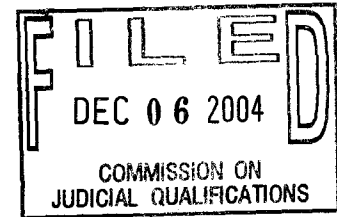




The Supreme Court of Kansas

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



JUDICIAL ETHICS ADVISORY PANEL

Judicial Ethics Opinion JE 124

December 6, 2004

An estate was opened in a court presided over by Judge A. The fiduciary now proposes to sell an asset of the estate (land) at public auction. The judge asks if he or she may bid at the auction and buy the land, and if not, if the judge may authorize another person, as an agent, to bid and buy the land for him or her.

In Opinion No. JE 81 we said:

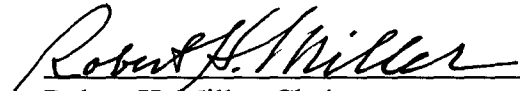
“A judge should not purchase assets from the estate of a minor from the conservator, while such proceedings are pending before the court upon which the judge is sitting.

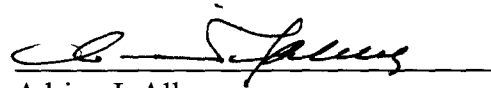
“Such a purchase is a business dealing which might “reasonably be perceived to exploit the judge’s judicial position.” Canon 4D(1). The judge’s conduct . . . appears to be entirely at arm’s length and in good faith; however, a judge buying property from an estate pending in the judge’s court cannot but undermine public confidence in the integrity and impartiality of the judiciary. Canons 1, 2A, 4A(1) and 4D(1) . . .” See 2004 Kan. Ct. R. Annot. 539, 549, 551.

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Though that opinion involved the estate of a minor, the same rules apply equally to this situation. Whether it is a private sale or a public auction, a judge should not buy assets from an estate which is pending in a court upon which the judge is sitting. Further, the judge cannot buy the property either directly or through an agent. Such purchase, though in good faith and above board, would violate the Canons cited.


Robert H. Miller, Chairman


Adrian J. Allen

Fred S. Jackson is not participating.