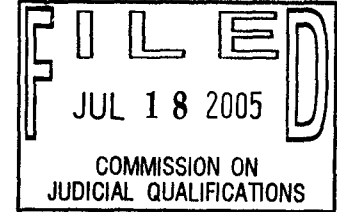




The Supreme Court of Kansas

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



JUDICIAL ETHICS ADVISORY PANEL

Judicial Ethics Opinion JE 130

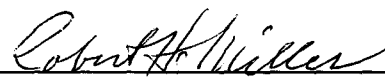
July 18, 2005


A district judge ruled that a counterclaim failed to state a claim upon which relief could be granted, and directed that the clerk not issue summons thereon. The pro se counterclaimant then filed suit in federal court against the judge, claiming that the judge prohibited him from exercising his constitutional right of using the courts to address his grievances. He prays for court costs, nominal damages, and a declaratory judgment.

The question presented to us: Is the judge disqualified because his impartiality might reasonably be questioned because of the pending suit against him?

Canon 3E, 2004 Kan. Ct. R. Annot. 546, requires a judge to "disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned." An adverse ruling, standing alone, is not grounds for disqualification. See K.S.A. 20-311, *State v. Dunn* 243 Kan. 414, 437, 758 P.2d 718 (1988), and *State v. Rome*, 235 Kan. 642, 685 P.2d 290 (1984).

Here, there is no claim of personal bias or prejudice on the part of the judge. We conclude that on this showing, the judge is not disqualified.


Robert H. Miller, Chairman


Fred S. Jackson

Adrian J. Allen is not participating.