The Supreme Court of Kansas
Kansas Judicial Center
Topeka, Kansas 66612-1507

JUDICIAL ETHICS ADVISORY PANEL

Judicial Ethics Opinion JE-71

October 25, 1996

FACTS: Prior to taking the bench, a judge had been appointed as a guardian ad litem for a minor. Some months after the judge took the bench, it became apparent that the minor has a claim for personal injuries.

QUESTION: May the judge refer the minor’s claim to a lawyer and claim a “referral” fee?

ANSWER: No. This is not the winding up of the judge’s former law practice; this is new business. The judge did not have the minor’s claim for personal injuries in his office when he took the bench; the claim was first recognized months later. The judge had not been employed on this claim. A judge is not a practicing lawyer and may not refer cases and accept referral fees. Canon 4 G, 1995 Kan. Ct. R. Annot. 415.

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