



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

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JUDICIAL ETHICS OPINION JE-58

Formal

QUESTION #1: May the master commissioner of a circuit court whose function is limited to conducting sale of property pursuant to circuit court judgment hold office in a political party or be a candidate for election to public office in the primary election of a political party or as the nominee of a political party in a general election?

QUESTION #2: May the domestic relations commissioner of a circuit court hold office in a political party or be a candidate for election to public office in the primary election of a political party or as the nominee of a political party in a general election?

**ANSWER TO
QUESTION #1 AND
QUESTION #2:** No.

REFERENCES: The Compliance Section of the Code of Judicial Ethics.

The Compliance Section of the Code of Judicial Ethics states:

"Anyone, whether or not a lawyer, who is an officer of a judicial system performing judicial functions, including an officer such as a referee in bankruptcy, special master, court commissioner, or magistrate, is a judge for the purpose of this Code. All judges should comply with this Code except as provided below.

A. Part-time judge. A part-time judge is a judge who serves on a continuing or periodic basis, but is permitted by law to devote time to some other profession or occupation and whose compensation for that reason is less than that of a full-time judge. A part-time judge:

- (1) Is not required to comply with Canon 5C(2), (3), D., D., F. and G.

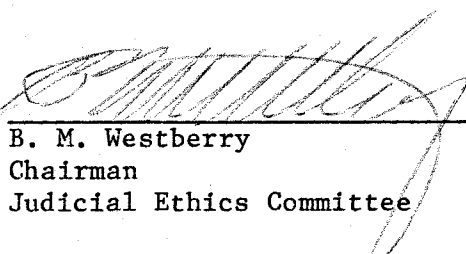
Canon 5 covers financial conduct and responsibilities. Canon 7, however, covers political conduct. Canon 7(A)(1)(a) provides:

"A judge or a candidate for election to judicial office should not:

Act as a leader or hold any office in a political organization."

For these reasons neither a master commissioner nor a domestic relations commissioner may hold office in a political party or compete in a partisan election whether primary or general.

Sincerely,



B. M. Westberry
Chairman
Judicial Ethics Committee