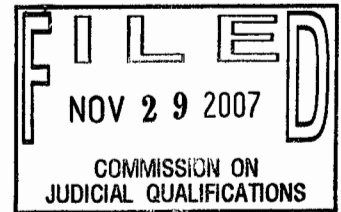




The Supreme Court of Kansas



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

JUDICIAL ETHICS ADVISORY PANEL

Judicial Ethics Opinion JE 158

November 29, 2007

A group has been organized to preserve the nonpartisan method for the selection of district judges in the district in which the judge serves. This group was formed because of local efforts to change to the partisan method. We are informed that the purpose of the group is primarily educational and we have been provided with a copy of a brochure the group has prepared. This brochure includes both facts and opinions concerning the issue and it also includes a request for a financial contribution that says:

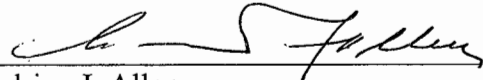
“We need your help to educate the public on the importance of preserving the merit selection of judges and to keep special interest and partisan politics out of our courts. Please send your check today or visit our website, www.justicenotforsale.org and contribute by credit card.”

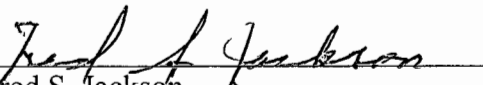
The question is whether the judges and the retired judges in the district may participate in the educational efforts that would include speaking at functions during which the brochure will be distributed.

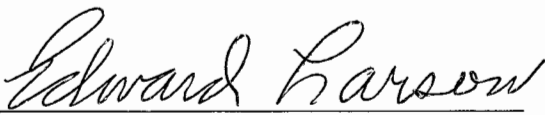
Canon 4C(3) permits a judge to serve as a member of an organization devoted to the improvement of the law, the legal system or the administration of justice but is also provides that a judge should not personally participate in public fund raising activities. (2006 Kan. Ct. R. Annot. 580)

We are of the opinion that judges currently in office and retired judges who accept assignments would be in violation of Canon 4C(3) by speaking at functions during which these brochures will be distributed.

Retired Judges who do not accept assignments would not be in violation of Canon 4C(3) by speaking at functions during which these brochures will be distributed.


Adrian J. Allen


Fred S. Jackson


Edward Larson