

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION

IN RE THE MATTER OF:

SHAN F. EMBRY, DISTRICT COURT JUDGE
46TH JUDICIAL DISTRICT

PUBLIC REPRIMAND

Shan F. Embry is a District Court Judge for Kentucky's 46th Judicial District consisting of Breckinridge, Grayson, and Meade Counties. Judge Embry has waived formal proceedings and has agreed to the disposition made in this Order.

The Commission received information during a preliminary investigation that on June 20, 2016, Judge Embry had an *ex parte* discussion with an attorney representing the father of two young girls regarding Case No. 16-J-00058-001 styled *In re: K.R.D.* and Case No. 16-J-00059-001 styled *In re: M.R.D.* During the *ex parte* conversation, the father's attorney alleged that the daughters were refusing to go on a vacation with him.

Later that day, the mother of the girls and her current husband appeared before Judge Embry in a forcible detainer case unrelated to Case Nos. 16-J-00058-001 and 16-J-00059-001. Without providing a hearing or an opportunity to respond, Judge Embry ordered the mother to convince her daughters to go on vacation with their father or be held in contempt. When the attorney for the mother returned to the courtroom and informed Judge Embry the girls wanted to speak with her, she refused and threatened to place them in foster care if they did not go on vacation with their father. She later called the girls to the bench and demanded they tell her whether it would be vacation or foster care. After the girls agreed to go on vacation, Judge Embry told them that if she got a report they misbehaved on the vacation, they would visit her again and they would like it even less.

The Commission concludes that Judge Embry's conduct violated SCR 4.020(1)(b)(i) and that she engaged in misconduct in office. The Commission further concludes that Judge Embry violated SCR 4.300 and the relevant portions of the following Canons of the Code of Judicial Conduct:

Canon 1 which requires judges to maintain high standards of conduct and uphold the integrity and independence of the judiciary.

Canon 2A which requires judges to respect and comply with the law and act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

Canon 3B(4) which requires judges to be dignified and courteous to litigants, jurors, witnesses, lawyers and others with whom the judge deals in an official capacity.

Canon 3B(7) which requires judges to give every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law and prohibits judges from engaging in ex parte communications except in certain circumstances.

Canon 3B(8) which requires a judge to dispose of a matter promptly, efficiently, and fairly.

Based on the foregoing conduct, Judge Embry is hereby publicly reprimanded. In making the disposition in this Order, the Commission duly considered that Judge Embry fully cooperated in the matter.

Date: 12-22-11


STEPHEN D. WOLNITZEK, CHAIR

Agreed to:


Hon. Shah F. Embry