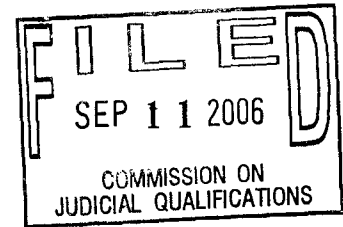




The Supreme Court of Kansas

KANSAS JUDICIAL CENTER
301 S.W. 10th Ave.
Topeka, Kansas 66612-1507



JUDICIAL ETHICS ADVISORY PANEL

Judicial Ethics Opinion JE 144 September 11, 2006

Prior to becoming a judge, the judge and the judge's spouse purchased an office building in a small county seat town. The building was titled in the name of the spouse and the judge asserts that the spouse is the owner of the building. The building bears the surname of the judge, which the judge plans to remove. The judge and another lawyer, hereinafter, the other lawyer, engaged in the private practice of law in this building separately as sole practitioners and the other lawyer continues to do so. The judge's spouse operates an insufficient funds check collection business in the building at this time with assistance of the other lawyer. We understand that the spouse has leased the building to the other lawyer or, if not, she proposed to do so.

Question: Does this lease transaction violate the Code of Judicial Conduct?

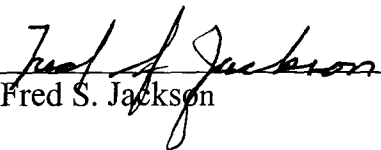
Answer: No.

Discussion: The financial activities of a judge are covered by Canon 4D, (2005 Kan. Ct. R. Annot. 571). The judge's spouse has leased or proposes to lease this building to the other lawyer and the spouse continues to have frequent transactions and a continuing business relationship with the other lawyer who will frequently be before the court on which the judge serves.

The judge will not be engaging in financial or business dealings with the other lawyer. The financial dealings involved will be between the judge's spouse and the other lawyer and we do not believe that these dealings reasonably appear to exploit the judge's judicial position.

We find no violation of the Code of Judicial Conduct.


Adrian J. Allen


Fred S. Jackson

Robert H. Miller not participating.