

Committee Opinion
October 21, 1991

LEGAL ETHICS OPINION 1439

APPEARANCE OF IMPROPRIETY:
FORMER COMMISSIONER IN
CHANCERY'S FORMER FIRM
REPRESENTING PARTY WHO
APPEARED BEFORE COMMISSIONER.

A Commissioner in Chancery was a partner in a multi-lawyer firm. On a given date, a final decree was entered by the Circuit Court divorcing Husband and Wife, pursuant to the recommendation of the same Commissioner in Chancery after a contested hearing. Subsequently, the Commissioner in Chancery withdrew as a partner from the firm to assume a judgeship in the general district court. At a later date, Husband sought representation by an attorney in the Commissioner's former firm concerning a petition to transfer custody of the child from Wife to Husband. The attorney had been a member of the Commissioner's former firm at the time the Commissioner heard evidence in the divorce case.

The Committee is of the opinion that the exhortation against the appearance of impropriety of a former judicial official is personal to the individual and does not extend to other members of the former judicial official's former firm. Since the lawyer who served as Commissioner in Chancery is no longer affiliated with the firm, the committee is of the opinion that it would not be improper for another attorney in the present firm to represent Husband in his petition for transfer of custody, although that petition arose out of the final decree which was entered as a result of the Commissioner/former partner's recommendation. [DR:9-101(A); LE Op. 269, LE Op. 686.]

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