

An attorney is employed as a part-time assistant public defender and also has a private practice. The attorney has been requested to represent a client in a custody action against her ex-husband. The ex-husband was represented by the public defender's office on criminal charges of sexual abuse against the children and the file was closed prior to the attorney's employment. The prospective client served as a witness against her ex-husband in the criminal proceeding. The attorney has, since his employment at the public defender's office, heard general references to the ex-husband's personality but has received no information from the file or other sources concerning confidences and secrets obtained by the public defender's office. It is not improper, given the above, for the part-time assistant public defender to represent the client.

Committee Opinion
September 30, 1987