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NEW HAMPSHIRE BAR ASSOCIATION

Ethics Committee Advisory Opinion

Municipal Representation Conflicts- School District Moderator/Counsel for Teachers' Union

June 15, 1982

ADVISORY OPINION

ADOPTED BY COMMITTEE: JUNE 15, 1982

Municipal Representation Conflicts- School District Moderator/Counsel for Teachers' Union

The question has been asked whether it would be improper for an attorney to represent the New Hampshire Federation of Teachers and at the same time serve as moderator of a school district in which a local affiliate of the NHFT/AFT is the collective bargaining agent for the district's teachers.

The Committee is of the opinion that it would be improper to act as both Moderator for the Town A School District and at the same time represent the New Hampshire Federation of Teachers, which apparently is the umbrella organization for the Town A Federation of Teachers. The inquiring attorney's letter indicates that if there were ever a dispute between the Town A School District and the Town A teachers, he would act as legal counsel on behalf of the teachers.

The Committee is not aware of the inquiring attorney's specific functions as moderator for the Town A School District meetings, but we assume that he has an active role in school district affairs. On some occasions he may act as the representative for the school district, and on other occasions, he may be representing teachers in an adversary proceeding against the school district. For this reason, the dual roles would be viewed as an appearance of impropriety. (See DR5-101 (A) and New Hampshire Law Weekly February 10, 1982 and May 20, 1980 for similar opinions).