



COMMONWEALTH OF KENTUCKY
ETHICS COMMITTEE OF THE KENTUCKY JUDICIARY
ROOM 200 STATE CAPITOL
FRANKFORT, KENTUCKY 40601-3489

ANTHONY M. WILHOIT
COURT OF APPEALS

JOSEPH H. ECKERT
CIRCUIT COURT

B. M. WESTBERRY, CHAIRMAN
ATTORNEY

ROGER L. CRITTENDEN
DISTRICT COURT

UHEL O. BARRICKMAN
ATTORNEY

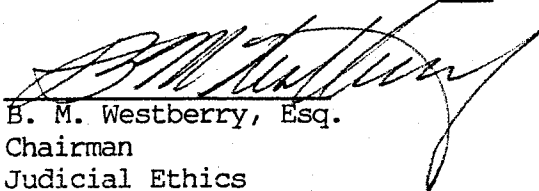
Judicial Ethics Opinion

September 21, 1990
JE - 79

Question: May an Assistant County Attorney hold the office of Domestic Relations Commissioner?

Answer: No. This violates the appearance of impropriety. See Canon 2.

The question presented is whether an Assistant County Attorney may hold the office of Domestic Relations Commissioner. The answer is no, the reason being that the Judicial Ethics Committee believes the two offices are incompatible. See 67 C.J.S. Officers § 27 (1978); 3 E. McQuillan, The Law of Municipal Corporations § 12.67 (1982). While there is no statutory or constitutional incompatibility of the offices of County Attorney and Domestic Relations Commissioner in Kentucky, the Committee believes that the simultaneous holding of the office of prosecutor and judge violates the appearance of impropriety. See Canon 2.


B. M. Westberry, Esq.
Chairman
Judicial Ethics
Committee

BMW:mah

This formal Judicial Ethics Opinion was affirmed by the Kentucky Supreme Court, Sanderson v. Ethics Committee of the Kentucky Judiciary, Ky., 804 S.W.2d 10 (1991).