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STATE OF LOUISIANA  
DEPARTMENT OF JUSTICE  
OFFICE OF THE ATTORNEY GENERAL  
P.O. BOX 94005  
BATON ROUGE, LA  
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July 24, 2025  
OPINION 24-0111

Mr. Blaise C. D'Antoni  
389 LA-21, Suite 402A  
Madisonville, LA 70447

78 Dual Officeholding

La. R.S. 42:61, *et seq.*  
La. R.S. 16:1(A)

La. Const. art. 5, § 26

The provisions of the Dual Officeholding and Dual Employment Law do not prohibit an Assistant District Attorney for the Parish of Orleans from providing legal services to the Clerk of Orleans Parish Criminal District Court through a professional services contract. However, the nature of such arrangement presents an inherent conflict of interest, unless a clear and effective separation can be established between the two roles and/or any overlapping or interrelated matters.

Dear Mr. D'Antoni:

Our office received your request for an opinion regarding whether an Assistant District Attorney for the Parish of Orleans may provide legal services to the Clerk of Orleans Parish Criminal District Court through a professional services contract.

**Question: Whether an Assistant District Attorney for the Parish of Orleans may provide legal services to the Clerk of Orleans Parish Criminal District Court through a professional services contract.**

**Conclusion: The provisions of the Dual Officeholding and Dual Employment Law do not prohibit an Assistant District Attorney for the Parish of Orleans from providing legal services to the Clerk of Orleans Parish Criminal District Court through a professional services contract. However, the nature of such arrangement presents an inherent conflict of interest unless a clear and effective separation can be established between the two roles and/or any overlapping or interrelated matters.**

The provisions of the Dual Officeholding and Dual Employment Law, found at La. R.S. 42:61, *et seq.*, govern questions concerning the ability to hold two or more public offices and/or positions simultaneously. Classifying the correct nature of the positions held is essential for the purposes of applying the Dual Officeholding and Dual Employment Law.

The District Attorney for the Parish of Orleans is an elected official and is authorized to appoint Assistant District Attorneys.<sup>1</sup> You indicated that you are a full-time Assistant District Attorney for the Parish of Orleans which is classified as a "full time" "appointive office" for the purposes of the Dual Officeholding and Dual Employment Law.<sup>2</sup>

<sup>1</sup> La. Const. art. V, § 26 and La. R.S. 16:1(A).

<sup>2</sup> "Full time" means the period of time which a person normally works or is expected to work in an appointive office or employment and which is at least seven hours per day of work and at least thirty-five

According to the information provided to this office, you are considering providing legal services to the Clerk of Orleans Parish Criminal District Court through a professional services contract. You will be providing these services through your private civil law practice.

Our office has consistently opined that the provisions of the Dual Officeholding and Dual Employment Law are not applicable where an individual provides services through a professional services contract, because a contract is not considered a job compensated on a salary or per diem basis and does not constitute “employment” as defined by La. R.S. 42:62(3).<sup>3</sup> Thus, the provisions of the Dual Officeholding and Dual Employment Law do not apply to the legal services you may provide to the Clerk of Orleans Parish Criminal District Court through a professional services contract.

We note that you have advised this office that the District Attorney, the First Assistant District Attorney, and the Chief of Staff have all agreed to allow your law firm to provide these legal services pending a favorable opinion from this office regarding dual officeholding. Based on the applicable provisions of law, our prior opinions, and the information you provided, it is the opinion of this office that the provisions of the Dual Officeholding and Dual Employment Law do not apply. However, it is also our opinion that serving concurrently as an Assistant District Attorney for Orleans Parish and providing legal services to the Clerk of Criminal Court presents an inherent conflict of interest—unless a clear and effective separation can be established between the two roles, and you are able to fully recuse yourself from any overlapping or interrelated matters.

Although we have pointed out the potential for this conflict of interest, please note that our expressed opinion is limited to an examination of the state law relating to Dual Officeholding and Dual Employment. The decision whether to proceed or not ultimately rests with you—our role is to provide this particular legal and ethical perspective—not to endorse or oppose the course of action. Further, please note that our opinion does not address the potential applicability of the provisions of the Louisiana Code of Governmental Ethics, La. R.S. 42:1111, *et seq.* Advisory rulings addressing questions under the Ethics Code, and potential conflicts of interest, are within the jurisdiction of the Louisiana State Board of Ethics. The Board may be contacted at the following address: P.O. Box 4368, Baton Rouge, LA 70821, phone: 225-219-5600.

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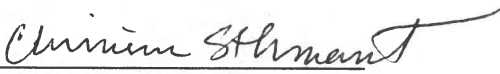
hours per week of work. La. R.S. 42:62(4). “Appointive office” means any office in any branch of government or other position on an agency board, or commission, or any executive office of any agency, board, commission or department which is specifically established or specifically authorized by the constitution or laws of this state or by the charter or ordinances of any political subdivision thereof and which is filled by appointment or election by an elected or appointed public official or by a governmental body composed of such officials of this state or of a political subdivision thereof. La. R.S. 42:62(2).

<sup>3</sup> La. Atty. Gen. Op. Nos. 24-0107, 22-0007, 20-0040, 19-0021, 18-0177, 18-0076, 18-0032 17-0111, 17-0046, 17-0002, 16-0190, 16-0189 13-0028, 12-0241, 08-0296, 07-0218, 06-0213, 02-0342, 96-359, 95-391, 92-43, 90-578 and 80-413.

We hope that this opinion adequately addresses the legal issues you have raised. If our office can be of any further assistance, please do not hesitate to contact us.

With best regards,

LIZ MURRILL  
ATTORNEY GENERAL

BY:   
Chimène St. Amant  
Assistant Attorney General

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