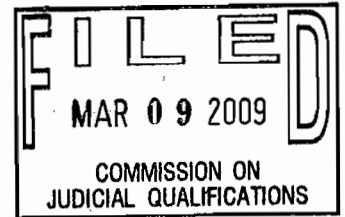




The Supreme Court of Kansas

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



JUDICIAL ETHICS ADVISORY PANEL

Judicial Ethics Opinion JE 167

March 9, 2009

A judge's spouse is a lawyer practicing in partnership with one other lawyer. The judge asks whether the lawyer who is in partnership with the judge's spouse may practice before the judge.

Canon 2, Rule 2.11(A) provides that "A judge shall disqualify himself or herself in any proceeding in which the judge's *impartiality* might reasonably be questioned . . ."

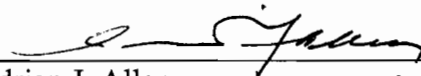
We are of the opinion that the judge's impartiality might reasonably be questioned in a proceeding before the judge in which a party is represented by the partner of the judge's spouse.


Canon 1, Rule 1.2 provides "A judge shall act at all times in a manner that promotes public confidence in the *independence, integrity, and impartiality* of the judiciary, and shall avoid *impropriety* and the appearance of impropriety."

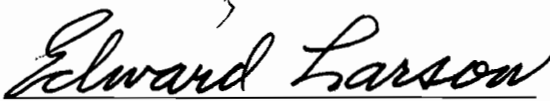
We are also of the opinion that appearance before the judge of the judge's spouse's law partner would not promote public confidence in the independence, integrity, and impartiality of the judiciary and would result in the appearance of impropriety.

The judge is, therefore, required to disqualify in any proceeding in which the partner of the judge's spouse represents a party.

The Canons and Rules quoted above are in accordance with the Kansas Code of Judicial Conduct, Rule 601B as adopted by the Kansas Supreme Court effective March 1, 2009.


Adrian J. Allen


Fred S. Jackson


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