

SEPARATION OF OFFICES

The Ethics Committee of the State Bar Association of North Dakota has issued an opinion that the public defender offices are separate law firms for purposes of imputing conflicts of interests. It is the policy of The Commission that the Administrative Office and the public defender offices shall do all that is reasonably possible to maintain this separation.

To this effect, each public defender office is designated as a separate office. The attorneys and employees of one public defender office should present themselves to the public as though that office was a separate firm from the other public defender offices.

Each public defender office shall be located physically separate from the other offices. Each office shall have its own separate telephone number(s), fax machine, computer equipment, and letterhead. Each attorney of a public defender office shall have his/her own business card identifying him/her as working in that designated public defender office. Attorneys and employees from one public defender office should not be given keys or access to keys to other public defender offices.

Each public defender office shall have its own designated supervising/lead attorney and its own support staff. The supervising/lead attorney in one public defender office manages that office only and has no supervisory authority over employees in another public defender office. The supervising/lead attorney from one office is responsible for directing, coordinating, and evaluating the work of the attorneys and employees in his/her office, only. The supervising/lead attorney is responsible for providing guidance to and determining the litigation strategy of attorneys in his/her office, only.

Each public defender office is to maintain separate files/filing systems. The employees from one public defender office are not permitted to access the files of another. Confidential information regarding the clients of one public defender office are not to be divulged to employees of another public defender office. Each office shall have its own computer drive which is not accessible by employees of the other public defender offices. Only non-confidential information shall be placed on the shared drive (the "P drive").