

35.130 Detail of trial counsel and defense counsel.

- (1)
 - (a) For each general and special court-martial the authority convening the court shall detail trial counsel, defense counsel, and assistants as are appropriate.
 - (b) No person who has acted as investigating officer, military judge, or court member in any case may act later as trial counsel, assistant trial counsel, or, unless expressly requested by the accused, as defense counsel or assistant or associate defense counsel in the same case. No person who has acted for the prosecution may act later in the same case for the defense, nor may any person who has acted for the defense act later in the same case for the prosecution.
 - (c) Except as provided in subsection (2) of this section, trial counsel and defense counsel detailed for a general and special court-martial must be a judge advocate.
- (2) In the instance when a defense counsel is not a member of the bar of the highest court of the state, the defense counsel shall be deemed admitted pro hac vice, subject to filing a certificate with the military judge setting forth qualifications that counsel is:
 - (a) A commissioned officer of the Armed Forces of the United States or a component thereof; and
 - (b) A member in good standing of the bar of the highest court of a state; and
 - (c) Either:
 1. Certified as a judge advocate in the Judge Advocate General's Corps of the Army, Air Force, Navy, or the Marine Corps; or
 2. A judge advocate.

Effective: June 25, 2013

History: Amended 2013 Ky. Acts ch. 32, sec. 28, effective June 25, 2013. -- Amended 1970 Ky. Acts ch. 56, sec. 17. -- Created 1954 Ky. Acts ch. 99, sec. 25, effective July 1, 1954.

Legislative Research Commission Note (6/25/2013). The numbering and lettering of subsection (2) of this statute have been changed. Paragraphs (c) and (d) in the enacted version (2013 Ky. Acts ch. 32, sec. 28) have been renumbered as subparagraphs 1. and 2. of paragraph (c), and the word "Either:" has been inserted at the beginning of paragraph (c). The Reviser of Statutes has made this change under the authority of KRS 7.136(1).