



The Supreme Court
of Kansas

Kansas Judicial Center
Topeka, Kansas 66612-1507

FILED

JUN 16 10 54 AM '94

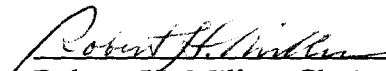
CAROL G. GREEN
CLERK APPELLATE COURTS

JUDICIAL ETHICS ADVISORY PANEL

Judicial Ethics Opinion JE-50

June 15, 1994

- Question:** May a full-time municipal court judge serve as the executor of the will of his former legal secretary?
- Facts:** Petitioner states that several years ago, before he assumed the bench, his then legal secretary executed a will naming petitioner as her executor. She died recently without changing her will. Family member who live out of state want petitioner to serve.
- Discussion:** A full-time municipal judge is required to comply with the Canons of Judicial Conduct. Such a judge is not partially exempt, as are part-time judges. See Compliance with the Code of Judicial Conduct, 1993 Rules of the Supreme Court of Kansas, p. 395. Canon 5 D. provides that a judge may not serve as an executor, except for a member of his family. "Member of his family" is defined as including spouse, child, grandchild, parent, grandparent, or other relative or person with whom the judge maintains a close familial relationship. Whether the decedent comes within that exception, only petitioner may determine. We find nothing in the factual statement submitted that indicates the decedent was such a person.
- Answer:** We conclude that under the facts submitted, petitioner may not serve as the executor of the will and estate of his former secretary.


Robert H. Miller, Chairman


Adrian J. Allen


E. Newton Vickers