



State of Kansas

## Office of Judicial Administration

Kansas Judicial Center  
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### JUDICIAL ETHICS ADVISORY PANEL

August 13, 1986

#### Judicial Ethics Opinion JE-17

Question: May a judge who is a legatee under the will of his deceased father serve as a co-executor of the will with his mother and act as attorney for the executors where he has been requested to do so by his mother and the other heirs of the estate?

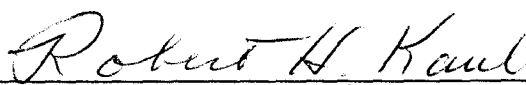
- Answer:
1. Under the specific exemption set out in Canon 5D, the judge may act as a co-executor of his father's estate if the limitations set out in 5D(1) are met.
  2. However, under the provisions of Article 3, Section 13 of the Constitution of Kansas, judges are specifically prohibited from "the practice of law in any of the courts in the state during their continuance in office."

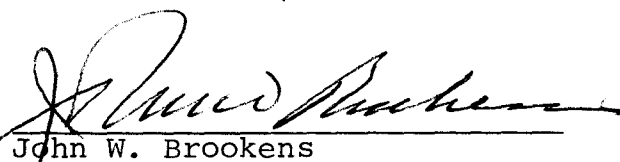
In line with the constitutional provision, the Kansas committee, with reference to the question, notes that a judge "representing himself as fiduciary in legal proceedings would violate the prohibition relating to the practice of law" (Canon 5D Committee Note.)

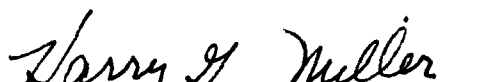
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Therefore, we conclude that the judge may not act as attorney for the executors.

  
Robert H. Kaul, Chairman

  
John W. Brookens

  
Harry G. Miller