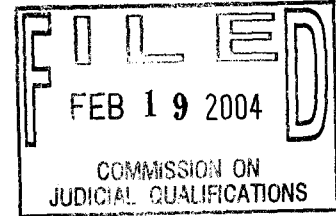




# The Supreme Court of Kansas

Kansas Judicial Center  
Topeka, Kansas 66612-1507



## JUDICIAL ETHICS ADVISORY PANEL

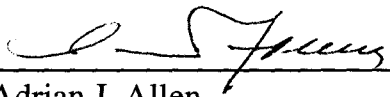
### Judicial Ethics Opinion JE 116


February 20, 2004

**QUESTION:** May the spouse of a chief district judge in a multi-judge district serve as a district magistrate judge in the same judicial district and, if not, would resignation as chief district judge resolve the problem?

**ANSWER:** The chief district judge has general control over the assignment of cases within the district subject to the supervision of the Supreme Court. K.S.A. 2003 Supp. 20-329. Canon 3C(1) of the Code of Judicial Conduct requires the chief district judge to discharge administrative responsibilities without bias, 2003 Kan. Ct. R. Annot. 523. Further, Canon 2A requires a judge to avoid even the appearance of impropriety in all of the judge's activities. 2003 Kan. Ct. R. Annot. 517. Accordingly, the spouse of the chief district judge could not serve as a district magistrate judge in the same judicial district.

In the event of the resignation of the chief district judge as chief district judge, we are of the opinion that the spouse could serve as a district magistrate judge in the same judicial district so long as the district judge does not consider appeals of decisions made by the spouse as district magistrate judge.

  
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Adrian J. Allen

  
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Fred S. Jackson

Robert H. Miller, Chairman, is not participating.