

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 160

February 4, 2008

A judge inquires as to whether a judge can serve as the director of a county disaster agency.

K.S.A. 48-929 requires each county in this state to establish and maintain a disaster agency responsible for emergency management and coordination of the response to disasters. The statute requires the disaster agency to prepare a disaster emergency plan for the area under its jurisdiction and keep it current. The statute further provides that the disaster agency shall prepare and distribute to all appropriate officials a clear and complete statement of the emergency responsibilities of all local agencies and officials as well as the disaster chain of command.

Canon 4C(2) of the Code of Judicial Conduct (2007 Kan. Ct. R. 632) provides in pertinent part as follows:


“A judge shall not accept appointment to a governmental committee or commission or other governmental position that is concerned with issues of fact or policy on matters other than the improvement of the law, the legal system or the administration of justice . . .”


Based upon the requirements of K.S.A. 48-929, the county disaster agency is entirely concerned with issues of fact and policy on matters other than the improvement of the law, the legal system and the administration of justice.

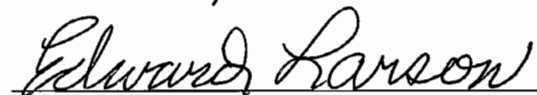
In addition, the position in question is provided for by state law and as such falls within the provisions of Article 3, Section 13 of the Kansas Constitution which would prohibit the judge serving as the director of a county disaster agency.

We believe our opinion is consistent with Judicial Ethics Opinion JE 38 and JE 149.

We are, therefore, of the opinion that the judge cannot serve as the director of a county disaster agency.


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Fred S. Jackson


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