

Committee Opinion
March 22, 1985

LEGAL ETHICS OPINION 674

CONFLICT OF INTEREST – PART-TIME
COMMONWEALTH'S ATTORNEYS –
ASSISTANT COMMONWEALTH'S
ATTORNEYS – PARTNERS –
ASSOCIATES – PRIVATE PRACTICE.

It is not improper for the law partners or associates of a part-time commonwealth's attorney or assistant commonwealth's attorney to defend criminal clients in jurisdictions which are adjacent to the jurisdiction in which the part-time commonwealth's attorney prosecutes criminal cases.

It is clear that when a part-time commonwealth's attorney or assistant commonwealth's attorney is precluded from representing a client in his private practice because of his public duties, then the partners and associates of the part-time commonwealth's attorney or assistant commonwealth's attorney are precluded from representing such a client. DR:9-101 of the Virginia Code of Professional Responsibility, entitled " Avoiding Even The Appearance Of Impropriety," and Ethical Consideration 9-2 [EC:9-2] must be considered in deciding whether or not the part-time commonwealth's attorney or assistant commonwealth's attorney or the law partners and associates of these elected or appointed officials may accept representation of a client. [DR:5-105(A) and (E), and LE Op. 188]

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