

Board Resolution

May 5-6, 1978

Re: representation by Corporation Board members of clients opposed by parties represented by legal services attorneys

RESOLVED, that the Board of Directors hereby adopts the following policies respecting representation of adverse parties by a legal services lawyer and a member of the Corporation's Board of Directors:

1. It shall be considered "malfeasance in office" within the meaning of Section 1601.12 of the Corporation's Bylaws, for a Board member to interfere with the independent professional judgment of a staff attorney.
2. Whenever the Board considers any matter specifically affecting a recipient that, during the term of a Board member, represented a party adverse to the client of the Board member, the member shall disclose the fact of adverse representation, and if appropriate, shall not participate in the discussion or vote.
3. Whenever a Board member and an employee of a recipient represent adverse parties, full disclosure of the Director's membership and of the other lawyer's employment by a recipient shall be made to each client, to the opposing party, and to the court.
4. Whenever a Board member knows that a lawyer with whom the member is associated is representing a party adverse to a client of a recipient, the member shall make every reasonable effort to avoid discussing the case or matter with the lawyer for either side.
5. The Board of Directors shall ask the special ABA Committee that is now studying the Code of Professional Responsibility to consider the question along with other ethical questions facing legal services and public interest lawyers, and shall reconsider the issue in light of any recommendations that may be made by the ABA Committee.