A judge’s spouse is a lawyer practicing in partnership with one other lawyer. The judge asks whether the lawyer who is in partnership with the judge’s spouse may practice before the judge.

Canon 2, Rule 2.11(A) provides that “A judge shall disqualify himself or herself in any proceeding in which the judge’s impartiality might reasonably be questioned . . .”

We are of the opinion that the judge’s impartiality might reasonably be questioned in a proceeding before the judge in which a party is represented by the partner of the judge’s spouse.

Canon 1, Rule 1.2 provides “A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.”

We are also of the opinion that appearance before the judge of the judge’s spouse’s law partner would not promote public confidence in the independence, integrity, and impartiality of the judiciary and would result in the appearance of impropriety.

The judge is, therefore, required to disqualify in any proceeding in which the partner of the judge’s spouse represents a party.

The Canons and Rules quoted above are in accordance with the Kansas Code of Judicial Conduct, Rule 601B as adopted by the Kansas Supreme Court effective March 1, 2009.

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