

Advisory Opinion No. 92-18

A high-level public servant has asked the Conflicts of Interest Board whether he is required to recuse himself from discussions and votes of a local bar association's committee which is considering filing an amicus brief in a contemplated lawsuit against the City.

Pursuant to Charter Section 2604(b)(7), a public servant is prohibited from appearing as attorney or counsel against the interests of the City in any litigation to which the City is a party. The Board has concluded that "appear" includes participation in meetings during which a contemplated lawsuit against the City is discussed.

It is the opinion of the Board that it would be inconsistent with the conflicts of interest provisions of Chapter 68 for this public servant to participate in the committee's discussions regarding the contemplated litigation against the City and to vote on matters

pertaining to the preparation and submission of the brief.

Further, the Board recommends that the public servant disclose his City employment to the other members of the committee thereby giving the committee an opportunity to consider a formal waiver of the attorney-client relationship.

Beryl R. Jones
Acting Chair

Benjamin Gim

Shirley Adelson Siegel

Dated: August 3, 1992

Sheldon Oliensis and Robert J. McGuire
recused themselves from this matter.