

1977 WL 37378 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 28, 1977

*1 Ileana N. Saros
Deputy Attorney General
Department of Law and Public Safety
Division of Criminal Justice
13 Roszel Road
Princeton New Jersey 08540

Dear Sir or Madam:

In response to your letter of June 14 concerning the question of whether the spouse of a Deputy Attorney General in the Division of Criminal Justice is precluded from engaging in the practice of criminal law on the defense side, I am enclosing herewith a case handed down by the Supreme Court of South Carolina in March 1976 in which the issue was raised with respect to dual representation in similar circumstances. This case was brought by me to determine the issue, and the Supreme Court stated that there was not legal or ethical objection to a member of this staff acting as defense counsel in a criminal case even though the Attorney General is the Chief Prosecuting Officer of the State and had directed a solicitor (prosecuting officer) from one of the circuits of the State to prosecute the case. A similar conclusion was reached with respect to the appearance of this Office in civil cases representing a member or employee of a county governing body and filing on behalf of such member or employee a counterclaim in an action brought against the individual whom he was representing.

I hope that this will be of some help to you.

With best wishes,
Very truly yours,

Daniel R. McLeod
Attorney General

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