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July 26, 2002

David Bonham
Akermann Senterfitt
One S.E. Third Avenue
28th Floor
Miami, FL 33131

RE: REQUEST FOR ADVISORY OPINION 02-82

Dear Mr. Bonham:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on July 25, 2002 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding a conflict between the firm's position as counsel to the Public Health Trust and the firm's representation of a client adverse to the Public Health Trust.

In your letter, you advised the Commission that the labor and employment section of Akermann Senterfitt represents the Public Health Trust in regard to certain labor and employment training issues. The probate and family law section is representing the former wife of a Public Health Trust employee. The client has a judgment against a trust employee for alimony and child support. The firm wants to enforce the judgment through an income deduction order or a writ of garnishment. The action is adverse to the Public Health Trust.

The Commission found the Conflict of Interest and Code of Ethics ordinance permits Akermann Senterfitt to represent a client whose interests are adverse to the Public Health Trust. The relevant code sections, Section 2-11.1 (j) (Conflicting employment prohibited and 2-11.1(m) (2) (Certain appearances prohibited) only apply to persons defined in subsections (b) (1) through (6). Since Akermann Senterfitt does not fall within subsections (b) (1) through (b) (6), these provisions of the Conflict of Interest and Code of Ethics ordinance do not prohibit the representation.

This opinion construes the Miami-Dade Conflict of Interest and Code of Ethics ordinance only and is not applicable to any conflict under state law or bar rules. Please contact the State of Florida Commission on Ethics or the Florida Bar if you have any questions regarding possible conflicts under state law or bar rules.

If you have any questions regarding this opinion, please call Ardyth Walker, Staff General Counsel at (305) 350-0616 or the undersigned at (305) 579-2594.

Sincerely Yours,



ROBERT MEYERS
Executive Director

Cc: Richard Milstein