

CITY OF MADISON, WISCONSIN

AN ORDINANCE _____

PRESENTED
REFERRED

February 22, 2011

Creating new Sec. 3.35(9)(b)7. and renumbering current Sec. 3.35(9)(b)7. to Sec. 3.35(9)(b)8. of the Madison General Ordinances to not require Assistant City Attorneys, Hearing Examiners and the Madison Municipal Judge to file Statements of Interests.

Drafted by: Marci Paulsen

Date: February 15, 2011

SPONSOR: Alder Skidmore

DRAFTER'S ANALYSIS: This ordinance creates an exception to the requirement of filing a Statement of Interest form for licensed attorneys employed by the City as Assistant City Attorneys, Hearing Examiners and the Madison Municipal Judge. This exception mirrors the current exception in section 3.35(9)(b)6. for commissioned police personnel. The exception for police personnel recognizes the need to protect their safety and the fact that police officers are bound by a code of professional conduct established by the police department. This amendment would recognize that Assistant City Attorneys, Hearing Examiners and the Madison Municipal Judge have a similar need for safety due to prosecution of municipal court defendants and subjects of other administrative actions. This amendment recognizes that all licensed attorneys in Wisconsin are bound as a requirement of their license by the Rules of Professional Conduct for Attorneys established the Wisconsin Supreme Court, which includes rules that prohibit a lawyer from legal representation when there could be a financial or personal conflict of interest.

The Common Council of the City of Madison do hereby ordain as follows:

1. New Paragraph 7. of Subdivision (b) entitled "Disclosure of Interests; By Whom Required" of Subsection (9) entitled "Disclosures of Interest" of Section 3.35 entitled "Code of Ethics" of the Madison General Ordinances is created to read as follows:

"7. Notwithstanding any provision to the contrary, Assistant City Attorneys, Hearing Examiners and the Madison Municipal Judge employed by the City and otherwise required to file the Statement of Interests shall not be required to file the Statement due to the unique need to protect the safety of the attorneys and their families and the requirement that all attorneys licensed to practice law in the State of Wisconsin are bound to adhere to ethical standards including but not limited to the provisions of the Rules of Professional Conduct for Attorneys established by the Wisconsin Supreme Court."

2. Current Paragraph 7. of Subdivision (b) entitled "Disclosure of Interests; By Whom Required" of Subsection (9) entitled "Disclosures of Interest" of Section 3.35 entitled "Code of Ethics" of the Madison General Ordinances is renumbered to Paragraph 8.

Approved as to form: