

State of Kansas



Judicial Ethics Advisory Panel

Judge Fred S. Jackson
Justice Edward Larson

Kansas Judicial Center
301 S.W. Tenth Avenue
Topeka, Kansas 66612-1507
ethicspanel@kscourts.org

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ADVISORY PANEL

Telephone 785-296-2913
Facsimile 785-296-1028

JUDICIAL ETHICS OPINION JE 182

May 11, 2015

A judge who regularly presides over protection from abuse cases has been asked to serve as a member of the Protection Order Judicial Workgroup of the Kansas Coalition against Sexual and Domestic Violence (KCSDV).

The KCSDV is a non-profit organization comprised of the 29 sexual and domestic violence programs serving survivors across the State of Kansas. KCSDV's purpose is:

"The purpose of the Coalition is the prevention and elimination of sexual and domestic violence through a statewide network of programs providing support and safety for all victims of sexual and domestic violence and stalking, with primary focus on women and their children; direct services; public awareness and education; advocacy for victims; comprehensive prevention; and, social change efforts."

The mission of the Workgroup is as follows:

"To identify the gaps in the current protection order system; to identify reasonable solutions for these gaps in the form of recommendations; and, to provide these recommendations to policymakers."

The judge recognizes that it is proper to participate in activities that will improve the judicial system (Rule 3.7) but in doing so, the judge must be cognizant of Comment [2] to Rule 3.7 which states:


"[2] Even for law-related organizations, a judge should consider whether the membership and purposes of the organization, or the nature of the judge's participation in or association with the organization, would conflict with the judge's obligation to refrain from activities that reflect adversely upon a judge's independence, integrity, and impartiality."

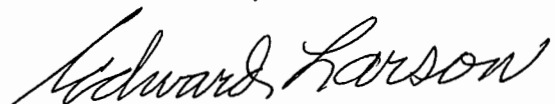
We are concerned with whether the judge's service on this Workgroup without all parties who regularly are involved with protection from abuse cases being represented (i.e., there are no law enforcement officers, prosecutors, or defense attorneys who would be members of the Workgroup) would erode public confidence in the independence, integrity, and impartiality of the judiciary, result in impropriety and the appearance of impropriety, all in violation of Kansas Code of Judicial Conduct, Rule 1.2.

We have addressed similar questions in Ethics Advisory Opinions JE 121, JE 126, and JE 157. JE 121 concluded it was not proper for a judge to attend a conference where only the challenges faced by law enforcement officers in presenting DUI cases was presented.

The judge's request is not like that presented to us in JE 157 where the working group was to be composed of all parties interested in Offender Registration, which we deemed to be proper and devoted to improvement of the law.

It is our opinion the judge should not serve as a member of the Protection Order Judicial Workgroup as it would not involve all parties involved in the process, represent an ex parte communication to the judge, and possibly erode confidence in the judge's impartiality.


FRED S. JACKSON


EDWARD LARSON

Adrian J. Allen, Not Participating