

CONNECTICUT STATE ETHICS COMMISSION
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Rev. Thomas J. Lynch, *Chairman*
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ADVISORY OPINION NUMBER 79-7

Representation of an Estate by an Attorney-Legislator

A member of the General Assembly who is also an attorney has been requested to act as counsel to one of the executors of an estate. The Bureau of Collection Services, Department of Administrative Services, has a claim against the estate, for medical services provided by the State, which the executors are going to contest. The legislator has asked whether he may represent the estate in opposing the State's claim.

As defined in the Code of Ethics for Public Officials a legislator is a public official. Section 1-79(j), General Statutes. That Code prohibits, in general and in specific terms, public officials from carrying on certain activities. Section 1-84, *id.* Specifically, a public official may not represent another for compensation before certain designated State agencies. Section 1-84(d), *id.* Neither any part of the Department of Administrative Services nor the State courts, in which the probate matter may eventually be resolved, are included in the State agencies listed in section 1-84(d), *supra.* The general provisions of section 1-84, *supra*, (e.g. unauthorized use of public office) do have to be obeyed by a public official when he is allowed to represent another, but none of them would prevent the representation in question here.

In summary, insofar as the Code of Ethics for Public Officials is concerned, an attorney-legislator may represent an estate which is contesting a claim by the Bureau of Collection Services, so long as he complies with the provisions of section 1-84, General Statutes. Subsection (d) of that section does not prohibit such representation. The legislator, of course, must be prepared to excuse himself from voting or deliberating or taking action on certain matters, in accordance with the procedures of section 1-86, General Statutes, should the representation ever involve an interest which is in substantial conflict with the proper discharge of his duties.

By order of the Commission,

Handwritten signature of Thomas J. Lynch in cursive.

Rev. Thomas J. Lynch
Chairman

Dated March 8, 1979

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