

CONFLICT OF INTEREST POLICIES FOR LAW CLERKS

Pursuant to the Code of Conduct for Judicial Employees, Canon 3F(2) (a) (iv), a

law clerk should not perform any official duties in any matter with respect to which such . . . law clerk knows that:

. . . .
(iv) he or she, a spouse, or a person related to . . . within the third degree of relationship [which includes parents] . . . is acting as a lawyer in the proceeding;
(C) has an interest that could be substantially affected by the outcome of the proceeding

Further, the Code of Conduct for Judicial Employees, Canon 4(C) (4) provides that:

During judicial employment, a law clerk or staff attorney may seek and obtain employment to commence after the completion of the judicial employment. However, the law clerk or staff attorney should first consult with the appointing authority and observe any restrictions imposed by the appointing authority. If any law firm, lawyer or entity with whom a law clerk or staff attorney has been employed or is seeking or has obtained future employment appears in any matter pending before the appointing authority, the law clerk or staff attorney should promptly bring this fact to the attention of the appointing authority.

Consequently, the Court adopts the following policies:

(1) A law clerk shall not work on any matter in which a law firm employing anyone within the third degree of relationship to the law clerk is representing a party in the specific matter before the court or represents the debtor, an official or ad hoc creditors' or equity committee, the pre-petition or DIP lenders, or any other major party in the bankruptcy case.

(2) Once a law clerk accepts an offer from a law firm for post-clerkship employment, the clerk shall cease any further involvement in any case in which the future employer has an interest. Upon accepting an offer of employment, the clerk shall require that the future employer provide him/her with a list of all cases before the Judge in which it represents or holds an interest.

(3) Once a law clerk leaves the Court, for a period of six months the law clerk shall not appear in court before any Judge for whom he/she clerked.

(4) Once a law clerk leaves the Court, the law clerk shall not participate in any matter which was pending before his/her Judge while he/she was working for the Court. In addition, if the law firm represented a major party in the bankruptcy case (including the debtor, any official committee, or the lenders), then the law clerk may not participate in any matter involving that case. The law clerk shall provide to his/her future employer a list of all cases and matters involving that firm which were pending before the Judge during his/her tenure at the Court. The law clerk may participate in an adversary proceeding which is instituted after he/she leaves for a non-major party in the case unless the issues raised by that adversary were raised in the bankruptcy case during his/her tenure at the Court.

(5) This policy, as applied to the swing law clerk, shall preclude the law clerk from appearing for a period of six months before any judge to whom he/she was assigned. The swing law clerk shall not participate in any matter on which he/she worked while at the Court. The law clerk shall provide to his/her future employer a list of all cases and matters involving that firm on which he/she worked during his/her tenure at the Court.

All law clerks should also consult the Delaware Code of Conduct for Law Clerks.