

MAINE STATE LEGISLATURE

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December 7, 1971

Mr. Gerald E. Talbot
132 Glenwood Avenue
Portland, Maine

Dear Mr. Talbot:

I have your letter of November 23, 1971 and am sorry to be so late in answering. I have been quite swamped with work and my secretary has been out of the office during this period.

You have asked whether or not there is a conflict of interest or incompatibility between a part-time corporation counsel and his doing private legal practice.

There is no incompatibility between a part-time corporation counsel and the doing of private legal practice. The very fact that the city will not hire a corporation counsel on a full-time basis indicates that there can be no incompatibility.

There will may be instances in which there could be a conflict of interest when a client of a lawyer is involved with some city department of which he is also the attorney. This is not an unusual situation as every city in this state has part-time corporation counsel by whatever title they may be called. I might also point out to you that the same thing applies to the Attorney General and to County Attorneys. Both of these positions are part-time. There occasionally arises a conflict of interest and the attorney holding the position must disqualify himself from handling the matter both as a private attorney and as a public official. I might indicate that this office occasionally has to prosecute cases on behalf of the County Attorney because one of his clients or former clients becomes embroiled with the law and he believes he should not handle the prosecution of the case.

Mr. Gerald E. Talbot

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I would feel very sure that any corporation counsel would refuse to act both for his private client and the city in the event of such a situation arising. He would recommend that his client obtain other counsel and would require his assistant corporation counsel to handle the matter on behalf of the city.

You may not agree with what I have said, but there is no other solution to the problem so long as public officials acting as legal counsel for the state or political subdivisions are hired on a part-time basis. No one can expect a lawyer to operate on a part-time basis without supplementing his income from his private practice.

Very truly yours,

GEORGE C. WEST
Deputy Attorney General

GCW:mfe

blind cc: Robert W. Donovan, Esq.