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ADMINISTRATIVE OFFICE
OF THE COURTS



COMMONWEALTH OF KENTUCKY
ETHICS COMMITTEE OF THE KENTUCKY JUDICIARY

403 WAPPING STREET
FRANKFORT, KENTUCKY 40601

ANTHONY M. WILHOIT
Court of Appeals

JOSEPH H. ECKERT
Circuit Court

B.M. WESTBERRY, CHAIRMAN
Attorney

THOMAS J. KNOPF
District Court

UHEL O. BARRICKMAN
Attorney

JUDICIAL ETHICS OPINION JE-30

INFORMAL

QUESTION: May a candidate for a district judgeship appoint as his campaign chairman a person who is running for Commonwealth Attorney when the latter is unopposed for the election?

ANSWER: No.

REFERENCE: SCR 4.300, Canon 7.

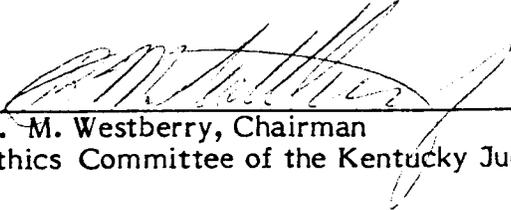
OPINION: (September, 1981):

Canon 7B(2) of the Code of Judicial Conduct requires candidates to establish campaign committees for the purpose of obtaining campaign funds and campaign endorsements. The only qualification for such committees found in Canon 7B(2) is that they consist of "responsible persons." However, Canon 7A(1)(b) states that a judge or a judicial candidate should not "publicly endorse a candidate for public office."

This Committee has already held, in its opinion JE-6, that judicial candidates may not slate themselves together as a ticket. The situation here proposed is analogous to slating, and a majority of the Committee finds that it is therefore impermissible. In addition, the office of Commonwealth Attorney is a public office and a candidate for that office runs for election under a party label. In the opinion of a majority of this Committee, the appointment here contemplated amounts to a public endorsement of the Commonwealth Attorney candidate by the judicial candidate.

Moreover, Commonwealth Attorneys sometimes appear in district court, and the appearance of impropriety might be great if the judge and the prosecutor were closely allied in the election process.

It should be mentioned that Canon 7B(2) expressly permits the campaign committee of a judicial candidate to solicit campaign contributions and public support from lawyers. Such endorsements are not limited to lawyers in private practice, but may include prosecutors and other lawyers in public service.



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