



# Committee on Professional Ethics

Opinion #389 - 5/21/75 (27-75)

Topic: Former Town Justice appearing as Town Attorney in same matter.

Digest: Improper for attorney to accept employment as an advocate in any matter upon the merits of which he has previously acted in a judicial capacity.

Code: EC 9-3; DR 9-101(A)

## QUESTION

May a former Town Justice appear as Town Attorney in a matter which he acted upon as Town Justice?

## OPINION

The necessity for the maintenance of public confidence in the integrity of the profession makes it improper for an attorney, who has previously occupied a judicial position to accept any "employment in a matter upon the merits of which he has acted in a judicial capacity." DR 9-101(A). Similarly EC 9-3 provides:

"After a lawyer leaves judicial office or other public employment, he should not accept employment in connection with any matter in which he had substantial responsibility prior to his leaving, since to accept employment would give the appearance of impropriety even if none exists."

See also, ABA Inf. 606 (1962).

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