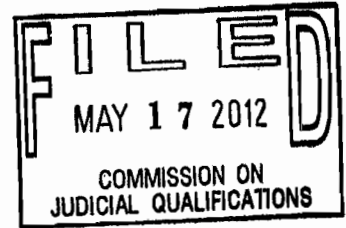




The Supreme Court of Kansas

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



JUDICIAL ETHICS ADVISORY PANEL

Judicial Ethics Opinion JE 175

May 17, 2012

An attorney who is a member of a law firm that collects municipal court debts for cities pursuant to a contract authorized by K.S.A. 12-4119 has been asked by one of the cities that contracts with the attorney's law firm to serve as the city's municipal court judge.

The attorney asks if it is ethically permissible to accept the appointment where the municipal court judge would order a fine to collection by the municipal court judge's law firm.

In answering this question, we assume the appointment would be to a position as a part-time judge who would continue to be a member of the attorney's present law firm.

Rule 601B of the Kansas Code of Judicial Conduct, which became effective March 1, 2009, specifically provides in the APPLICATION section:

"IV. Part-time Judge

- ...
- (B) A part-time judge shall not practice law of the type which the judge is assigned to hear in the court on which the judge serves and shall not act as a lawyer in a proceeding in which the judge has served as a judge or in any proceeding related thereto." (2011 Kan. Ct. R. Annot. 689)


We are of the opinion it would be a violation of this Rule for the attorney to act as a municipal court judge and the judge's law firm to perform under a K.S.A. 12-4119 contract to collect municipal court debt for the city where a firm's member serves as its municipal court judge.



Adrian J. Allen



Fred S. Jackson



Edward Larson