



COMMONWEALTH OF KENTUCKY
ETHICS COMMITTEE OF THE KENTUCKY JUDICIARY

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LAURANCE B. VANMETER
COURT OF APPEALS

MICHAEL HARROD
DISTRICT COURT

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JAMES L. BOWLING, CHAIRMAN
CIRCUIT COURT

UHEL O. BARRICKMAN
ATTORNEY

JUDICIAL ETHICS OPINION JE – 108

FORMAL

February 8, 2006

QUESTION : May a candidate for a district judge position campaign as a future family court judge where the Chief Justice has announced his intention to create a family court judgeship in place of the district court position after the November election in 2006 and on January 1, 2007?

ANSWER : No. The Chief Justice's "announced intention" does not bind either himself or some future Chief Justice who might replace him prior to 2007.

In October, 2005, Chief Justice Joseph Lambert issued a press release announcing his intention to create a family court in Kenton County. The proposal indicates one circuit court, division (2) will be designated a family court and one district court, division (2) will be designated a family court. The press release explained that the Chief Justice would use his authority under Ky. Const. Section 110(5)(b) to assign the newly elected district judge of division (2) to family court. The sitting District Judge of Division (2) has stated that he will not seek re-election.

Despite the press release, the "announced intention" is not binding. Legally, division (2) of district court will be a district court on November 7, 2006, and will be so listed on the ballot. For this reason, all candidates for this particular "district judgeship" are limited in the way they may campaign.

In campaign material in which lengthy explanations are not possible, candidates must say or write "Elect [Name], District Judge" or "[Name], Candidate for District Judge." When making presentations before groups, however, and in campaign material

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in which more complete explanations are possible, the candidates may discuss the Chief Justice's press release, the Chief Justice's announced intention, and their own interest in and qualifications for family court.

A handwritten signature in black ink, appearing to read "Laurance B. VanMeter". The signature is written in a cursive style with a horizontal line underneath the name.

Hon. Laurance B. VanMeter, Judge
Kentucky Court of Appeals
Acting Chair
The Ethics Committee of the
Kentucky Judiciary

*Arnold Taylor, Esq., Chair, disqualified himself from this opinion.