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## Commissioners file motion to disqualify Cline as counsel for himself in lawsuit

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Ozark County commissioners David Morrison, Greg Donley and T.J. Lewis filed a motion last week in Ozark County Circuit Court to disqualify Tom Cline as counsel for himself in a lawsuit against the commissioners.

Cline, Ozark County's prosecuting attorney, is suing the commissioners for violating Missouri's Sunshine Law. The lawsuit, filed in April,

alleges the three commissioners failed to post agendas of public meetings as required by law and that they conducted official business during the meetings.

The commissioners contend that Cline sued them because he was upset about getting a smaller office in the new county courthouse annex on the southeast side of the Gainesville square.

In last week's filing by the  
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## Sunshine

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commissioners, they are seeking that Cline be disqualified from acting as counsel for the prosecuting attorney in the action. The filing states that Cline will be a material witness on disputed issues in the case and that Cline's deposition is set for Sept. 7. The motion cites Rule 4-3.7 of the Missouri Supreme Court which prohibits a lawyer from acting as an advocate at trial in which the lawyer is likely to be a witness. The filing contends Cline's disqualification will not create a hardship on the prosecuting attorney's office because a representative from the Missouri Attorney General's office will, upon request, enter an appear-

ance and assume responsibility for the prosecution of the case.

Also, according to the commissioners' filing, another conflict of interest is that Cline, as county prosecutor, also serves as the attorney for the county commission. The commissioners allege that Cline "has identified communications in his discovery responses which Defendants contend were privileged communications with Mr. Cline," the motion says. Commissioners say such communications are supposed to be protected from disclosure by attorney-client privileges.

The original lawsuit is tentatively set to be heard on Sept. 21.