



## State Supreme Court justice ask to step aside in case

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FRANKFORT, Ky. (AP) -- An attorney is asking state Supreme Court Justice John Roach to step aside in an estate case because it involves lawyers who are holding a fundraiser for his 2006 election campaign.

Peter Ervin, the lawyer for the estate of David H. Dean Sr., said in his motion filed Tuesday that the contributions "may affect the public's confidence in this court" and "this kind of campaign assistance would challenge the impartiality of even the most fair-minded jurist."

Dean's estate sued a Louisville law firm on allegations of legal malpractice. Seven members of the firm are co-hosts for the fundraiser for Roach on Monday.

Roach's campaign spokeswoman, Carla Blanton, said Roach bases his legal decisions "on the merits of the case and Kentucky law." Blanton said a lawyer's political contributions would not impact his decisions.

Roach could not be reached for comment.

It is not illegal for lawyers with cases before the court to

hold such fundraisers. But Roach's opponent in the race, Fayette Circuit Judge Mary Noble, has said such circumstances raise an "appearance of improprieties."

Noble said last night that she was not familiar with the estate case.

"But this type of motion illustrates why I have taken the position I've taken in this race, of not looking at who is contributing to my campaign and how much they've contributed," she said.

Dean's estate is awaiting a decision by the high court on whether it will hear the appeal. The court also has not ruled on whether to block Roach from considering the case.

Roach was Gov. Ernie Fletcher's general counsel before being appointed by the governor to the court in June. Invitations to the event list 26 hosts -- defined as someone contributing \$500. Among those listed as hosts are seven members of the Frost Brown Todd law firm.

Frost Brown Todd referred questions Wednesday to its lawyer, James Milliman of Louisville, who said there was nothing wrong with the contributions.

"In fact, the ethics rules encourage members of the bar to support candidates for judge or justice. They encourage contributions," Milliman said. "If a judge or justice feels a need to recuse himself in any case where some conflict has been alleged, he will do so."

Ervin said facing Frost Brown Todd creates a "David versus Goliath" scenario.

"In this country David can win, but he needs a level playing field, and that's what we're seeking with this motion," Ervin said.

Milliman said Jefferson Circuit Court and the Kentucky Court of Appeals have ruled against the plaintiffs. Milliman, who is a host of the Roach fundraiser, represents Republican Dana Seum Stephenson in a disputed state Senate election case before the Supreme Court.

"Raising this issue is just politics," Milliman said.

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