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Opinion No. 28 of the Ethics Committee of the Colorado Bar Association Adopted May 18, 1963

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May 18, 1963**

BAR BRIEFS

OPINION NO. 28 OF THE ETHCS COMMITTEE OF THE COLORADO BAR ASSOCIATION ADOPTED MAY 18, 1963

SYLLABUS

When a member of a law firm is elected or appointed to a full-time governmental office, not in the judiciary, he may properly retain membership in his firm if he intends to resume active practice after he completes the term of his office.

FACTS

An attorney who is a member of a law firm is elected or appointed to a governmental office, not in the judiciary, which will require that he devote his full time to the discharge of his official duties during the term of his office. Should he, prior to assuming the duties of his public office, resign from his firm, and should his name be removed from the firm name?

OPINION

The Committee is of the opinion that the Canons of Professional Ethics do not require an attorney who is elected or appointed to a governmental office, not in the judiciary, to resign from his law firm when it is his intention at the time of his election or appointment, to resume active practice with his firm after he completes the term of his public office. (See Opinion 192 of the Committee on Professional Ethics of the American Bar Association.) However, when an attorney enters governmental service he should exercise care to see that no imposition or deception is practiced through the continued association of his name with his firm. Accordingly, we believe good practice requires that the words "(on temporary leave of absence)," "(in governmental service)" or words of similar import be added to the firm letterhead and the firm identification placard, immediately following the name of the attorney who has entered governmental service.

It should be observed that an attorney who retains membership in his firm after entering governmental service may thereby disqualify his firm, for either statutory or ethical reasons, from representing the interests of clients before certain governmental agencies.

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