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OF THE COURTS

COMMONWEALTH OF KENTUCKY  
**ETHICS COMMITTEE OF THE KENTUCKY JUDICIARY**  
403 WAPPING STREET  
FRANKFORT, KENTUCKY 40601

**ANTHONY M. WILHOIT**  
Court of Appeals

**THOMAS J. KNOPF**  
District Court

**JOSEPH H. ECKERT**  
Circuit Court

**B.M. WESTBERRY, CHAIRMAN**  
Attorney

**UHEL O. BARRICKMAN**  
Attorney

**JUDICIAL ETHICS OPINION JE-34**

Formal

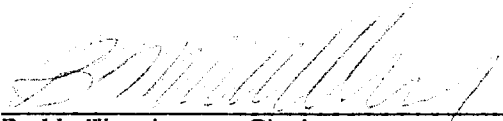
**QUESTION:** May a judge issue arrest warrants which are prepared by his daughter in her capacity as county attorney?

**ANSWER:** Yes, when it is important to issue a warrant without delay and there is no other judge on hand to issue it.

**REFERENCES:** SCR 4.300, Canon 3C(1)(d)(ii); Judicial Ethics Opinion JE-8.

**OPINION:**

Although SCR 4.300, Canon 3C(1)(d)(ii) requires disqualification of a judge when a close relative is acting as a lawyer in the proceeding, this Committee has taken the position in its Judicial Ethics Opinion JE-8 that disqualification is not an absolute requirement in criminal cases where hardship or delay would otherwise result. Clearly when there is no other judge on hand to sign the warrant, the delay in issuing the warrant might result in inability to serve it. Under such circumstances the judge may issue warrants prepared by his daughter or other close relative.

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