

JUDICIAL ETHICS OPINION JE-3

ADMINISTRATIVE OFFICE OF THE COURTS

Question: May a judge in a dry county belong to a club which maintains a cash bar in that county?

Answer: No.

Reference: SCR 4.300, Canon 1 and Canon 2A; KRS 242.230

Opinion: (October 1979)

The sale of alcoholic beverages in a dry county is plainly in violation of KRS 242.230(1), and a person who buys an alcoholic beverage in a dry county cannot be said to have "lawfully acquired" it within the meaning of KRS 242.230(2). Such a person would therefore seem to be in violation of the statute.

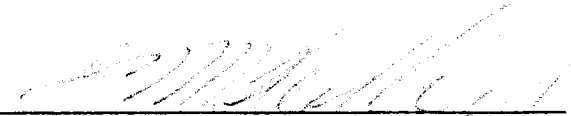
SCR 4.300, Canon 1, reads as follows:

An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining, and enforcing, and should himself observe, high standards of conduct so that the integrity and independence of the judiciary may be preserved. The provisions of this Code should be construed and applied to further that objective.

SCR 4.300, Canon 2A, reads as follows:

A judge should respect and comply with the law and should conduct himself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

A judge who violates KRS 242.230 by purchasing alcoholic beverages in a dry county clearly falls within the prohibition of Canon 2A. Although membership alone, without the purchase of prohibited beverages, would not constitute a violation of KRS 242.230, the member's knowledge of the club's illegal activities would indicate disrespect for the law and is therefore questionable under both Canon 1 and Canon 2A. Please see OAG 74-574.


Chairman, Judicial Ethics Committee

Approved by
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