

RULE 1.11 : Special Conflicts of Interest for Former and Current Government Officers and Employees

a. Except as law may otherwise expressly provide, a lawyer who has formerly served as a public officer or employee of the government:

1. shall comply with Rule 1.9(c); and
2. shall not represent a client in connection with a matter in which the lawyer participated personally and substantially as a public officer or employee, unless the appropriate government agency gives its informed consent, confirmed in writing, to the representation. This provision shall not apply to matters governed by Rule 1.12(a).

b. When a lawyer is disqualified from representation under paragraph (a), no lawyer in a firm with which that lawyer is associated may knowingly undertake or continue representation in such a matter unless:

1. the firm acts promptly and reasonably to:
 - i. notify, as appropriate, lawyers and nonlawyer personnel within the firm that the personally disqualified lawyer is prohibited from participating in the representation of the current client;
 - ii. implement effective screening procedures to prevent the flow of information about the matter between the personally disqualified lawyer and the others in the firm;
 - iii. ensure that the disqualified lawyer is apportioned no part of the fee therefrom; and
 - iv. give written notice to the appropriate government agency to enable it to ascertain compliance with the provisions of this Rule; and
2. there are no other circumstances in the particular representation that create an appearance of impropriety.

c. Except as law may otherwise expressly provide, a lawyer having information that the lawyer knows is confidential government information about a person, acquired when the lawyer was a public officer or employee, may not represent a private client whose interests are adverse to that person in a matter in which the information could be used to the material disadvantage of that person. As used in this Rule, the term “confidential government information” means information that has been obtained under governmental authority and that, at the time this Rule is applied, the government is prohibited by law from disclosing to the public or has a legal privilege not to disclose, and that is not otherwise available to the public. A firm with which that lawyer is associated may undertake or continue representation in the matter only if the disqualified lawyer is timely and effectively screened from any participation in the matter in accordance with the provisions of paragraph (b).

d. Except as law may otherwise expressly provide, a lawyer currently serving as a public officer or employee shall not: participate in a matter in which the lawyer participated personally

1. and substantially while in private practice or nongovernmental employment, unless under applicable law no one is, or by lawful delegation may be, authorized to act in the lawyer's stead in the matter; or
2. negotiate for private employment with any person who is involved as a party or as lawyer for a party in a matter in which the lawyer is participating personally and substantially.

e. As used in this Rule, the term "matter" as defined in Rule 1.0(l) does not include or apply to agency rulemaking functions.

f. A lawyer who holds public office shall not:

1. use the public position to obtain, or attempt to obtain, a special advantage in legislative matters for the lawyer or for a client under circumstances where the lawyer knows or it is obvious that such action is not in the public interest; use the public position to influence, or attempt to influence, a tribunal to act in favor of the lawyer or of a client; or
2. accept anything of value from any person when the lawyer knows or it is obvious that the offer is for the purpose of influencing the lawyer's action as a public official.