



COMMONWEALTH OF KENTUCKY
ETHICS COMMITTEE OF THE KENTUCKY JUDICIARY
STATE CAPITOL

700 CAPITAL AVENUE, SUITE 200
FRANKFORT, KENTUCKY 40601-3489

ROBERT W. DYCHE, III
COURT OF APPEALS

JAMES L. BOWLING
DISTRICT COURT

STEPHEN P. RYAN
CIRCUIT COURT

B. M. WESTBERRY, CHAIRMAN
ATTORNEY

UHEL O. BARRICKMAN
ATTORNEY

JUDICIAL ETHICS OPINION

JE-95

April 20, 1999

Question: May retired judges who intend to act as Special Judges endorse judicial candidates?

Answer: No. Retired judges are bound by Canon 5 which prohibits any judge from endorsing candidates for public office.

A majority of the Judicial Ethics Committee agrees that retired judges who intend to act as Special Judges are prohibited from endorsing candidates for public office. The test is a subjective one. If, after retiring, a judge intends to serve as a Special Judge, he must forego whatever opportunities he has to endorse candidates for public office.

A handwritten signature in cursive script, appearing to read "B.M. Westberry".

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

This formal Judicial Ethics Opinion was reversed by the Kentucky Supreme Court, McDonald v. Ethics Committee of the Kentucky Judiciary, Ky., 3 S.W.3d 740 (1999).