

Committee Opinion  
December 10, 1987

LEGAL ETHICS OPINION 1012

LAW PARTNER-FORMER  
COMMONWEALTH'S ATTORNEY.

You advise that you have been retained by a woman to bring a civil action against a man convicted of raping her. The criminal trial against the man was prosecuted by a Commonwealth's attorney who is now your law partner.

You wish to know whether it is proper for your law partner to assist you in representing a plaintiff in a civil action against a man who was convicted of rape in a trial which was prosecuted by your law partner in his former capacity as assistant Commonwealth's attorney.

LE Op. 942 is dispositive of your inquiry. That opinion states in pertinent part that: "It is proper for a former assistant Commonwealth's attorney to represent a victim in a civil matter if the attorney had not participated in the criminal prosecution of the opposing party."

Your partner did assist in the criminal prosecution of the opposing party when he served as assistant Commonwealth's attorney. Therefore, the Committee opines that it would be improper for your law partner to assist you in representing a plaintiff in a civil action against a man convicted of rape in a trial which was prosecuted by your partner in his former capacity as assistant Commonwealth's attorney. (See also LE Op. 702)

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**Legal Ethics Committee Notes.** – Rule 1.11 deals with former government lawyers; this representation would require the government's consent or screening of the former government lawyer.