

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

***This opinion was decided under the Code of Professional Responsibility, which was in effect from 1971 to 1990. Lawyers should consult the current version of the Rules of Professional Conduct and Comments, SCR 3.130 (available at <http://www.kybar.org>), before relying on this opinion.***

**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.

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***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). The Rule provides that formal opinions are advisory only.*