

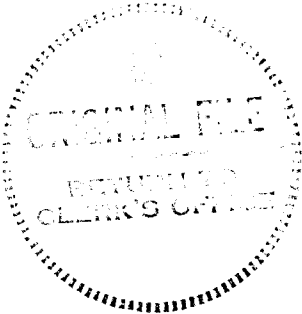


State of Kansas

## Office of Judicial Administration

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JUDICIAL ETHICS ADVISORY PANEL

September 16, 1988

Judicial Ethics Opinion JE-25

### Topic

May a judge be a regularly employed weekend pastor of a church?

A candidate for a position as a District Magistrate Judge requests an advisory opinion whether, if elected, he will be in compliance with the Code of Judicial Conduct by continuing his employment as an ordained minister of an organized church. He describes his activities as "week-end ministerial duties of preaching, visiting hospitalized members, etc." He is paid a regular monthly salary and expenses.

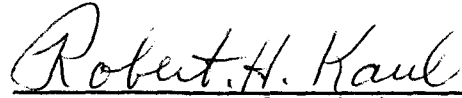
Our answer is that continuance of his activities, as described by the questioner, would fall within the proscription and intent of Canon 5.

The aims of Canon 5 pertinent to the question presented are (1) to insure that a judge will devote full time to his judicial duties and (2) to prevent the appearance that patronizing or not patronizing would work to the advantage or disadvantage of a litigant or lawyer. As applied here, even though a judge might have the highest judicial ethics, the appearance to a litigant or lawyer member of a denomination other than that of the minister-judge could well create a feeling of being disadvantaged.

Even though he describes his church duties as preaching, visitations, etc., on weekends, it is noted that he is a regularly employed pastor of a church. As such, it seems inevitable he will have potential time and loyalty conflicts between his duties as a pastor and his duties as a judge.

continued

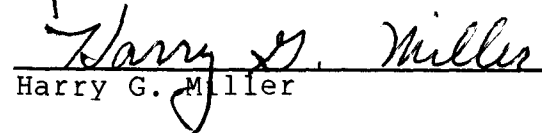
Inherent among the duties of a pastor is participating in the financial affairs of his church. In this connection Canon 5B(2) specifically prohibits a judge from soliciting funds, either directly or indirectly, for any purpose.



Robert H. Kaul, Chairman



John W. Brookens



Harry G. Miller