

# RHODE ISLAND ETHICS COMMISSION

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## Advisory Opinion No. 2026-13

Approved: May 5, 2026

**Re: Shannah Kurland, Esq.**

### **QUESTION PRESENTED:**

The Petitioner, a new board member of the Providence External Review Authority (PERA), a municipal appointed position, who in her private capacity is a licensed attorney who regularly represents clients in civil cases alleging misconduct against the Providence Police Department and its officers, requests an advisory opinion regarding whether she is prohibited by the Code of Ethics from serving on PERA, given her private employment.

### **RESPONSE:**

It is the opinion of the Rhode Island Ethics Commission that the Petitioner, a new board member of the Providence External Review Authority (PERA), a municipal appointed position, who in her private capacity is a licensed attorney who regularly represents clients in civil cases alleging misconduct against the Providence Police Department and its officers, is prohibited by the Code of Ethics from serving on PERA, given her private employment, because the nexus between the Petitioner's public duties and her private employment is too close. Additionally, the Petitioner's private work as an attorney who brings civil actions on behalf of clients alleging misconduct by the Providence Police Department and its officers is an area over which PERA has decision-making jurisdiction. The totality of the facts as represented indicate that the Petitioner's private work would impair her independence of judgment with regard to her public duties.

The Petitioner represents that in December 2025 she was appointed by the Providence City Council to serve as a board member of the Providence External Review Authority (PERA), a municipal agency that "serves as a civilian oversight body that investigates allegations of police misconduct."<sup>1</sup> The Petitioner states that PERA's board is composed of nine members, one of whom is appointed by the mayor, and eight of whom are elected by a majority of the members of the city council.<sup>2</sup> The Petitioner explains that PERA creates

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<sup>1</sup> <https://www.providenceri.gov/pera/> (last visited on February 5, 2026).

<sup>2</sup> She adds that PERA members are reimbursed for reasonable expenses incurred during the performance of their duties but are not compensated for the services they perform.

and implements community outreach programs; examines police policies and practices and issues recommendations for changes to either or both to the Providence Police Chief, be it upon its own initiative or upon request of the mayor, the city council, or PERA's executive director. She informs that PERA also reviews allegations of misconduct on the part of Providence police officers by investigating, conducting hearings, and making findings of fact which could lead to PERA's recommendation to the Providence Police Chief regarding appropriate disciplinary action to be taken against officers who are the subject of a sustained complaint. The Petitioner states that complaints alleging police misconduct can be filed with PERA by any person including, but not limited to, an alleged victim, a witness, or the parent or legal guardian or immediate family member of an alleged victim with personal knowledge of the incident. She further states that PERA may also initiate its own investigation of an alleged incident. The Petitioner informs that PERA's review of a complaint alleging police misconduct could result in dismissing the complaint, forwarding the matter to mediation or the police department's Director of Internal Investigations and Inspections, placing the complaint on hold pending the outcome of the police department's internal investigation, or transmitting the complaint to PERA staff for a full investigation.<sup>3</sup> The Petitioner states that evidentiary hearings are conducted by a three-member panel of PERA members randomly selected by PERA. The Petitioner explains that Providence is currently the only municipality in Rhode Island that has an external review authority.

The Petitioner represents that in her private capacity she works as a civil rights litigator in an "of counsel" capacity to a Rhode Island firm, the focus of which is employment law. She adds that the firm also represents plaintiffs in civil cases alleging police misconduct, and that those cases constitute approximately ten to fifteen percent of the firm's total cases. The Petitioner explains that approximately 70% of her time is spent representing plaintiffs in police misconduct cases and that most of those cases have named the Providence Police Department and certain of its officers as defendants.<sup>4</sup> She further explains that currently, there are eight open police misconduct cases pending at her firm which name the Providence Police Department and/or its officers as defendants. The Petitioner states that she is lead counsel on seven of those cases and is assisting another attorney at the firm with the eighth case. The Petitioner represents that none of the eight open cases at her firm naming the Providence Police Department and/or certain of its officers as defendants are the subject of a complaint before PERA. The Petitioner also does not expect any of the plaintiffs in those cases to supplement their civil complaint by filing a complaint with PERA, be it due to the expiration of the one-year statute of limitations for doing so or that, in the Petitioner's opinion, filing a complaint with PERA after initiating a civil action in

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<sup>3</sup> The Petitioner further informs that PERA has full subpoena power.

<sup>4</sup> The Petitioner states that the firm currently has three cases pending against the Pawtucket Police Department and one case pending against the Cranston Police Department, and that she is the lead attorney for all of those cases.

court would be superfluous. The Petitioner states that, notwithstanding her new position with PERA, she and her firm will continue to represent clients in civil actions alleging misconduct against the Providence Police Department and its officers.<sup>5</sup>

The Petitioner states that in the event that the Code of Ethics does not prevent her simultaneous service on PERA's board and her private work as an attorney representing clients alleging police misconduct by the Providence Police Department and/or its officers, she will represent those clients outside of her normal municipal service hours for PERA without the use of public resources, avoid appearing before PERA as part of her representation of clients suing the Providence Police Department and its officers, and not use her public position as a member of PERA's board to solicit clients for herself or her business associates. She further states that she is prepared to do the following: (1) not accept new clients who have an open case with PERA or who had an open case with PERA during her tenure on PERA's board; (2) counsel new clients against duplicating their civil litigation efforts by filing a complaint with PERA; (3) recuse from participation in all PERA matters in which an attorney from her firm appears; (4) recuse from all PERA matters involving an officer who is a party or witness in a pending civil case that she or an attorney from her firm filed or is otherwise involved in; (5) recuse from all PERA matters involving a person who is a witness in a pending civil case that she or an attorney from her firm filed or is otherwise involved in; and (6) refrain from disclosing confidential information acquired during the course of her service as a PERA board member to her clients, colleagues, or others. It is under this set of facts that the Petitioner seeks advice from the Ethics Commission regarding whether she is prohibited by the Code of Ethics from serving on PERA, given her private employment.

No person subject to the Code of Ethics shall accept other employment which will either impair her independence of judgment as to her official duties or require or induce her to disclose confidential information acquired by her in the course of, and by reason of, her official duties. R.I. Gen. Laws § 36-14-5(b). Additionally, the Code of Ethics provides that a public official shall not have any interest, financial or otherwise, direct or indirect, or engage in any business, employment, transaction, or professional activity which is in substantial conflict with the proper discharge of her duties in the public interest. § 36-14-5(a). A public official has an interest which is in substantial conflict with the proper discharge of her duties in the public interest if she has reason to believe or expect that she, any person within her family, her business associate, or any business by which she is employed or which she represents will derive a direct monetary gain or suffer a direct

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<sup>5</sup> There were 449 Providence police officers in 2024. <https://ppd.providenceri.gov/wp-content/uploads/2025/07/EYR-2024-FINAL.pdf> (last visited on February 18, 2026).

monetary loss by reason of her official activity. R.I. Gen. Laws § 36-14-7(a). Section 36-14-5(d) prohibits a person subject to the Code of Ethics from using her public office, or confidential information received through her holding public office, to obtain financial gain for herself, any person within her family, her business associate, or any business by which she is employed or which she represents. A “business associate” is defined as a “person joined together with another person to achieve a common financial objective.” § 36-14-2(3). A “person” is defined as an “individual or a business entity.” § 36-14-2(7). Further, § 36-14-5(c) prohibits the use of and/or disclosure of confidential information acquired by a public official during the course of or by reason of her official duties, particularly for the purpose of obtaining financial gain.

The Code of Ethics also prohibits a public official from representing herself or any other person, or acting as an expert witness, before a municipal agency of which she is a member. § 36-14-5(e)(1)-(3). A person “represents” herself or another person before a municipal agency if she participates in the presentation of evidence or arguments before that agency for the purpose of influencing the judgment of the agency in her favor or in favor of another person. § 36-14-2(12) & (13); 520-RICR-00-00-1.1.4 Representing Oneself or Others, Defined (36-14-5016). These prohibitions extend for a period of one year after the public official has officially severed her position with the subject municipal agency. § 36-14-5(e)(4). Finally, a public official must recuse from participation in any matter in which her business associate or employer, or another person authorized by her business associate or employer to act on their behalf, appears or presents evidence or arguments before her municipal agency. 520-RICR-00-00-1.2.1(A)(2) Additional Circumstances Warranting Recusal (36-14-5002).<sup>6</sup>

The Ethics Commission consistently has opined that persons subject to the Code of Ethics are not inherently prohibited from holding private employment that is secondary to their public positions, provided that the employment would neither impair their independence of judgment nor create an interest in substantial conflict with their public duties, and subject to certain other restrictions. The Ethics Commission examines several factors when considering potential conflicts regarding private employment. These factors include, but are not limited to, the nexus between the official’s public duties and desired private employment; whether the person completes such other work outside of her normal public service hours and without the use of public resources; whether the person is required to appear before her own agency as part of her private employment; whether such other work is to be conducted outside of the areas over which the person has decision-making

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<sup>6</sup> The Ethics Commission has consistently recognized an attorney-client relationship as a business association for purposes of the Code of Ethics. See, e.g., A.O. 2010-47 (opining that the Middletown solicitor was prohibited from participating in consideration by the zoning board and planning board of a petition for a special use permit, given that one of the petitioner’s private law clients had been retained to provide information and testimony in support of the permit application).

jurisdiction in her public capacity; and whether the person uses her public position to solicit business or customers for her private position. See General Commission Advisory No. 2009-4.

The Ethics Commission regularly has allowed public officials and employees to engage in secondary private employment that was outside of their official public jurisdiction. For example, in Advisory Opinion 2006-17, the Ethics Commission opined that a lieutenant with the East Providence Police Department could apply for a private investigator's license and operate said business in the City of East Providence. However, the following conditions were imposed: (1) the petitioner could have no involvement with matters subject to the East Providence Police Department's official jurisdiction; (2) he could not disclose any confidential information that he obtained in the course of his employment with the police department; (3) he could only perform such work on his own time and without the use of public resources, including law enforcement databases; (4) he could not use his position as a police officer to obtain clients or private work; and (5) he could not accept any cases or perform any work within the City of East Providence for as long as he was employed by that city's police department. See also A.O. 2001-46 (opining that an active member of the Bristol Police Department was not prevented from assisting a private investigator in reviewing a criminal case under the jurisdiction of the Massachusetts District Attorney's Office, subject to the following conditions: (1) the petitioner could have no involvement with matters subject to the Bristol Police Department's official jurisdiction; (2) the petitioner could not disclose any confidential information he obtained in the course of his employment with the Bristol Police Department; and (3) the petitioner was required to perform such work on his own time and without the use of public resources.

Additionally, in Advisory Opinion 2016-16, the petitioner, an environmental health food specialist for the Rhode Island Department of Health, was not prohibited from working on her own time and in her private capacity as a food safety consultant for food establishments in Connecticut and/or Massachusetts. There, the Ethics Commission determined that, because the petitioner's public employment was limited to regions within Rhode Island and her private consulting work would occur outside of the state, it was unlikely that she would be performing consulting services in her private capacity where she performed inspections in her public capacity. As a result, the facts as represented by the petitioner did not indicate that her private employment would be in substantial conflict with her duties in the public interest or impair her independence of judgment as to her public duties. See also A.O. 2025-45 (opining that an environmental policy analyst with the Rhode Island Department of Environmental Management, who in that capacity also served as the chairperson of the Seafood Marketing Collaborative, could start a private business to offer and provide marketing and business development services to seafood businesses outside of Rhode Island because, among other things, there was no evidence to suggest that her proposed private endeavor would impair her independence of judgment or create an interest that was in substantial conflict with her public duties at RIDEM and/or the collaborative); A.O. 2009-93 (opining that investigative employees of the Division of Professional

Regulation within the Rhode Island Department of Training could accept or maintain private employment in the professional fields for which they had investigative, licensing, and enforcement responsibilities provided that, among other things, they did not perform such work within the State of Rhode Island).

Here, the Petitioner states that she is prepared to do the following: (1) not accept new clients who have an open case with PERA or who had an open case with PERA during her tenure on PERA's board; (2) counsel new clients against duplicating their civil litigation efforts by filing a complaint with PERA; (3) recuse from participation in all PERA matters in which an attorney from her firm appears; (4) recuse from all PERA matters involving an officer who is a defendant or witness in a pending civil case that she or an attorney from her firm filed or is otherwise involved in; (5) recuse from all PERA matters involving a person who is a witness in a civil case that she or an attorney from her firm filed or is otherwise involved in; and (6) refrain from disclosing confidential information that she acquired during the course of her service as a PERA board member to her clients, colleagues, other others. In addition to these enumerated actions, the Petitioner states that she will represent her legal clients outside of her normal municipal service hours for PERA, without the use of public resources, avoid appearing before PERA as part of her representation of clients suing the Providence Police Department and its officers, and not use her public position as a member of PERA's board to solicit clients for herself or her business associates.

Notwithstanding the Petitioner's ability and willingness to recuse from a myriad of situations in which a conflict of interest exists, the issue here can be reduced to whether the Petitioner's private employment as an attorney who regularly files civil cases on behalf of clients alleging misconduct by the Providence Police Department and its officers will impair her independence of judgment with respect to her public duties as a PERA board member which adjudicates and regulates the conduct of the same department and its officers. Those duties include determining whether to accept and sustain complaints alleging misconduct against the Providence Police Department and its officers and, in cases where a complaint is sustained, making recommendations to the police chief and administration regarding the discipline of the offending officer. PERA board members also participate in amending and/or creating police department policies and procedures as part of their duties.<sup>7</sup> In the instant matter, the two most relevant factors examined by the Ethics

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<sup>7</sup> Notwithstanding that the Providence Police Chief is the ultimate decision maker regarding whether to adopt the PERA board's recommendations for discipline following a sustained complaint, or whether to change police policies and procedures, PERA's board has been designated by the mayor and the city council to make such recommendations. Therefore, the Petitioner's participation would amount to action taken as part of her official duties for PERA. See, e.g., A.O. 2021-14 (opining that the Middletown town solicitor was prohibited from participating in town council discussions regarding the proposed revision of an ordinance relating to short-term residential leases, given that the petitioner and his spouse

Commission are the nexus between the Petitioner's public duties and her private employment and whether her work as a private attorney is conducted outside of the area over which the Petitioner has decision-making jurisdiction in her public capacity as a PERA board member.

In consideration of the facts as represented, and consistent with the applicable provisions of the Code of Ethics, prior advisory opinions issued, and the analysis herein, it is the opinion of the Ethics Commission that the nexus between the Petitioner's public duties and private employment is too close to be sufficiently mitigated by the Petitioner's recusal from the PERA matters enumerated herein. The Petitioner's multiple required recusals from performing essential duties in both her public and private positions serve only to highlight the inherent conflicts of interest embedded in serving in both capacities.

If, for example, the Petitioner were to file a civil action on behalf of a client alleging misconduct by a Providence police officer who previously appeared as the subject of a complaint before the Petitioner as a PERA board member, the Petitioner would be privy to confidential information acquired about that officer during PERA's executive session that she would not be able to extricate from her mind. Also, in addition to deciding matters alleging misconduct by the Providence Police Department and its officers, the PERA board participates in the creation and/or modification of police policies and procedures to which those officers will be subject, including those involving officer discipline. The alleged violation of department policies and procedures that the Petitioner helps create or modify will likely form the basis of complaints filed on behalf of her future private clients.

Although PERA does not exercise jurisdiction over the Petitioner's practice of law, it does exercise jurisdiction over the particular area of law in which the Petitioner concentrates her practice. Although the Petitioner's clients will not be subjecting themselves to PERA's jurisdiction, the police officers in the current and future private cases litigated by the Petitioner and her firm are, and will remain, subject to PERA's jurisdiction, nonetheless. That the Petitioner's clients do not subject themselves to PERA's jurisdiction does not sufficiently expand the nexus between the Petitioner's public duties and her private employment because the alleged misconduct of Providence police officers is the very subject matter of both the majority of cases brought by the Petitioner in her private capacity and those within PERA's official jurisdiction.

The totality of the facts as represented indicate that the Petitioner's private work would impair her independence of judgment with regard to her public duties. Accordingly, the Petitioner is prohibited by the Code of Ethics from simultaneously serving as a PERA board member and working as an attorney who regularly represents clients in civil actions alleging misconduct against the Providence Police Department and its officers. Notably,

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owned property regulated by the ordinance, because providing advice to the town council constituted "official activity" as that term is used in the Code of Ethics).

the Petitioner's representation of plaintiffs in civil actions alleging misconduct against police departments and their officers in municipalities other than Providence while she serves on PERA's board would not violate the provisions of the Code of Ethics cited herein.

**This Advisory Opinion is strictly limited to the facts stated herein and relates only to the application of the Rhode Island Code of Ethics. An advisory opinion rendered by the Commission, until amended or revoked by a majority vote of the Commission, is binding on the Commission in any subsequent proceedings concerning the person who requested the opinion and who acted in reliance on it in good faith, unless material facts were omitted or misstated by the person in the request for the opinion. Under the Code of Ethics, advisory opinions are based on the representations made by, or on behalf of, a public official or employee and are not adversarial or investigative proceedings. Finally, this Commission offers no opinion on the effect that any other statute, regulation, agency policy, ordinance, constitutional provision, charter provision, or canon of judicial or professional ethics may have on this situation.**

Code Citations:

§ 36-14-2(3)

§ 36-14-2(7)

§ 36-14-2(12)

§ 36-14-2(13)

§ 36-14-5(a)

§ 36-14-5(b)

§ 36-14-5(c)

§ 36-14-5(d)

§ 36-14-5(e)

§ 36-14-6

§ 36-14-7(a)

520-RICR-00-00-1.1.4 Representing Oneself or Others, Defined (36-14-5016)

520-RICR-00-00-1.2.1 Additional Circumstances Warranting Recusal (36-14-5002)

Related Advisory Opinions:

A.O. 2025-45

A.O. 2021-14

A.O. 2016-16

A.O. 2010-47

A.O. 2006-17

A.O. 2001-46

A.O. 2009-93

G.C.A. 2009-4

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