

## Rule 8.2: Judicial and Legal Officials

### 1. Current Kentucky Rule with Official Comments:

#### SCR 3.130(8.2) Judicial and legal officials

(a) A lawyer shall not make a statement that the lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge, adjudicatory officer or public legal officer, or of a candidate for election or appointment to judicial or legal office.

(b) A lawyer who is a candidate for judicial office shall comply with the applicable provisions of the Code of Judicial Conduct.

#### Supreme Court Commentary

[1] Assessments by lawyers are relied on in evaluating the professional or personal fitness of persons being considered for election or appointment to judicial office and to public legal offices, such as attorney general, prosecuting attorney and public defender. Expressing honest and candid opinions on such matters contributes to improving the administration of justice. Conversely, false statements by a lawyer can unfairly undermine public confidence in the administration of justice.

[2] When a lawyer seeks judicial office, the lawyer should be bound by applicable limitations on political activity.

[3] To maintain the fair and independent administration of justice, lawyers are encouraged to continue traditional efforts to defend judges and courts unjustly criticized.

### 2. Proposed Kentucky Rule with Official Comments:

No change is recommended to current KRPC 8.2 other than to change the caption Supreme Court Commentary to Comment.

### 3. Discussion and Explanation of Recommendation:

#### a. Comparison of proposed Kentucky Rule with its counterpart ABA Model Rule.

The Commission did not recommend changes to MR 8.2. The Committee similarly recommends no changes to the current Kentucky Rule other than to change the caption Supreme Court Commentary to Comment.

b. Detailed discussion of reason for variance from ABA Model Rule (if any).

Not applicable.

Committee proposal adopted without change. Order 2009-05, eff 7-15-09.