

IN THE SUPREME COURT OF THE STATE OF KANSAS

RULES RELATING TO JUDICIAL CONDUCT

Rule 650

JUDICIAL ETHICS ADVISORY PANEL

FILED

AUG 31 2015

HEATHER L. SMITH
CLERK OF APPELLATE COURTS

Rule 650 is hereby amended, effective the date of this order.

(a) Pursuant to Article 3, Section 15 of the Constitution of the State of Kansas and the inherent power of the Supreme Court, there is hereby created a judicial ethics advisory panel to serve as an advisory committee for judges seeking opinions concerning the compliance of an intended, future course of conduct with the Code of Judicial Conduct.

(b) The panel shall consist of no more than three retired justices or judges, ~~who shall serve at the pleasure of the Supreme Court.~~ Each appointment shall be for a term of 4 years. The Supreme Court will appoint a new member to fill a vacancy on the panel occurring during a term. A new member appointed to fill a vacancy serves the unexpired term of the previous member. No member may serve more than three consecutive 4-year terms, except that a member initially appointed to serve an unexpired term may serve three consecutive 4-year terms thereafter. A vacancy shall occur when the qualifications for the appointment of any member are no longer met.

(c) The Supreme Court shall designate one member as chair of the panel, which shall meet when the need arises and as called by the chair.

(d) Members of the advisory panel shall be reimbursed their actual and necessary expenses incurred in the discharge of their official duties and shall be compensated in the manner determined by the Supreme Court.

~~(b)~~ (e) A request for a judicial ethics advisory opinion shall be directed to the Clerk of the Appellate Courts, who shall forward the request to the panel if the requirements of this rule are satisfied. Requests will be accepted only from persons subject to Supreme Court Rule 601A *et seq.*

~~(e)~~(f) Requests for judicial ethics advisory opinions shall relate to prospective conduct only and shall contain a complete statement of all facts pertaining to the intended conduct together with a clear, concise question of judicial ethics. The identity of the judge, whose proposed conduct is the subject of the request, shall be disclosed to the panel. The requesting judge shall include with the request a concise memorandum setting forth the judge's own research and conclusions concerning the question. Requests shall not be accepted or referred for opinion unless accompanied by this memorandum.

(d)(g) Advisory opinions shall address only whether an intended, future course of conduct violates the Code of Judicial Conduct and shall provide an interpretation of the Code with regard to the factual situation presented. The opinion shall not address issues of law nor shall it address the ethical propriety of past or present conduct. The identity of the requesting judge shall not be disclosed in the opinion.

(e)(h) The Clerk shall provide a copy of each advisory opinion to the Chief Justice, the Commission on Judicial Qualifications and the requesting judge, and the state law library. The Clerk shall keep the original opinion in a permanent file.

(f)(i) The fact that a judge or candidate for judicial office (as defined in the Terminology Section of this Code) has requested and relied upon an advisory opinion shall be taken into account by the Commission on Judicial Qualifications in its disposition of complaints and in determining whether to recommend to the Supreme Court discipline of a judge or judicial candidate. The advisory opinion, however, shall not be binding on the Commission on Judicial Qualifications, the hearing panel, or the Supreme Court in the exercise of their judicial discipline responsibilities.

By order of the court, this 31 day of August, 2015.

FOR THE COURT:



LAWTON R. NUSS
Chief Justice