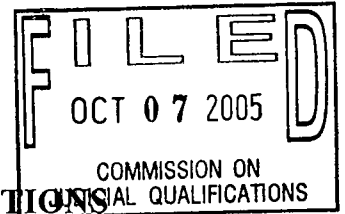


STATE OF KANSAS

BEFORE THE COMMISSION ON JUDICIAL QUALIFICATIONS



Inquiry Concerning  
A Judge

Docket No. 921

**ORDER**

Members of the Commission present include: Hon. Robert J. Fleming, Chair; Hon. Lawrence E. Sheppard, Vice-Chair; Bruce Buchanan; Hon. David J. King; and Mikel L. Stout.

**FINDINGS OF FACT**

There is no dispute regarding the facts set out below:

1. The Respondent, David W. Dewey, served as a district court judge in the 18<sup>th</sup> Judicial District from March 1, 1989, until January 3, 2003.
2. David W. Dewey retired on January 3, 2003, and is not currently a sitting judge.
3. The Respondent, by letter dated April 4, 2005, after his retirement from the bench, provided an expert opinion in a case on a post-divorce motion.
4. In response to an inquiry by the Commission, the Respondent acknowledged that he agreed to serve as an expert witness and wrote an opinion letter dated April 4, 2005.
5. The opinion letter dated April 4, 2005, identified David W. Dewey in the letterhead as "District Court Judge – Ret." with an e-mail address also incorporating the word "judge."

**CONCLUSIONS OF LAW**

1. Canon 2B of the Code of Judicial Conduct, Rule 601A, provides in relevant part:  

“B. . . . A judge shall not lend the prestige of judicial office to advance the private interests of the judge or others . . . .”

2. The Commission has determined that Respondent violated Canon 2B by lending the prestige of judicial office to advance the private interests of others when, in rendering an expert opinion, he identified himself as a judge on his letterhead.

IT IS THEREFORE ORDERED that the Respondent, David W. Dewey, cease and desist from lending the prestige of judicial office to advance the private interests of others, in violation of the above-cited Canon.

This Order, if accepted, shall be made public pursuant to Rule 611(a). See 2004 Kan. Ct. R. Annot. 571.

The Secretary of the Commission on Judicial Qualifications is hereby instructed to mail a copy of this Order with a copy of Rule 611, as adopted by the Supreme Court of Kansas, to Respondent. Respondent is requested, in accordance with Rule 611, to either (a) comply by accepting the Order by written acknowledgment directed to the Secretary of the Commission; or (b) refuse to accept the Order. Any agreement to comply or refusal to accept shall be served upon the Commission within twenty days from this date. In the event the Respondent shall not agree to comply by accepting this Order by written acknowledgment within said period, Respondent shall be deemed to have refused to accept this Order.

BY ORDER OF THE COMMISSION dated this 14<sup>th</sup> day of September, 2005.

**COMMISSION ON JUDICIAL QUALIFICATIONS**

By: Carol G. Green  
Carol G. Green, Secretary

APPROVED & ACCEPTED

10-5-05  
Date

David W. Dewey  
David W. Dewey, Respondent