



TOWN OF SOUTHBURY

ETHICS COMMISSION

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Advisory Opinion Case No. 26-001a

Ms. Andrea Corcoran, who is the current Director of Senior Services for the Town of Southbury, is seeking the advice of the Ethics Commission regarding a pending program that the Southbury Senior Center is planning to have in the near future. Ms. Corcoran has outlined that there is a planned effort by a current Public Official (defined in the Code of Ethics, Section B-5) in town government, who also happens to be an attorney, to conduct a free Pro Bono legal clinic that will be hosted and held at the Senior Center in a short time.

The Southbury Senior Center has hosted free Pro Bono legal clinics for their membership like this in the past, but this is the first time that an attorney who is also a current Public Official will be involved in an activity like this. While other attorneys have provided this type of advice in the past, this is unusual and different. Ms. Corcoran has requested our advice to consider the following questions:

1. Is it ethically appropriate for an attorney, who is also a current Public Official, to provide free legal advice and participate in a clinic like this?
2. Is it ethically appropriate for the attorney, who is also a current Public Official, if subsequently contacted by a Senior Center member/clinic attendee after the free clinic is over, to later establish an attorney/client relationship and charge them for and derive some form of remuneration/payment for legal services resulting from this initial free encounter?
3. Should any disclosures, disclaimers, or other safeguards be recommended or required to warn clinic attendees about the circumstances surrounding the legal engagement from a Code of Ethics perspective before the clinic occurs?

In answer to these questions, it is the opinion of the Ethics Commission that the following conduct makes the most sense and is recommended:

- That any attorney, who is also a Public Official, may conduct and participate in a free Pro Bono legal clinic if that is the desire of the Senior Center staff, membership, and the attorney.

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- If the Public Official/attorney is subsequently contacted by a clinic attendee, the Public Official should refrain from performing any paid legal service(s) for any clinic attendee for the duration of their term of office within town government, meaning the Public Official/attorney should not derive any remuneration/payment for legal services until he/she is no longer serving in town government as a Public Official.
- While a disclosure or disclaimer of the situation to the clinic attendees is not a strict requirement, it is highly recommended. A written disclosure to the clinic attendees would fully inform them to the circumstances surrounding the situation.

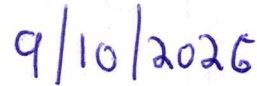
Public Officials should not use their influence or access to try to derive business, or even potential business, from a situation like this. While a Public Official can participate in a clinic like this, it is probably best not to do it at all while holding office.

The members of the Commission are very pleased that Ms. Corcoran asked for our advice so as to avoid any possible future complaint(s) that might have resulted from this situation.

By
The Ethics Commission for the Town of Southbury



Joseph R. Ruggiero Chairperson



Date