

Committee Opinion  
May 4, 1988

LEGAL ETHICS OPINION 1070

COMMONWEALTH'S ATTORNEY –  
CONFLICT OF INTEREST.

You advise that you are special justice, pursuant to § 37.1-88 of the Code of Virginia, in a certain circuit and would like to accept the position as an assistant Commonwealth's attorney in an adjoining circuit.

While there is nothing directly on point in the Code of Professional Responsibility, the Committee opines that it would not be proper for you to hear any cases as a special justice involving any individuals which you prosecuted as an assistant Commonwealth's attorney or any cases with which you were involved as an assistant Commonwealth's attorney in the other circuit. The Committee does advise that the provisions of Canon 8 merit consideration and the exercise of sound judgment.

The Committee would also advise you to seek guidance from the judiciary committee.

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