



COMMONWEALTH OF KENTUCKY
ETHICS COMMITTEE OF THE KENTUCKY JUDICIARY

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Court of Appeals

JOSEPH H. ECKERT
Circuit Court

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JUDICIAL ETHICS OPINION JE-43

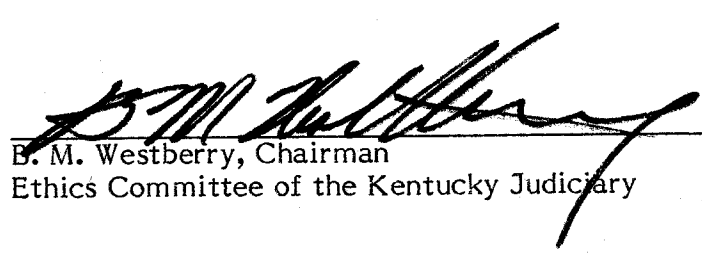
Informal

- Question:** May the partner of a trial commissioner appear in the trial commissioner's court, in a case in which the trial commissioner is not involved?
- Answer:** Yes.
- References:** SCR 4.300, Code of Judicial Conduct, Compliance Section Part A(2).
- Opinion:** (December 1982)

The Compliance Section of the Code of Judicial Conduct specifically states that a trial commissioner is not prevented "from practicing in the court of which he is a commissioner so long as he has not taken and does not take any action as such commissioner with respect to the matter or matters in which he practices as an attorney."

Since the trial commissioner himself is allowed to practice in his court, we can find no objection to his partner practicing under similar circumstances.

Were the trial commissioner involved in the case in his official capacity, the rules for disqualification and the remittal thereof, as set out in Canon 3C, would be applicable.


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