

Kentucky Bar Association
Ethics Opinion KBA E-243
Issued: May 1981

Overruled by E-444 (2018)

Question 1: May a lawyer who shares offices with the county attorney accept employment adverse to the county?

Answer 1: No.

Question 2: May a lawyer who shares offices with the county attorney defend criminal cases?

Answer 2: No.

References: KRS 62.210(3); Canon 9; DR 4-105; Opinion KBA E-44, E-159

OPINION

The purpose of this opinion is to re-evaluate KBA E-159 in which as to Question 2 this Committee held that a lawyer who shares office space with a county attorney may defend criminal cases in a county other than the attorney's county as "Qualified Yes."

The purpose of this opinion is to formally revoke that answer and insert the answer "No."

The Committee has re-thought Question E-159 and feels that the appearance of impropriety is so great that since the county attorney may not defend criminal cases in any other county or federal courts, neither may a partner, associate, or person who shares office space with the county attorney practice criminal law in any respect.

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.