

Committee Opinion
March 15, 1985

LEGAL ETHICS OPINION 676

CONFLICT OF INTERESTS – FAMILIAL
RELATIONSHIPS – ATTORNEYS –
JUDGES – DISQUALIFICATION.

There is nothing inherently unethical about a lawyer appearing before a judge who has a brother, brother-in-law or son in the attorney's firm. It is incumbent upon the judge in those circumstances to make disclosure on the record and, unless the parties and counsel agree, disqualify himself from further participation.

Furthermore, the sole fact that a judge's nephew is a lessee of a partner of a firm where the judge's son is a member would not be sufficient to require disclosure by the court.

In addition, it is not improper for a judge's wife, who is the receptionist in the law firm of the judge's son, to handle case files in the son's law office, so long as the judge's wife does not handle case files which have been assigned to her husband. Furthermore, the sole fact of the employment of the judge's wife in the law office of the judge's son would not require disclosure by the court. [Pt. 6, § III, Canons of Judicial Conduct for the State of Virginia, Canon 3(C); LE Op. 623]

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