



COMMONWEALTH OF KENTUCKY

ETHICS COMMITTEE OF THE KENTUCKY JUDICIARY

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JUDICIAL ETHICS OPINION JE-13

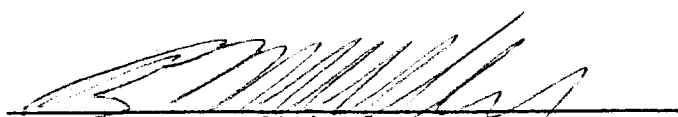
Informal

- QUESTION:** May a judge employ a part-time secretary who also works for his former partner? If the answer is no, may he employ such a person who works for some other lawyer?
- ANSWER:** No, unless the judge disqualifies himself in all cases in which the lawyer or firm in question appears.
- REFERENCE:** SCR 4.300, Canon 2
- OPINION:** (September 1980):

Canon 2 states that "a judge should avoid impropriety and the appearance of impropriety in all his activities." The Committee is concerned that sharing a secretary with a lawyer would appear to grant a favored position to that lawyer. The Committee is informed that the secretary in question will serve the lawyer as a receptionist and bookkeeper, and will not work on any pleadings, briefs, or other legal matters. Nevertheless, the public cannot be expected to be cognizant of the exact nature of the secretary's duties, and will simply be aware of the dual employment. In the eyes of many persons, the lawyer who employs the same secretary as the judge would appear to be in a favored position, able to learn of judicial actions prematurely, and perhaps able to exert a subtle influence on the judge. Therefore, a majority of the Committee feels that such a relationship involves the appearance of impropriety forbidden by Canon 2.

The appearance of impropriety would be removed if the judge disqualified himself in all cases in which the lawyer is involved, as provided in Canon 3C. The disqualification may be remitted by the parties in accordance with Canon 3D.

There would be no impropriety in sharing personnel with the office of the circuit clerk, since that office is an adjunct of the court.


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