



State of Kansas

Office of Judicial Administration

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JUDICIAL ETHICS ADVISORY PANEL

Judicial Ethics Opinion JE-33

April 17, 1990

Topic

Implied endorsement of a candidate
for public office.

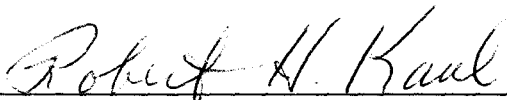
A judge and his wife own their home in joint tenancy. The home is a large Victorian-style structure, is on the National Register of Historic Places, is well known in the community and has been the site of many charitable fund-raising events in the past. The wife has been asked to host a "Come over and meet the Governor" type of party in their home at which there will be no fund raising. The judge states he will take no part in this event.

Question: The judge asks whether holding such a party in their home is permitted by the canons of judicial conduct.


Answer: The Code of Judicial Conduct is found in Kansas Supreme Court Rule 601. Canon 7 requires a judge to refrain from political activity inappropriate to judicial office. Canon 2 requires that a judge not only refrain from impropriety, but also refrain from activity which creates the appearance of impropriety.

This is an election year. The Governor is an announced candidate for reelection.

This gathering held in the judge's home, even though officially hosted by the wife, may well be viewed by the general public as a political endorsement by the judge himself of a candidate for public office, which falls within the proscription of Canon 2 and Canon 7 A(1)(b).


Robert H. Kaul, Chairman


John W. Brookens


Harry G. Miller