

Committee Opinion  
October 24, 1984

LEGAL ETHICS OPINION 617

APPEARANCE OF IMPROPRIETY –  
HEARING OFFICERS.

It is improper for an attorney representing a party in a special education due process hearing to appear in said hearing when the presiding hearing officer is a member of the same law firm as the representative attorney.

It is not improper for an attorney representing a party in a special education due process hearing to appear in said hearing when the presiding hearing officer is not a member of the same law firm as the representative attorney although a member of said attorney's firm presides as a hearing officer in other such cases.

It is improper for an attorney to represent a school division in proceedings in which the hearing officer is a member of said attorney's law firm.

It is not improper for an attorney to represent a school division in proceedings when a member of said attorney's firm who serves as a hearing officer in similar proceedings had no contact with the instant case. [DR:4-101(E), DR:8-101(A)(2), DR:9-101(C), EC:9-2, LE Op. 549, LE Op. 583]

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