



STATE OF KANSAS

*Office of the Attorney General*

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CURT T. SCHNEIDER  
*Attorney General*

April 4, 1975

Opinion No. 75-153

Mr. David L. Thompson  
Montgomery County Attorney  
Montgomery County Courthouse  
Independence, Kansas 67301

Dear Mr. Thompson:

You inquire whether it is "possible for a city commissioner of a city of the first class to represent criminal defendants in those cases where the investigation and apprehension of suspects was conducted by the police department of the same city of the first class." I know of no statutory provision which would prohibit a city commissioner from undertaking, in his practice of law, the defense of a defendant charged with an offense in an instance in which the suspect was arrested by city police officers.

Similarly, I know of no objection to such representation based upon the commissioner's holding of public office and incompatibility of the duties thereof with such representation.

This office has never undertaken to issue opinions based not upon questions of law, but on questions of professional ethics. Purely as a question of law, however, there is no disqualification flowing from the holding of municipal office which would bar the commissioner from undertaking the defense under the circumstances you pose.

Yours very truly,

CURT T. SCHNEIDER  
Attorney General

CTS:JRM:jj