

Opinion No. 12-954

October 31, 1912

BY: FRANK W. CLANCY, Attorney General

TO: Hon. Charles W. G. Ward, District Attorney, Las Vegas, N. M.

DISTRICT ATTORNEYS.

District Attorney not disqualified from acting as counsel against the Board of Trustees of Insane Asylum.

OPINION

{*110} Your letter of the 23rd instant referring to several different matters was when received given to my assistant to examine as to the case of Liborio Lucero, after which he returned it to me, but it has been inadvertently overlooked until now.

I am unable to see that your official position as district attorney would preclude you from acting as counsel against the board of trustees of the insane asylum, or would require you officially to represent such a board in the district court. The only clause in the statute which could possibly throw any doubt upon this is the third subdivision of Section 2 of Chapter 22 of the Laws of 1909, which makes it your duty "to advise all county and territorial officers whenever such advice is requested." I do not think, however, that this would disqualify you from acting against such a board or would compel you to represent such a board in court. I believe the members of the board were territorial, and are now state officers, and they might properly ask your advice, but as already stated, I do not think this is sufficient to disqualify you.