

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

**KATHY W. STEIN, CIRCUIT COURT JUDGE
22ND JUDICIAL CIRCUIT**

AGREED ORDER OF SUSPENSION

Kathy W. Stein is Family Court Judge for Kentucky's 22nd Judicial Circuit located in Fayette County. Judge Stein has waived formal proceedings and has agreed to the entry of this Order.

During a preliminary investigation resulting from a complaint, the Commission received information that on May 20, 2016, a motion to set a hearing date was heard in Fayette Family Court Case No. 16-CI-01662, styled *Rai-Tonicia King v. Joian Adams*. The Respondent appeared without counsel and informed Judge Stein she believed she had appointed counsel, as counsel had been appointed in a related juvenile court matter. Judge Stein informed the Respondent that she was not entitled to appointed counsel in the civil court matter and advised Respondent she could represent herself. Rather than continue the matter to give the Respondent an opportunity to obtain counsel, Judge Stein continued with the proceeding.

The Petitioner requested an evidentiary hearing on her petition to be given permanent custody of Respondent's daughter. The Petitioner's counsel acknowledged that an evidentiary hearing was necessary to establish whether the Petitioner was the de facto custodian of the child or was otherwise entitled to custody. Rather than schedule an evidentiary hearing as requested, Judge Stein proceeded to grant permanent sole custody of the child to the Petitioner that day. Judge Stein did so without requiring the Petitioner to

provide evidence or testimony that she was the de facto custodian and that it was in the best interest of the child that she be given permanent custody of the child. While Judge Stein did allow the parties to make statements, she did so without placing witnesses under oath. Additionally, Judge Stein did not give the Respondent an opportunity to obtain counsel, cross-examine witnesses, or introduce evidence of her own. Judge Stein directed the attorney for the Petitioner to prepare an order for her signature. On May 24, 2016, Judge Stein signed an order that said it was based, in part, on the testimony of both the Respondent and the Petitioner.

The Commission received a subsequent complaint regarding Judge Stein. During a preliminary investigation of this complaint the Commission received information that on February 16, 2015, while presiding in Fayette Family Court confidential cases 13-J-826, 827, 828, and 829, Judge Stein ordered two minor children to be immediately placed in foster care without conducting a formal hearing, taking any sworn testimony, or affording the parents basic due process.

The Commission concludes that by the conduct described above, Judge Stein violated SCR 4.300, the Code of Judicial Conduct, Canon 1 by failing to maintain high standards of conduct and by failing to uphold the integrity and independence of the judiciary; Canon 2A by failing to comply with the law and act in a manner that promotes public confidence in the integrity of the judiciary; Canon 3B(7) by failing to accord every person who has a legal interest in a proceeding the right to be heard; and, Canon 3B(8) which requires a judge to dispose of matters promptly, efficiently, and fairly.

Therefore, in light of the foregoing conduct, Judge Stein is hereby suspended from her duties as Family Court Judge without pay for a period of 30 consecutive days beginning

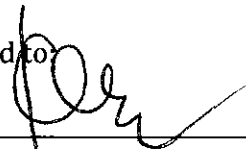
March 20, 2017 and ending April 19, 2017. In addition, Judge Stein shall within six (6) months from the entry of this Order, attend and complete educational courses and training on substantive and procedural due process. The courses shall be submitted to and approved by the Commission.

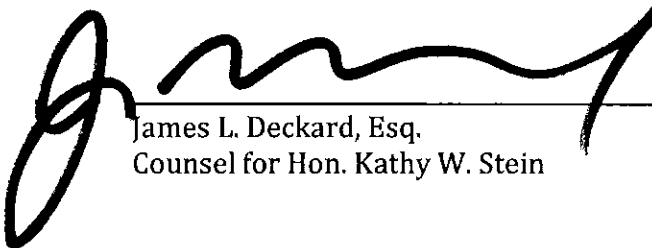
In entering this Order with the agreement of Judge Stein, the Commission has duly considered that she fully cooperated in the Commission's investigation and pledged the offending conduct will not be repeated.

Brother Joe Adams recused from this matter.

Date: 3/21/17


STEPHEN D. WOLNITZEK, CHAIR

Agreed to: 
Hon. Kathy W. Stein


James L. Deckard, Esq.
Counsel for Hon. Kathy W. Stein