



State of Kansas

Office of Judicial Administration

Kansas Judicial Center
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JUDICIAL ETHICS ADVISORY PANEL

December 5, 1984

Judicial Ethics Opinion JE-12

A multi-lawyer law firm includes a father and son among others as partners. The son is the owner of the building in which the law firm offices are on the first floor. The building, in addition to the law offices on the first floor, has apartments on the second floor.

The son becomes a judge of the District Court.

The Judge intends to lease the building to the law firm for a period of three years under a net/net lease which will provide that the firm will pay the real estate taxes for the building, the insurance on the building, all utility expenses, all expenses of repair other than repair of structural damage, and the firm will collect the rents on the apartments for its benefit and pay the maintenance expenses associated with the apartments.

The law firm intends to remove the name of the son/judge from its letterhead.

The father has announced his retirement from the firm. With the father's consent, the law firm will retain the father's name on the firm letterhead, in first place in the sequence of names designating the lawyer partners, additionally designating the father as retired.

The firm will not pay the father a salary, but "based on an agreement made a number of years ago, the firm will pay him a sum of money each month for the next 10 years."

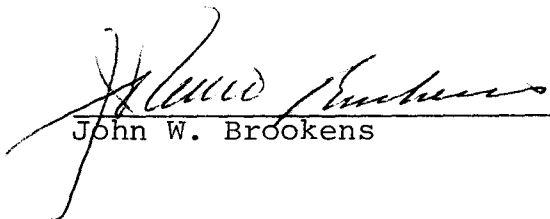
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The Judge poses two questions:

- 1) If the firm leases the building as outlined above, may the members of the firm appear before me in my capacity as Associate District Judge?
- 2) Will the continued use of the name of the father and the payment to him of annuity payments make it inappropriate for me to hear legal matters involving members of this firm?

The questions posed fall within the purview of Canon 2B and Canon 3C and commentary thereon. Although the conduct described in each question might not require disqualification as a matter of law, nevertheless it is our opinion that in each instance it will give the appearance of impropriety and that impartiality might reasonably be questioned. It follows that the answer to question number one is in the negative and the answer to question number two is in the affirmative.


Robert H. Kaul, Chairman


John W. Brookens


Harry G. Miller