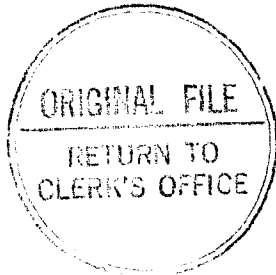




The Supreme Court of Kansas

Kansas Judicial Center

Topeka, Kansas 66612-1507



JUDICIAL ETHICS ADVISORY PANEL

Judicial Ethics Opinion JE-41

February 23, 1993

Topic

Is a settlement conference arbitration or mediation?

Question: "Does a judge, in presiding over a settlement conference in a pending court case, violate Canon 5E?"

Answer: No.

Canon 5E states "a judge should not act as an arbitrator or mediator." The history of the Canon clearly shows a settlement conference in a pending court case is not arbitration or mediation within the meaning of the Canon.

The Kansas Supreme Court historically has always encouraged settlement of litigation. The time honored practice of settlement conferences is an important step toward that goal.

Robert H. Kaul

Robert H. Kaul, Chairman

John W. Brookens

John W. Brookens

Harry G. Miller

Harry G. Miller