

Committee Opinion
September 24, 1985

LEGAL ETHICS OPINION 726

COMMONWEALTH'S ATTORNEY –
PRIOR PRIVATE PRACTICE.

It is improper for a part-time commonwealth's attorney to represent the Commonwealth in a probation violation hearing seeking to impose on the defendant the remainder of a suspended sentence arising from a criminal charge in which the attorney had represented the defendant while in private practice.

It is not improper for a part-time commonwealth's attorney to prosecute former clients in matters which are unrelated to said attorney's prior representation so long as said attorney does not disclose or utilize in the prosecution confidential information which was acquired in the prior representation, said attorney remains aware of his duty to avoid the appearance of impropriety, and so long as all private representation has been completed and all fees and expenses from the private representation have been paid.
[DR:4-101, DR:5-105(D), (E), DR:9-101, EC:9-2]

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