

Committee Opinion  
November 13, 1984

LEGAL ETHICS OPINION 624

APPEARANCE OF IMPROPRIETY –  
SPOUSES SERVING AS JUDGE AND  
ASSISTANT COMMONWEALTH'S  
ATTORNEY IN SAME JURISDICTION.

When an assistant commonwealth's attorney serves as such in a jurisdiction in which her spouse serves as a judge, the assistant commonwealth's attorney may not:

1. Appear before her spouse in his capacity as presiding judge.
2. Appear in any case assigned to her spouse in his capacity as a judge.
3. Inspect files of cases that are assigned to her spouse in his capacity as a judge.
4. Discuss with her spouse cases which have been assigned to him in his capacity as a judge.
5. Discuss with other lawyers in her office cases assigned to her spouse in his capacity as a judge.

Canon 3(C) and (D) of the Canons of Judicial Ethics provide the judge with guidance with respect to his position in such matters. [ DR:8-101(A)(1), (2), DR:9-101; Opinion 82-2, Alaska; Opinion 1983-2, Indiana; Opinion CI-686, Michigan; Opinion CI-703, Michigan; Opinion 548, New York State.]

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