

(0009J)

ETHICS ADVISORY PANEL
Opinion #92-75, Request #303
Issued September 16, 1992

The inquiring attorney was formerly a law clerk, assigned to assist the appellate division of the Workers' Compensation Court. The attorney is presently employed in a law firm and is handling workers' compensation matters. The attorney asks whether there is a time restriction which would limit the attorney's ability to appear before the appellate division of the Workers' Compensation Court.

Rule 1.11 imposes a "one year abstention rule," but does not apply to the members of the law clerk pool. Former clerks are permitted to practice before the trial courts at any time following their clerkships. The inquiring attorney may appear before the appellate division as long as the attorney did not participate personally and substantially as a law clerk in connection with a matter that the law firm was involved with. Furthermore, if the attorney has participated personally and substantially as a law clerk in a matter, then the entire law firm is disqualified unless the attorney does not participate in the matter and written notice is given to the proper tribunal. (See, Rule 1.12)