



Ohio Board of Professional Conduct

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Conduct Board Advises on Conflicts of Part-Time Prosecutors

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COLUMBUS - The Ohio Board of Professional Conduct has issued an advisory opinion that addresses the appearance of a county prosecuting attorney before a part-time municipal judge who employs a part-time assistant prosecutor in a private law firm.

Examining first the dual practice of the assistant prosecutor, [Advisory Opinion 2022-01](#) concludes the assistant prosecutor's private employment with the part-time judge gives rise to a conflict of interest in the representation of the state that is prohibited by law and that cannot be waived by the client.

However, the Board reasoned that the conflicts of the assistant prosecutor are not imputed to the elected prosecutor who may appear before the part-time judge. The Board advises screening of the assistant prosecutor from matters that require the appearance of the prosecutor before the part-time judge. The opinion replaces Advisory Opinion 1988-013.

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