

## 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) A law clerk may submit applications for post-clerkship employment beginning December 1. Once a law clerk receives an offer for post-clerkship employment, the clerk shall cease any further involvement in any case in which the future employer has an interest unless and until the offer is declined. 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. 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. A Judge may decide on an individual basis to provide to a clerk a list of all cases and matters that were pending before the Judge during the clerk's tenure at the Court. However, judges are under no obligation to provide such lists. The onus is on the clerks to identify cases as to which they have a disqualifying connection.

All law clerks should consult the Code of Conduct for Judicial Employees, Judicial Conference Regulations on Outside Earned Income, Honoraria, and Outside Employment, Advisory Opinions for the Codes of Conduct Committee, and the compendium of selected individual opinions, summarizing unpublished Committee advice.

(rev. December 1, 2022)