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**Wisconsin Memorandum Ethics Opinion 3/75**  
**Family Court Commissioner Conflict of Interest**

*Revised February 2, 2021*

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**Question: May a lawyer accept clients in family law matters if a member of the lawyer's firm is employed as a part-time family court commissioner?**

**Answer:** If a lawyer is associated in a firm with another lawyer who is a part-time family court commissioner Wis. Stat. § 767.16 prohibits the part-time court commissioner or any member of her law firm from appearing in any family law matters in the same county. The statute provides:

A circuit court commissioner assisting in matters affecting the family or a member of the commissioner's law firm may not appear in any action affecting the family in any court held in the county in which the circuit court commissioner is acting ...<sup>1</sup>

Representation contrary to Wis. Stat. § 767.16 would violate SCR 20:8.4(f), which provides, "[i]t is professional misconduct for a lawyer to ... violate a statute, supreme court rule, supreme court order, or supreme court decision regulating the conduct of lawyers."

Either lawyer's ability to represent family law clients in other counties would be controlled by application of SCRs 20:1.7 through 20:1.10 and, with respect to the part-time family court commissioner, the provisions of Chapter 60, given that the court commissioner is a judge within the definition in SCR 60.01(8).<sup>2</sup>

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<sup>1</sup> See Wis. Op. A.G. Op. 14-78; 12 Wis. State Bar Inside Track 11 (2020).

<sup>2</sup> See also Wis. Stat. §§757.22; 757.23.