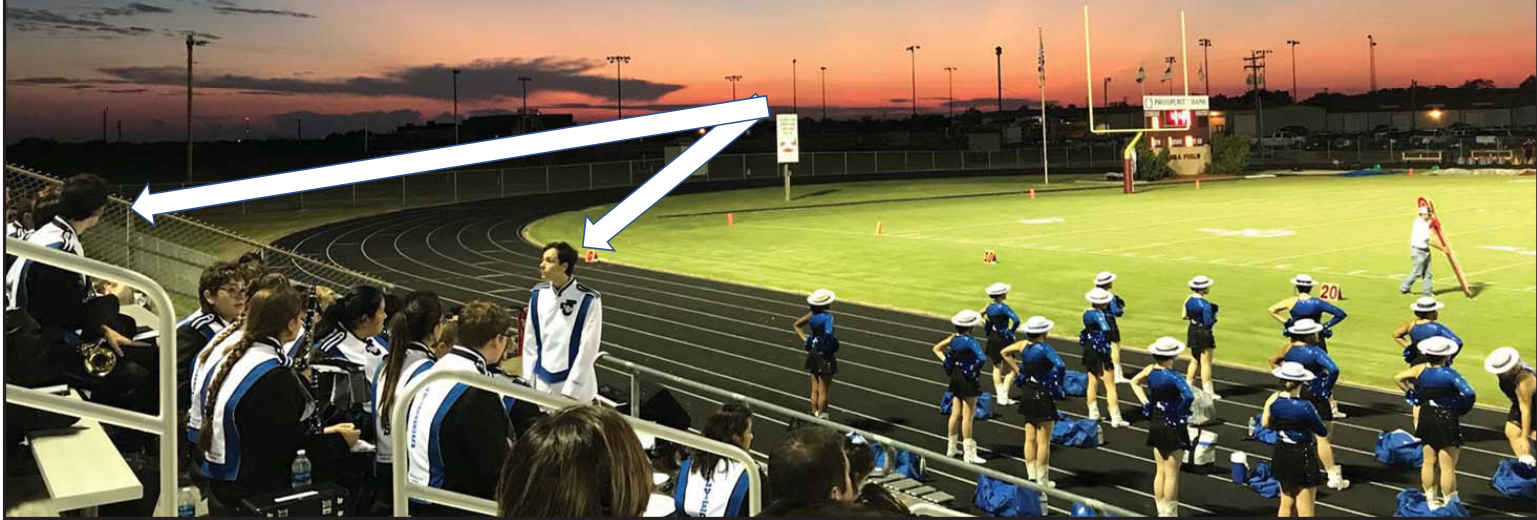


# Disastrous Ethics

--- or ---

How to keep a Natural Disaster  
from becoming an Ethical Dilemma



## City Attorneys Represent the Organization

- **Rule 1.12 (a)** A lawyer employed or retained by an organization represents the entity.

*"...the lawyer-client relationship must be maintained through a constituent who acts as an intermediary between the organizational client and the lawyer. This fact requires the lawyer under certain conditions to be concerned whether the intermediary legitimately represents the organizational client." --Comment 1*

### **City of Victoria Charter, Article III** **Section 7. - Duties of city attorney.**

The City Attorney shall be the legal adviser and attorney for the Mayor and the City Council, the City Manager and all other officers and employees of the City.

# Attorney's Duty regarding Misconduct

- (b) ...must take reasonable remedial actions whenever the lawyer learns ...:
  - (1)an officer [etc.] has committed or intends to commit a violation of a legal obligation to the organization or a violation of law which reasonably might be imputed to the organization;
  - (2)...likely to result in substantial injury to the organization; and
  - (3)...related to a matter within the ...lawyer's representation....

# Reasonable Remedial Actions may include

- Asking reconsideration of the matter;
- Advising that a separate legal opinion on the matter be sought ...; and
- Referring the matter to higher authority in the organization, including, if warranted by the seriousness of the matter, referral to the highest authority...



# Issues that can arise during Natural Disasters

## Conflicts

1. Statutory Conflicts
2. Disaster Declarations
3. FEMA Issues
4. Volunteerism

# Issues that can arise during Natural Disasters

## Chapter 171

- Abstention from voting on a contract or action
- “Substantial” interest
- Must still file affidavit and abstain from discussion and vote
- Action will survive unless vote close
- Class A Misdemeanor: Fine, up to 1 yr jail

## Conflicts

- 1. Statutory Conflicts**
2. Disaster Declarations
3. FEMA Issues
4. Volunteerism

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First appeared as part of the conference materials for the

22<sup>nd</sup> Annual Land Use Conference session

"Ethics and Natural Disaster"