



The Supreme Court of Kansas

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

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COMMISSION ON
JUDICIAL QUALIFICATIONS

JUDICIAL ETHICS ADVISORY PANEL

Judicial Ethics Opinion JE 179

April 14, 2014

A district judge in a partisan election judicial district is retiring in January 2015. The district judge's child is a candidate in a contested primary to replace the district judge. The district judge asks to what extent the judge may be involved in the judge's child's campaign.

May the district judge:

1. Attend a political event at which the child speaks or attends?
2. Carry a nomination petition and solicit signatures on the judge's child's behalf from registered members of a political organization or personally sign the judge's child's nomination petition?
3. Contribute money or time to the child's campaign?
4. Place yard signs in the judicial district requesting votes for the child's candidacy?
5. Campaign in public for the child's election by going door-to-door or passing out campaign literature?
6. Publicly support the child's candidacy?

Canon 4 states: **"A JUDGE OR CANDIDATE FOR JUDICIAL OFFICE SHALL NOT ENGAGE IN POLITICAL OR CAMPAIGN ACTIVITY THAT IS INCONSISTENT WITH THE INDEPENDENCE, INTEGRITY, OR IMPARTIALITY OF THE JUDICIARY."**

Canon 4, Rule 4.1(B) and (C) of the Kansas Code of Judicial Conduct (KCJC) states:

"(B) Except as permitted by *law*, or by Rules 4.2, 4.3, and 4.4, a judge or a *judicial candidate* shall not:


- (1) act as a leader in, or hold an office in, a *political organization*;
- (2) publicly endorse or oppose another candidate for any public office;
- (3) solicit funds for, pay an assessment to, or make a *contribution* to a *political organization* or a candidate for public office;
- (4) attend or purchase tickets for dinners or other events sponsored by a *political organization* or a candidate for public office;
- (5) publicly identify himself or herself as a candidate of a *political organization*; or
- (6) seek, accept, or use endorsements from a *political organization*.


(C) A judge or *judicial candidate* shall take reasonable measures to ensure that other persons do not undertake, on behalf of the judge or *judicial candidate*, any activities prohibited under paragraphs (A) and (B)."


Further, Comment [5] to Rule 4.1 clearly states:

"[5] Although members of the families of judges and judicial candidates are free to engage in their own political activity, including running for public office, there is no "family exception" to the prohibition in paragraph (B)(2) against a judge or candidate publicly endorsing candidates for public office. A judge or judicial candidate must not become involved in, or publicly associated with, a family member's political activity or campaign for public office. To avoid public misunderstanding, judges and judicial candidates should take, and should urge members of their families to take, reasonable steps to avoid any implication that they endorse any family member's candidacy or other political activity."

Based on the directions of Rule 4.1 (B) and (C) and specifically the comment thereto, the answer to question 1 is "Yes," and the answer to questions 2 through 6 is "No."


Adrian J. Allen


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