

Committee Opinion
May 10, 1985

LEGAL ETHICS OPINION 696

PART-TIME ASSISTANT
COMMONWEALTH'S ATTORNEY –
CIVIL PRACTICE.

1. It is improper for a part-time assistant commonwealth's attorney to continue representation of a party in a previously pending civil matter after a criminal charge is brought against either party to the civil proceeding although the part-time assistant commonwealth's attorney avoids involvement in said criminal prosecution. It is also improper for the spouse/law partner of said part-time assistant commonwealth's attorney to assume said civil representation.

2. It is not improper for a part-time assistant commonwealth's attorney or her spouse/law partner to represent a civil client upon a show cause summons for an alleged failure to comply with a civil order so long as there is the absence of any effort to, or implication that, the attorney's public office will or may influence the court's disposition of the proceedings and provided that, with respect to the parties and the witnesses, there are no pending criminal charges, there are no investigations known to the part-time assistant commonwealth's attorney and there was no involvement in criminal matters relating to said parties or witnesses in which the part-time assistant commonwealth's attorney had substantial responsibility.

3. It is not improper for a part-time assistant commonwealth's attorney to continue representation of a civil client during the trial of the civil matter, even if a witness is called against whom criminal charges are pending or if the witness is the subject of a pending criminal investigation.

The committee notes that a part-time assistant commonwealth's attorney who is withdrawing from a civil representation must adhere to the provisions of Disciplinary Rule 2-108(D). [DR:2-108(D), LE Op. 600, LE Op. 685]

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