

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

**KATHY W. STEIN, CIRCUIT COURT JUDGE
22ND JUDICIAL CIRCUIT**

AGREED ORDER OF SUSPENSION

Kathy W. Stein is Family Court Judge for Kentucky's 22nd Judicial Circuit located in Fayette County. Judge Stein has waived formal proceedings and has agreed to the entry of this Order.

During a preliminary investigation resulting from a complaint, the Commission received information that on December 4, 2015, Judge Stein was approached, *ex parte*, by counsel for the father in Fayette Family Court Case No. 07-CI-04247, styled *Carlie Simone Schindler v. Charles Joseph Schindler*. Counsel sought an order granting immediate, temporary custody of the parties' child to the father. Without conducting a hearing or giving the mother an opportunity to respond, Judge Stein granted the *ex parte* motion. She then participated in an *ex parte* telephonic conference with an administrator from the child's school with counsel for the father. During the telephone conference, Judge Stein told the school administrator that the child's father was allowed to pick up the child that day and further instructed the school administrator that the child's mother did not need to be informed of the Order. Immediately following the Order, the child's father took the child from school under the guise of taking the child to a counseling session. Instead, the father absconded with the child to Mississippi and remained there until the Court of Appeals granted intermediate relief and ordered the child be returned to Kentucky. On January 26, 2016 the Kentucky Court of Appeals granted the mother's writ of prohibition ruling that

Judge Stein acted erroneously in granting the *ex parte* motion and ordered an evidentiary hearing on custody of the child.

The Commission concludes that by the conduct described above, Judge Stein violated SCR 4.300, the Code of Judicial Conduct, Canon 1 by failing to maintain high standards of conduct and by failing to uphold the integrity and independence of the judiciary; Canon 2A by failing to comply with the law and act in a manner that promotes public confidence in the integrity of the judiciary; Canon 3B(7) by failing to accord every person who has a legal interest in a proceeding the right to be heard; and, Canon 3B(8) which requires a judge to dispose of matters promptly, efficiently, and fairly.

Therefore, in light of the foregoing conduct, Judge Stein is hereby suspended from her duties as Family Court Judge without pay for a period of 7 consecutive days beginning September 28, 2016 and ending October 4, 2016. In entering this Order with the agreement of Judge Stein, the Commission has duly considered that she fully cooperated in the Commission's investigation and pledged the offending conduct will not be repeated.

Date: _____

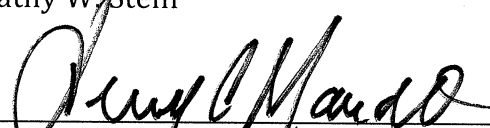
9/12/16


STEPHEN D. WOLNITZEK, CHAIR

Agreed to: _____



Hon. Kathy W. Stein


Jeffrey C. Mando, Counsel for the Commission