



COMMONWEALTH OF KENTUCKY

ETHICS COMMITTEE OF THE KENTUCKY JUDICIARY

403 WAPPING STREET
FRANKFORT, KENTUCKY 40601

JOHN P. HAYES
Court of Appeals

JOSEPH H. ECKERT
Circuit Court

B. M. WESTBERRY, CHAIRMAN
Attorney

THOMAS J. KNOPF
District Court

UHEL O. BARRICKMAN
Attorney

JUDICIAL ETHICS OPINION JE-16

Formal

QUESTION: Is it proper for a judge to participate in a National Guard or Reserve Unit as a Judge Advocate Officer?

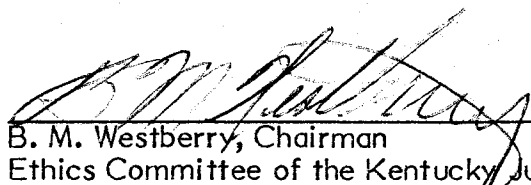
ANSWER: Yes.

REFERENCE: Canon 5F.

OPINION: (October, 1980):

We do not regard service in the Judge Advocate Division as the practice of law contemplated by the prohibition of Canon 5F. Like other citizens, judges owe a duty to their country. If they perform that duty by way of military service, they must serve in whatever capacity they are assigned. If a judge is assigned to the Judge Advocate General department, his work is outside the scope of our Canons because of its special nature and because the judge is, in effect, on leave from his judgeship during his military service.

This is not to be taken to mean that a judge on military duty may engage generally in the practice of law.



B. M. Westberry, Chairman
Ethics Committee of the Kentucky Judiciary