



Legislation Details (With Text)

File #: 231647 **Version:** 3
Type: Ordinance **Status:** In Committee
File created: 2/27/2024 **In control:** JUDICIARY & LEGISLATION COMMITTEE
On agenda: **Final action:**
Effective date:

Title: A substitute ordinance relating to provisions of the code of ethics.

Sponsors: ALD. BAUMAN

Indexes: ETHICS CODE

Attachments: 1. Motion Bauman private practice of law, 2. Peer City Attorney private law practice prohibitions, 3. IG Clarification of Recommendation MEMO

Date	Ver.	Action By	Action	Result	Tally
2/27/2024	0	COMMON COUNCIL	ASSIGNED TO		
3/14/2024	0	JUDICIARY & LEGISLATION COMMITTEE	SUBSTITUTED	Pass	5:0
3/14/2024	1	JUDICIARY & LEGISLATION COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	5:0
3/19/2024	2	COMMON COUNCIL	SUBSTITUTED	Pass	15:0
3/19/2024	3	COMMON COUNCIL	ASSIGNED TO	Pass	11:4
4/3/2024	3	JUDICIARY & LEGISLATION COMMITTEE	HELD TO CALL OF THE CHAIR	Pass	4:0

231647
SUBSTITUTE 3

ALD. BAUMAN

A substitute ordinance relating to provisions of the code of ethics.

303-11.5 cr

303-5-9 rc

This ordinance specifies that any licensed attorney in the City Attorney's Office may not engage in the private practice of law, and that each violation within a billing statement shall constitute a separate offense.

Whereas, It is prudent for the City to prevent conflicts of interest among employees through explicit language in the Code of Ethics chapter of the Code of Ordinances; and

Whereas, While the Code of Ordinances does not define "practice of law," the Wisconsin Supreme Court provides a definition that can be adopted into the Code; and

Whereas, The Code of Ordinances does not explicitly prohibit any employee of the City Attorney's Office who holds a Wisconsin law license from concurrently working for the City and in a private law practice; and

Whereas, To sufficiently deter the private practice of law by licensed attorneys in the City Attorney's

Office, it is prudent to subject each line item documenting private practice in an attorney's billing statement to the penalty provided in the Code of Ethics; now, therefore

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 303-11.5 of the code is created to read:

303-3. Definitions.

11.5. PRACTICE OF LAW means the application of legal principles and judgment with regard to the circumstances or objectives of another entity or person where there is a client relationship of trust or reliance and which require the knowledge, judgment, and skill of a person trained as a lawyer. The practice of law includes, but is not limited to:

- a. Giving advice or counsel to another entity or person as to their legal rights or the legal rights or responsibilities of others for fees or other consideration.
- b. Selection, drafting, or completion for another entity or person of legal documents or agreements which affect the legal rights of the other entity or person.
- c. Representation of another entity or person in a court, or in a formal administrative adjudicative proceeding or other formal dispute resolution process or in an administrative adjudicative proceeding in which legal pleadings are filed or a record is established as the basis for judicial review.
- d. Negotiation of legal rights or responsibilities on behalf of another entity or person.

Part 2. Section 303-5-9 of the code is repealed and recreated to read:

303-5. Standards of Conduct.

9. PRIVATE PRACTICE OF LAW PROHIBITED FOR LICENSED ATTORNEYS IN CITY ATTORNEY'S OFFICE. The city attorney, and any other licensed attorney in the city attorney's office, may not engage in the private practice of law for compensation, during the period in time that he or she holds office, or is employed by the city. Each instance of a licensed attorney's private practice of law documented in a billing statement shall constitute a separate violation subject to the penalties set forth in s. 303-35.

APPROVED AS TO FORM

K. Broadnax

Legislative Reference Bureau

Date: 03.18.2024

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

Alex Highley/JDO

LRB179548-4

3/18/2024