

KENTUCKY BAR ASSOCIATION
Ethics Opinion KBA E-225
Issued: January 1980

Question: May a partner or associate of a city attorney of a city of the second class defend criminal actions in District and/or Circuit Courts?

Answer: Qualified yes.

References: DR 5-105; Opinion KBA E-18 (1963), E-196 (1978); KRS 69.560

OPINION

In Opinion KBA E-196 (1978), the Ethics Committee ruled that a city attorney may not act as defense counsel in a criminal case in which charges are brought by the police in that city in either District or Circuit Court.

The Committee, in viewing this request, feels that an attorney or his partner may defend a criminal action that would take place outside of the city of the second class in which an attorney is employed. However, the city attorney or his partner may not defend a criminal action in either the District Court or the Circuit Court if the offense occurs in that city or the city police investigate the criminal action.

Note to Reader

This ethics opinion has been formally adopted by the Board of Governors of the Kentucky Bar Association under the provisions of Kentucky Supreme Court Rule 3.530 (or its predecessor rule). Note that the Rule provides: "Both informal and formal opinions shall be advisory only; however, no attorney shall be disciplined for any professional act on his part performed in compliance with an opinion furnished to him on his petition, provided his petition clearly, fairly, accurately and completely states his contemplated professional act."