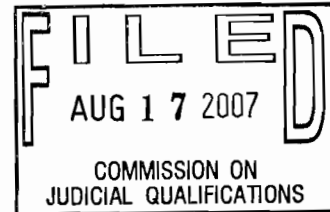




# The Supreme Court of Kansas

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



## JUDICIAL ETHICS ADVISORY PANEL

### Judicial Ethics Opinion JE 155


August 17, 2007

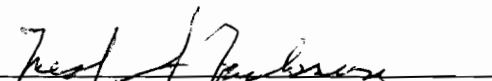
A judge inquires as to whether the judge and spouse may accept an invitation from a former law partner and spouse to stay in their Colorado condo for about a week. The former law partner and spouse would not be present and have refused to accept compensation for the stay unless required to do so under judicial canons.

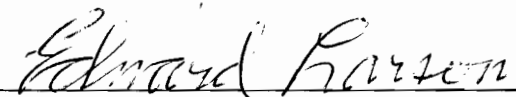
The two couples continue their friendship and visit in each others homes. The disqualification of the judge would be required under Section 3E in any case involving the former law partner.

Canon 4 provides in pertinent part that a judge shall conduct all the judge's extra-judicial activities so that they do not cast reasonable doubt on the judge's capacity to act impartially as a judge. (2006 Kan. Ct. R. Annot. 579) Since the use of the condo is gratuitous, the financial aspect of the invitation becomes the real concern. Section D of Canon 4 concerns financial activities and provides in pertinent part in subsection (5) that a judge shall not accept a favor, however, there are exceptions. One of those exceptions is found Canon 4D(5)(e) which permits a judge to accept a favor from a close personal friend whose appearance or interest in a case would in any event require disqualification.

We conclude that since disqualification is required, the judge may accept the invitation, which falls under the specific provisions of Canon 4D(5)(e) and results in the value of the favor not being required to be reported.

  
Adrian J. Allen

  
Fred S. Jackson

  
Edward Larson