



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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Attorney

THOMAS J. KNOPF
District Court

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JUDICIAL ETHICS OPINION JE-20

Informal

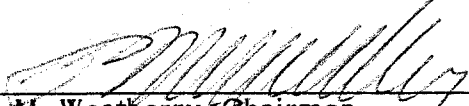
QUESTION: May a master commissioner who hears domestic relations matters practice other, non-related domestic relations cases in a county where there is no other attorney willing to accept appointment as a special commissioner?

ANSWER: Yes, 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.

REFERENCES: SCR 4.300, Compliance Provisions of Code of Judicial Conduct, Sec. A(2).

OPINION: (January 1981):

The Compliance Provisions of the Code of Judicial Conduct specifically permit a commissioner of the circuit court to practice 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." This provision does not place any limitations on the type of case which the commissioner may practice. Nor is the ethical situation changed by the fact that there is no attorney willing to serve as a special commissioner, for the circuit judge can hear those cases in which his commissioner is disqualified. If this places a burden on the judge, the matter should be resolved by discussion and agreement between the judge and commissioner.



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