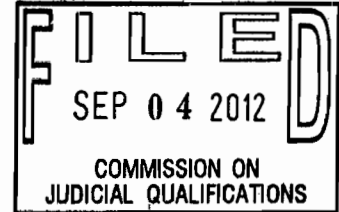




# The Supreme Court of Kansas

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



## JUDICIAL ETHICS ADVISORY PANEL

### Judicial Ethics Opinion JE 177 September 4, 2012

A newly elected judge in a partisan election district has been for many years the color commentator for a state university basketball games radio broadcast.

The judge is employed by a private company and paid \$200.00 per game for services rendered. Neither the state university nor any other government entity employs the judge.

As the color commentator the judge does not promote or read advertisements; the judge does not solicit funds; and the judge's name is never used relative to any advertising.

The judge works only home games and never travels with the team. All of the activities as a color commentator are performed outside of normal working hours where judicial services are performed.

The judge asks if the judge may continue to be the color commentator on the radio broadcasts for home games and if the compensation being paid is deemed reasonable?

In answering the judge's questions we consider the following Rules of Judicial Conduct:

#### **RULE 2.1**

#### **Giving Precedence to the Duties of Judicial Office**

The duties of judicial office, as prescribed by *law*, shall take precedence over all of a judge's personal and extrajudicial activities.

#### **RULE 3.1**

#### **Extrajudicial Activities in General**

A judge may engage in extrajudicial activities, except as prohibited by *law* or this Code. However, when engaging in extrajudicial activities, a judge shall not:

- (A) participate in activities that will interfere with the proper performance of the judge's judicial duties;
- (B) participate in activities that will lead to frequent disqualification of the judge;

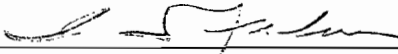
- (C) participate in activities that would appear to a reasonable person to undermine the judge's *independence, integrity, or impartiality*; or demean the judicial office; or
- (D) engage in conduct that would appear to a reasonable person to be coercive.


**RULE 3.12**  
**Compensation for Extrajudicial Activities**

A judge may accept reasonable compensation for extrajudicial activities permitted by this Code or other *law* unless such acceptance would appear to a reasonable person to undermine the judge's *independence, integrity, or impartiality*.

Based on the factual statement and considering the Rules enumerated, it is our opinion that as long as the duties of the judge's office take precedence, the judge may serve as the color commentator for the radio broadcast of the state university's home basketball games. It does not appear to us that such an activity would be in violation of Rule 3.1(A), (B), (C), or (D).

It is our further opinion that the compensation being paid is reasonable and would not appear to a reasonable person to undermine the judge's *independence, integrity, or impartiality*.

  
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Adrian J. Allen

  
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Edward Larson