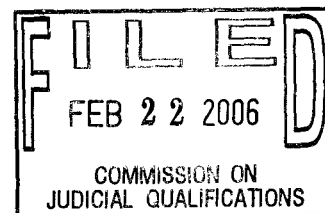




The Supreme Court of Kansas

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



JUDICIAL ETHICS ADVISORY PANEL

Judicial Ethics Opinion JE 150 February 22, 2007

The judge has been approached to be a member of a committee formed by a school district to formulate a student drug testing policy.

Is service on such a committee appropriate?

Canon 4C(2), 2006 Kan. Ct. R. Annot. 580, provides, in part, "A judge shall not accept appointment to a governmental position that is concerned with issues of fact or policy on matters other than the improvement of the law,^o the legal system or the administration of justice. . . ."


It appears to us that this committee would be concerned with issues of fact or policy on matters other than the improvement of the law, the legal system or the administration of justice.


We also believe the provisions of Canon 4C(4)(a) are applicable to this situation. Subparagraph (4) states: ". . . A judge may serve as an . . . non-legal advisor of an educational . . . organization not conducted for the economic or political advantage of its members, subject to the following limitations:

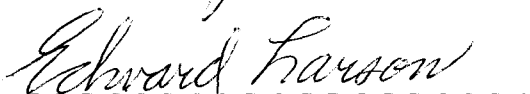
(a) A judge should not serve if it is likely that the organization . . . will be regularly engaged in adversary proceedings in any court. . . ."

Since school districts are regularly involved in adversary legal proceedings before the courts this restriction would prohibit the judge's service on the school's committee.

We believe this is consistent with the Commentary in Judicial Ethics Opinions 70, 73, and 114.


Adrian J. Allen, Chairman


Fred S. Jackson


Edward Larson