



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  
CIRCUIT COURT

B. M. WESTBERRY, CHAIRMAN  
ATTORNEY

PETER C. MACDONALD  
DISTRICT COURT

UHEL O. BARRICKMAN  
ATTORNEY

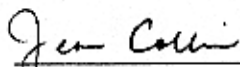
**JUDICIAL ETHICS OPINION JE-100**

February 28, 2002

Question: May a sitting judge hold a position as Board Member with a local Mediation Company?

Answer: No.

The Judicial Ethics Committee unanimously agrees that it violates the appearance of impropriety for a sitting judge to hold a position as Board member with a local Mediation Company. Regardless of whether the public will then perceive the judge to be acting as a mediator, litigants will likely believe that they will incur the judge's disfavor if they refuse to mediate their case. In addition, litigants may also believe that they will displease the judge if they choose an alternative mediation company whether the judge refers litigants to his company or not.

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

This formal ethics opinion was reversed by the Kentucky Supreme Court in Shake v. The Ethics Committee of the Kentucky Judiciary, 122 S.W.3d 577 (Ky. 2003).