



THE IOWA STATE BAR ASSOCIATION

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Chair, Ethics and Practice Guidelines Committee

April 16, 2007

Mr. Dwight Dinkla
Executive Director
Iowa State Bar Association
521 East Locust
Des Moines, IA 50309-1939

Re: Ethics Opinion: 07-01

Dear Mr. Dinkla:

The Committee has received a request for opinion regarding the ability of a recently-retired assistant county attorney to accept criminal or juvenile court appointments or privately represent individuals in the criminal justice system in matters which are being processed by the county attorney's office. The concern is whether this would constitute a conflict of interest under Iowa Rule of Professional Responsibility 32.1.9.

As our prior Committee noted in Ethics Opinion 98-09, Iowa has no "cooling off" period. The Committee is of the opinion that there is no conflict or violation of Iowa Rule of Professional Responsibility Rule 32:1.9, if the lawyer limits representation to court appointed or private clients, with whom the lawyer has had no previous involvement in the prior position as assistant county attorney and whose matter or case was not pending in that office during the time in which the lawyer was so employed. Furthermore, the Committee is of the opinion that the lawyer may take new matters or cases for appointed or private clients who have previously had matters or cases in the office of county attorney, provided the lawyer was not involved in the prior matter or had actual access to confidential or attorney-client privileged information concerning the client that would be relevant in the present matter. Cf. Ethics Opinion 98-25. All concerned are urged to take guidance from Iowa Supreme Court Attorney Disciplinary Board v. Johnson, 728 N.W.2d 199 (Iowa, 2007).

For the Committee:

NICK CRITELLI,
Chairman
Committee on Professional Ethics and Standards
Iowa State Bar Association

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