



COMMONWEALTH OF KENTUCKY
ETHICS COMMITTEE OF THE KENTUCKY JUDICIARY

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JUDICIAL ETHICS OPINION JE-110

April 30, 2006

Question 1: May a retired Senior Status Judge who is working as a realtor/auctioneer permit others in the business to refer to him as "Judge?"

Answer 1: No. We assume your question is posed in the sense that they would be making references to you as "Judge" in a public manner, as opposed to a courtesy in a private conversation.

This particular judge advised the Committee that he had retired in June of 2004 and the next day took Senior Judge status, following which he has served until the present time as a Family Court judge. The Committee was further advised that he had obtained his real estate sales license and his apprentice auctioneer license and has associated with a local real estate/auction company with the intention being to develop businesses in those areas. The judge advised the Committee that he wished to promote those businesses within the bounds of SCR 4.300. He posed certain specific questions to the Committee, which we have rearranged for organizational purposes.

An order of the Chief Justice (In re: Guidelines for the Senior Status Program for Special Judges, September 24th, 2004) makes Senior Judges subject to the entire Code, although Senior Judges are part-time judges and therefore exempt from certain sections of the Code. Those exemptions are not especially pertinent; what does matter is that even part-time judges, who are free to devote time to a business activity, are still governed by Canon 2, Canon 2D and Canon 4D(1).

Therefore, the Committee agrees that a Senior Status Judge is free to begin establishing himself as a realtor/auctioneer, subject to his scrupulous attention to those restrictions of the Code. However, while he is a Senior Judge, neither he nor his business associates may refer to

him as Judge in any advertisements or in public relating to his new career. Once he is fully retired, he may refer to himself as a retired Judge and permit others to do the same.

Question 2: May this Senior Status Judge conduct a normal media campaign to advertise himself as a real estate agent, and particularly as an auctioneer? If so, what reference, if any, may he make to his thirty years of public service (16 or which were spent as Judge?)

Answer 2: Qualified yes.

General advertisements to the Bar and the public are not prohibited. However, in accordance with the dictates of Canon 4D(1)(b), all direct contact with attorneys who practice in front of him as a Senior Status Judge should be avoided. Also, see paragraph 2 of our answer to question 1. So long as he is a Senior Judge, he may not refer to himself as "Judge" in those advertisements.

Question 3: May the Judge contact attorneys who "specialize" in probate matters to seek referral of estates for liquidation through public auction?

Answer 3: No.

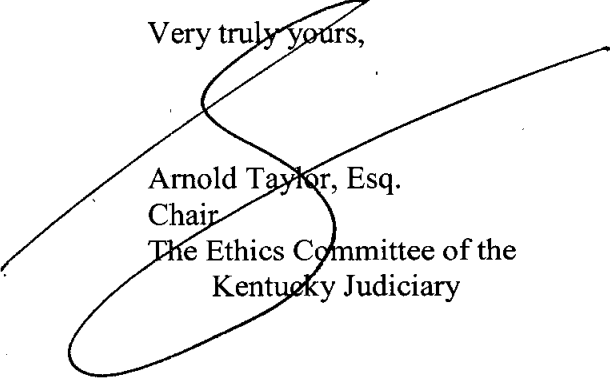
While a person is a Senior Status Judge, he may not personally contact attorneys who specialize in probate matters to seek referrals of estates for liquidation through public auction. General advertisements to the Bar and public are not prohibited.

Question 4: May the judge accept referrals from attorneys who practice in front of him in family Court if the referral is not related to any case of theirs that he has heard?

Answer 4: Qualified yes.

Care must be taken that he does not create the appearance of impropriety or violate the Canons, including, but not limited to, the strictures of Canons 2 and 4.

Very truly yours,



Arnold Taylor, Esq.
Chair
The Ethics Committee of the
Kentucky Judiciary