

LEGAL ETHICS OPINION 1548

PRIVATE ATTORNEY CONTRACTING
WITH THE COMMONWEALTH'S
ATTORNEY TO COLLECT UNPAID
FINES WHEN ASSOCIATED
ATTORNEY IS SUBSTITUTE JUDGE
IN COMMONWEALTH'S ATTORNEY'S
JURISDICTION.

You have inquired whether an attorney in private practice (or his law firm) may contract with the Commonwealth's Attorney to collect unpaid fines, costs, forfeitures, and penalties in criminal cases when another attorney in the law firm is a substitute judge who occasionally sits in the criminal, traffic and civil divisions of the General District Court in the jurisdiction in which the Commonwealth's Attorney prosecutes cases.

At its August 10, 1993 meeting, the Committee concluded that any response to your question as to whether or not the substitute judge must disclose, waive, and/or recuse himself in the circumstances described, requires an interpretation of judicial ethics, rather than the Virginia Code of Professional Responsibility. The interpretation of the Canons of Judicial Conduct are, obviously, beyond the purview of this Committee; questions related to those Canons should be directed to the Judicial Inquiry and Review Commission by the substitute judge. See LE Op. 845.

Committee Opinion
August 12, 1993