

You advise that you are an Assistant United States Attorney who will act as executrix or administratrix for a certain estate naming the United States of America as sole beneficiary. As administratrix you would not act as counsel. Furthermore, your office has retained a private attorney to probate the will and to handle all attorney functions.

You wish to know whether any conflict of interest or other ethical violations may arise as a result of your relationship as the employee of the sole beneficiary in a will and performing your obligations as administratrix of the estate.

The Committee opines that your acting as administratrix on behalf of the beneficiary, your employer, does not present a conflict of interest under the limited facts you have presented in your inquiry in light of the applicable disciplinary rules and ethical considerations. Since the beneficiary has engaged private counsel, it appears that no attorney-client relationship exists between you and your employer, and, as you have stated, you will not be in an advisory capacity as administratrix, nor will you act as counsel for the beneficiary. The Committee would advise that while no apparent ethical violation exists under the facts of your inquiry, we cannot opine as to whether statutory law may prohibit a federal government employee from acting as administratrix or executrix of an estate which names the United States of America the sole beneficiary.

If a situation should arise in which an attorney-client relationship may exist, you may provide the Committee with such additional pertinent information from which we can make a determination as to whether a conflict of interest exists.

Committee Opinion
January 4, 1989