

**KENTUCKY BAR ASSOCIATION**  
**Ethics Opinion KBA E-238**  
Issued: March 1981

**Overruled by E-444 (2018)**

**Question:** May an attorney who shares office space with another attorney who is employed as a part-time assistant to the County Attorney represent juveniles as their attorney in juvenile court proceedings wherein the juvenile is being brought before the court for committing a public offense?

**Answer:** No.

**References:** Canon 9; Opinion KBA E-44, E-61, 159, E-167, E-194

**OPINION**

Prior Ethics Opinions of the Kentucky Bar Association have consistently held that partners of prosecuting attorneys or assistants to prosecuting attorneys are prohibited from representing individuals charged in criminal cases in any court of criminal jurisdiction.

The situation presented by the question posed for this Ethics Opinion does not alter the answer to the question. First, the Ethics Committee of the Kentucky Bar Association has addressed office space sharing arrangements by an attorney with a prosecutor and has adopted the test of “Whether clients or the public might be led to believe that lawyers so affiliated have such close personal, and professional relationship as to imply special advantage or unusual influence.” The Ethics Committee cannot help but conclude that a client or the public would believe that an attorney sharing office space with another attorney whose duties included the representation of the Commonwealth in a juvenile court action, could imply special advantage or unusual influence in the proceedings. Second, the Ethics Committee sees no real distinction between juvenile court situation and the criminal law situation, so far as representation by an attorney is concerned. The same ethical standards established for representation in criminal proceedings should apply to juvenile court proceedings.

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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.*