

June 5, 2007 Attorney conflict of interest

Mr. Pat Putnam
Director
Developmental Disabilities Planning Council
810 W. San Mateo Road, Suite C
Santa Fe, NM 87505-4144

Re: Opinion Request--Conflict of Interest

Dear Mr. Putnam:

You have requested an opinion whether an alleged conflict of interest exists with your attorney, Mr. Rob Richards, serving as general counsel and as a petitioning attorney or guardian ad litem in geographical locations where the agency is unable to obtain contract attorneys to perform those services. We have obtained information about the question from Mr. Richards, and from attorneys Mr. Gerald McBride, Adult Protective Services and Mr. Harold Pope, Assistant General Counsel, Human Services Department.

Mr. Pope indicates that the Human Services Department is investigating pending complaints against the Office of Guardianship, two of which involve alleged conflicts of interest in the performance of general counsel duties. See NMSA 1978, § 28-16B-6(E) (2003). Mr. Pope indicates that the investigation is ongoing and, for that reason, we believe that the question asked is not suitable for resolution by issuance of an opinion of this Office at this time. If the investigation is concluded without resolving the conflict of interest issues that concern you, please do not hesitate to resubmit your opinion request.

Thank you for your inquiry.

Sincerely,

Andrea R. Buzzard
Assistant Attorney General

Cc: Robert Richards, Esq.
Gerald F. McBride, Esq.
Harold C. Pope, Esq.