

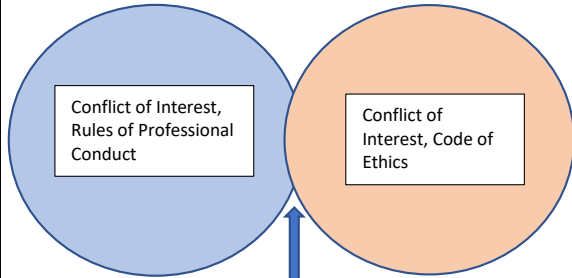
Conflict of Interest: Rules of Professional Conduct vs. Code of Ethics

Rules of Professional Conduct
 (Governs conflicts in the practice of law, focus on attorney/client relationship)

Follow RPC Process/Procedures

Example #1: A State attorney is assigned to sue a company for polluting State property. Two years ago, the attorney represented the company in a similar lawsuit on behalf of a municipality while in private practice. ~~Recuse under RPC,~~ **NOT CoE.**

Example #2: An attorney in private practice represented husband in divorce proceedings. Later, as a government attorney, he is asked to initiate the process to establish a support order against his former client. ~~Recuse under RPC,~~ **NOT CoE.**



Example #1: A State attorney is assigned to prosecute a burglary. She finds out the defendant is her sister. ~~CoE & RPC.~~

*In the rare situation where conflicts of interest under the RPC & CoE overlap, the course of action will clear: "recuse". No conflict re which process/procedure to follow. Either one directs the same result.

The RPC & COE are on parallel tracks, not competing tracks.

Code of Ethics
 (Governs conflicts outside ~~the outside~~ the practice of law, focus on official actions taken as government employee)

Follow CoE Process/Procedures

Example #1: An attorney employee working for the Agency of Transportation is assigned to a hiring committee. One of the candidates for a job is the attorney's brother-in-law. ~~Recuse under CoE,~~ **NOT RPC.**

Example #2: A State attorney is assigned to negotiate a service contract with a small business, his roommate owns 10% of the business. ~~Recuse under CoE,~~ **NOT RPC.**

Example #3: A State attorney is asked to join an internal committee that is tasked with coming up with investigative priorities. One of the proposed targets is a business where the attorney's spouse is CEO. ~~Recuse under CoE NOT RPC.~~

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