

**KENTUCKY BAR ASSOCIATION**  
**Ethics Opinion KBA E-86**  
Issued: March 1974

***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 an attorney ethically continue his association with a law firm and have his name included on firm stationery following his election to the position of magistrate?

**Answer:** Yes.

**OPINION**

An associate in a law firm has recently been elected to the position of magistrate. The firm now inquires whether that associate may continue in his position with the firm and have his name included on firm stationery.

The Committee finds no statutory or ethical prohibition against the practice of law by one who holds the position of magistrate. Neither are we aware of any reason why the holder of this office may not associate himself with others in the practice of law. In view of these conclusions, it necessarily follows that his name appears on the firm stationery so long as there is no reference to his elective position.

However, there are some restrictions we find it appropriate to mention. Recently, in KBA Opinion E-70 we noted that a justice of the peace cannot represent persons in criminal cases in other courts, even where he has no criminal jurisdiction of his own court. In KBA Opinion E-61, we spoke of a similar prohibition and observed that the same limitations applied to the partners or members of a firm with which a judge is associated. This has obvious application in the present instance.

Secondly, in ABA Formal Opinion 142 (dated May 9, 1935) it was held improper for the partner of a judge to practice in a court over which he presides. This restriction was also referred to in KBA E-61. The inquiring attorneys will also want to observe this prohibition in the future conduct of their firm.

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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.*