

Committee Opinion
October 29, 1987

LEGAL ETHICS OPINION 987

CONFLICT OF INTEREST – HEARING
OFFICERS.

An attorney is a member of the local human rights committee (LHRC) at a certain Virginia treatment center. The LHRC reviews complaints by patients and advises the director of the facility as to action which should be taken to correct violations of rights of patients. The attorney also represents patients of the center in special education proceedings and commitment hearings. The attorney presently represents two patients of the center, one in a commitment proceeding and the other in a civil case in circuit court. Neither the center, any employees of the center, nor the LHRC are parties in the cases. The attorney will not sit as a member of the LHRC on any complaint brought by any present or former client.

The State Board of Mental Health and Retardation is a state regulatory board (Code of Va. § 2.1-20.4). That board appoints a state human rights committee which in turn appoints the local human rights committee. The committee can only presume that the LHRC must be considered a state agency regulatory board (SARB) as set forth in LE Op. 847.

It is not improper, given the above, for the attorney to represent the two clients while serving as a member of the LHRC. From the facts provided, it does not appear that the two cases which the attorney is presently handling are substantially related to those which the attorney would consider as a member of the LHRC.

The committee does advise that a potential for conflict may exist with future individuals which the attorney represents. [See also LE Op. 847]

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