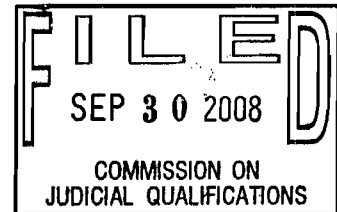




# The Supreme Court of Kansas

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



## JUDICIAL ETHICS ADVISORY PANEL

### Judicial Ethics Opinion JE 165 September 30, 2008


A well-known drug has been prescribed for a judge. The judge is, therefore, a member of the class in one or more class action lawsuits that have been filed in Kansas and across the country against the drug's manufacturer alleging concealment of material facts and manipulation of data about the effectiveness and safety of the drug.


The Kansas Counsel for the class has asked if the judge would be willing to join the class action as a named plaintiff.


The judge asks if he or she may join the class as a named plaintiff with the understanding that there would be no mention of the fact that he or she is a judge in the pleadings but such fact could surface during discovery.

Canon 2B provides in pertinent part that “. . . a judge shall not lend the prestige of judicial office to advance the private interests of the judge or others . . . .” (2007 Kan. Ct. R. Annot. 622). The judge admits that there is no specific need for the judge to be a named plaintiff, and the judge offers no reason for the judge to be a named plaintiff. Therefore, the only effect of having the judge a named plaintiff would be to lend the prestige of judicial office to other members of the class and class counsel.

We are, therefore, of the opinion that it would be a violation of Canon 2B for the judge to be a named plaintiff in the class action.

  
Adrian J. Allen

  
Fred S. Jackson

  
Edward Larson