

State of Kansas



Judicial Ethics Advisory Panel

Judge Fred S. Jackson, Chair
Justice Edward Larson
Judge J. Patrick Brazil

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JUDICIAL ETHICS OPINION 184

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A recently appointed district judge and the judge's spouse have been considering the purchase of a house in the judge's judicial district.

The realtor who showed the judge and the judge's spouse a house they were interested in purchasing informed them it was a foreclosed, bank-owned property.

The district judge has checked the court records to determine if the judge was involved in the court proceedings giving rise to the bank's title to the property and determined the following:

1. The Journal Entry of foreclosure was signed by the judge's predecessor, as was the first order of sale of the property.
2. The judge requesting our opinion signed a second order of sale of the property and the order confirming the sale. There were no contested court proceedings in the case, all notices and publications were provided as legally required, and the case is closed. No appeal was taken.

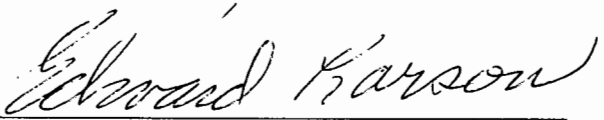
The judge is concerned whether the judge and the judge's spouse's purchase of the property would result in the appearance of impropriety as is prohibited by Canon 1 and Rule 1.2 which states: "A judge shall act at all times in a manner that promotes public confidence in the *independence, integrity, and impartiality* of the judiciary, and shall avoid *impropriety* and the appearance of impropriety."

The judge notes that Advisory Opinions JE 81 and JE 124 prohibit a judge from purchasing property which is the subject of a pending case within the judge's judicial district. This is not the situation here as the case is closed, and the appeal time has expired.

We are of the opinion that there would not be a violation of either Canon 1 or Rule 1.2 if the judge and the judge's spouse purchase the property from its current owner.

The judge's involvement was largely administrative, there were no contested proceedings, and the case has been concluded. There is no appearance of impropriety under the facts presented to us.


FRED S. JACKSON, CHAIR


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