

Nebraska Ethics Advisory Opinion for Lawyers  
No. 80-8

A COUNTY ATTORNEY MAY SERVE ON THE BOARD OF DIRECTORS A LEGAL SERVICE CORPORATION OPERATING IN HIS COUNTY PROVIDED THE PRINCIPLES AND STANDARDS REFERRED TO IN FORMAL OPINIONS 345 AND 334 OF THE COMMITTEE ON ETHICS AND PROFESSIONAL RESPONSIBILITY OF THE AMERICAN BAR ASSOCIATION ARE COMPLIED WITH.

FACTS

An advisory opinion has been requested from this Committee on the question of whether a County Attorney can serve on the Board of Directors of the Legal Services of Southeast Nebraska. The specific inquiry was whether this would constitute a conflict of interest. Specific reference is made to the opinion of this Committee wherein we stated that if a lawyer member of the Board of Directors of a legal services program or corporation complies with and observes the principles and standards referred to in Formal Opinions 345 and 334 of the Committee on Ethics and Professional Responsibility of the American Bar Association, that they would not be subject to disciplinary action or criticism under the Code of Professional Responsibility of the Nebraska State Bar Association.

That opinion of this Committee had specific reference to situations where the lawyer members of the Board of Directors of legal services corporations or programs might represent interests or clients adverse to those being represented by staff attorneys of the legal services corporation or program.

CONCLUSION

It is our opinion that the same standards and criteria apply to a lawyer who serves as a county attorney.

The most important principle which must be observed is that the Board of Directors of a legal services corporation must limit itself to establishing broad policies governing the operation of the program, and must not interfere or in any manner attempt to influence a staff attorney or his independent professional judgment in the handling of the case.

Attached to this opinion for specific reference and guidance are copies of Formal Opinion No. 324 adopted August 9, 1970, and Formal Opinion No. 345 adopted July 12, 1979, by the Committee on Ethics and Professional Responsibility of the American Bar Association. Specific attention should be given to the restrictions placed upon the role of the Board of Directors of a legal services corporation or program.

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