

*Committee Opinion*  
*November 29, 1982*

LEGAL ETHICS OPINION 483

CONFLICT OF INTERESTS/  
COMMONWEALTH'S ATTORNEY AS  
PRIVATE ATTORNEY IN SECTION 1983  
ACTION.

It would not be improper for a part-time Commonwealth's attorney to prosecute a § 1983 action challenging the constitutionality of a state statute (which provides for a pay differential among members of a state agency) under the described circumstances:

(1) The attorney has no duty to enforce this statute.

(2) Named defendants will not include any persons in the state government for whom the attorney must provide legal representation. [See DR:5-101(A) and DR:9-101(B).]

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