into conflict with the performance of official duties for the county.

---

***Note to Reader***

*This ethics opinion has been formally adopted by the Board of Governors of the Kentucky Bar Association under the provisions of Kentucky Supreme Court Rule 3.530 (or its predecessor rule). The Rule provides that formal opinions are advisory only.*