



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-57

Formal

**QUESTION:** Is a district judge required to disqualify himself in a juvenile case in which his wife, as a social worker and employee of the Cabinet for Human Resources, will be involved as a witness?

**ANSWER:** Yes.

**REFERENCES:** SCR 4.300(c)(1)(d)(iv).

The judge's question is very clearly covered by SCR 4.300(c)(1)(d)(iv) which provides that:

A judge should disqualify himself in a proceeding in which his impartiality might reasonably be questioned, including but not limited to instances where:

.....


he or his spouse, or a person within the third degree of relationship to either of them, or the spouse of such a person:

.....

is to the judge's knowledge likely to be a material witness in the proceeding;

In the opinion of the Committee, a judge is required to disqualify himself in these circumstances.

Sincerely,

  
B. M. Westberry, Chairman  
Judicial Ethics Committee