

---

**E-84-20      Conflict of interest: Appearance before  
Family Court Commissioner by  
associate's spouse**

---

**Facts and question**

A family court commissioner maintains a private law practice. An associate of the family court commissioner plans to marry a lawyer member of Law Firm X located in the county where the family court commissioner practices. May members of Law Firm X appear before the family court commissioner once the associate marries a member of Firm X?

**Opinion**

In Formal Opinion E-80-6, 57 Wis. Bar Bull. 66 (June 1984), the Committee on Professional Ethics discussed potential conflicts of interest involving lawyer spouses. The facts of that opinion involved a spouse serving as an assistant corporation counsel while the other spouse worked with a private law firm in the same county. The committee stated that the only *per se* conflict of interest involving lawyer spouses employed with different entities is the situation when one lawyer spouse appears against the other lawyer spouse. The committee saw no impropriety with other members of each firm representing adverse interests.

In light of Formal Opinion E-80-6, it appears that there would be no ethical impropriety with any member of Law Firm X (including the spouse of the associate of the family court commissioner) appearing before the family court commissioner in his or her official capacity. *Cf.* Memorandum Opinion 9/77C, 57 Wis. Bar Bull. 102 (June 1984) (representation of criminal defendant when partner's spouse is prosecutor). It should be noted, however, that the family court commissioner has a duty to fully, adequately and timely disclose his or her relationship when members of Law Firm X represent clients appearing before him or her in his or her official capacity. Wisconsin Supreme Court Rule 60.03; *see* Wis. Stat. sec. 757.23 (1981-82).