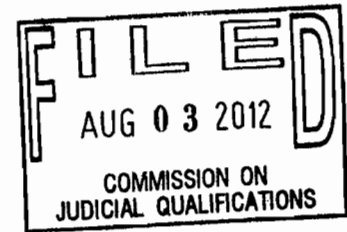




The Supreme Court of Kansas

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



JUDICIAL ETHICS ADVISORY PANEL

Judicial Ethics Opinion JE 176

August 3, 2012

A district judge appointee currently serves as the fire chief for a county fire district. The appointee is also an emergency medical technician and serves in both capacities as a volunteer without any compensation.

The county fire district is organized pursuant to K.S.A. 19-3601 and related provisions. It is governed by a seven-member board appointed by county commissioners. The fire chief is appointed by the board.

This is a truly volunteer organization with none of the volunteers receiving any compensation. The fire district holds two fund-raising events each year where those attending are invited to make a donation but not required to do so.

The appointee asks for our opinion on the following questions:

1. May I continue to serve as a volunteer fire chief?
2. If I cannot serve as a volunteer fire chief, would the rules permit a reasonable time to wrap up my responsibilities to the department similar to the time for compliance set out with regard to Rule 3.8 (Appointments to Fiduciary Positions) and Rule 3.11 (Financial, Business or Remunerative Activities)?
3. Provided I am required to immediately resign my position as fire chief, would the rules permit me to provide advice and guidance as a private citizen to the interim/acting/new chief of the department?
4. May I continue to serve as a volunteer on the department so long as my volunteer duties do not detract from my judicial responsibilities?
5. If I can no longer serve as a volunteer, may I serve as a member of the department's auxiliary or participate in department activities and functions provided that such efforts do not detract from my judicial responsibilities?

In answer to questions 1 and 4, it is our opinion that a district court judge's continued service as fire chief or service as a board member would be prohibited by Rule 3.4 of the Kansas Code of Judicial Conduct which provides:

"A judge shall not accept appointment to a governmental committee, board, commission, or other governmental position, unless it is one that concerns the *law*, the legal system, or the administration of justice."

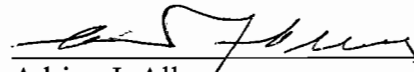
and Art. 3, §13 of the Kansas Constitution which in applicable part provides:

". . . judges shall [not] hold any other office of . . . trust under the authority of the state, or the United States except as may be provided by law."

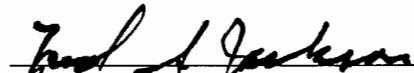
It is our further opinion that a district court judge may continue to serve the fire district as a volunteer or emergency medical technician. The appointee has correctly recognized in the request for an opinion that precedence must always be given to duties as a district court judge as set forth in Rule 2.1.

In answer to questions 2 and 3, it is our opinion that the rules permit a reasonable time to wrap up the appointee's responsibilities to the fire district. These responsibilities would include advice and guidance to the successor.


Our answers to the previous four questions make an answer to question 5 unnecessary.



Adrian J. Allen



Fred S. Jackson



Edward Larson