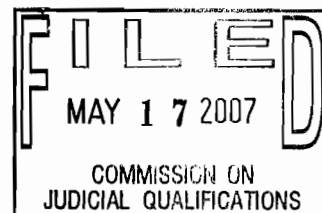




The Supreme Court of Kansas

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



JUDICIAL ETHICS ADVISORY PANEL

Judicial Ethics Opinion JE 151


May 17, 2007

Question: May a district judge participate as a player and/or auctioneer in his or her country club's fundraising member guest tournament where the judge pays the entry fee and after the first day's play teams are flighted and then sold by an auction within each flight with 15 % deducted and returned to the club in the form of a fundraiser and the balance becomes the prize for which teams within each flight play against each other for shares of the prizes?

Answer:

- 1) It is our opinion that service as an auctioneer at a fundraising event clearly violates Canon 4C(4)(b) which states: "A judge should not solicit funds for any educational, religious, charitable, fraternal, or civic organization or use or permit the use of the prestige of office for that purpose . . ."
- 2) Whether or not a judge should participate in such an activity as outlined above is much more problematical.
 - a. If the auction could in any manner be considered as violating the gambling statutes, K.S.A. 21-4302 et seq., the judge should absolutely not participate as his or her presence and participation might well be considered an illegal activity subject to prosecution or at the least violate Canon 2A requiring the judge to avoid impropriety.
 - b. If the event does not under any circumstance involve participation in a game of chance or the placing of a bet, we see no reason why the judge may not participate.

Discussion: We offer no opinion as to the legality or illegality of the activity described as such is beyond the scope of our assignment and permitted charge under Rule 650(d).


Fred S. Jackson


Edward Larson

Adrian J. Allen not participating.