

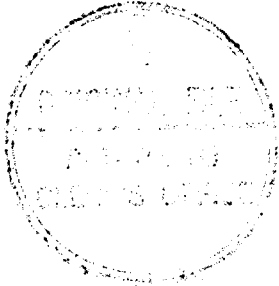


State of Kansas

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JUDICIAL ETHICS ADVISORY PANEL

July 9, 1985

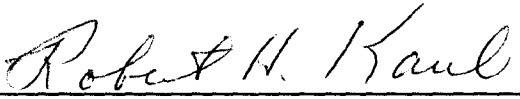
Judicial Ethics Opinion JE-13

- Question No. 1: Is the spouse of a judge prohibited from making political contributions in his or her own name from his or her own business income maintained in a separate account?
- Question No. 2: Is the spouse of a judge prohibited from attending political gatherings?


It is clear that the concern expressed throughout the Code of Judicial Conduct is that judges, by their conduct, should avoid even "the appearance of impropriety" and that the judge's responsibility extends to conduct of the spouse. The spouse's conduct cannot be so restricted, however, to prohibit the spouse's own political freedoms. In the question presented, the spouse has independent income and maintains a separate bank account in which the judge's income is not co-mingled. These facts are not within the rule announced in In Re Briggs 595 8 W2d 270. The intent of the Canons is to prohibit the judge from indirectly doing that which the judge may not do directly.

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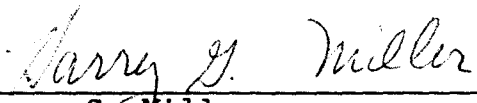
If the conduct of the spouse in these respects is independent so as not to impugn the impartiality of the judge or to give the appearance of impropriety, we believe the answer to both questions is "No."



Robert H. Kaul, Chairman



John W. Brookens



Harry G. Miller