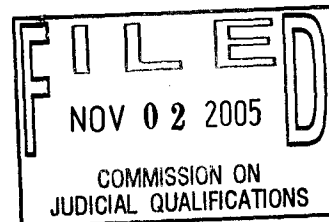




The Supreme Court of Kansas

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



JUDICIAL ETHICS ADVISORY PANEL

Judicial Ethics Opinion JE 132

November 2, 2005

A judge inquires whether judges may ethically contribute to the Kansas for Impartial Courts Committee of the Kansas Appleseed Center for Law and Justice.

Judges may not solicit funds or make a contribution to a political organization. Canon 5A(1)(e), 2004 Kan. Ct. R. Annot. 558. Therefore, we must first determine whether Kansas Appleseed is a "political organization." We are informed that the mission of Kansas Appleseed "is to advocate for systematic changes that focus on the roots of problems facing Kansans." Currently, the focus of the Committee is on judicial selection reform.

"Political organization" is defined in the definitions section of the Canons as "a political party or other group, the principal purpose of which is to further the election or appointment of candidates to political office." 2004 Kan. Ct. R. Annot. 538. Clearly, Kansas Appleseed and its Committee for Impartial Courts are not political organizations.

In 1984, we were asked several questions which arose when Kansas was considering changing the selection of district judges. Our opinion, JE 5 (1984) states:

“Judicial Ethics Opinion JE-5

The questions submitted pertain to permissible activities by judges in connection with a proposition relating to the method of selection of district judges of a judicial district which will appear on the ballot of the district at the November 1984 general election.

The questions submitted are as follows:

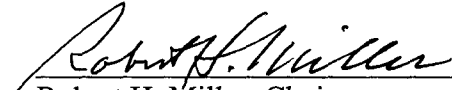
- Question No. 1: May a judge speak in favor of such proposition for civic groups?
- Question No. 2: May a judge support such proposition in response to media or voter inquiries?
- Question No. 3: May a judge serve on a citizens’ committee supporting such proposition?
- Question No. 4: May a judge make a monetary contribution to such citizens’ committee?
- Question No. 5: May a judge’s name be allowed to appear on advertisements which support such proposition?
- Question No. 6: May a judge solicit support of citizens (not before the court) for such proposition?


Answer: Yes, to each of the above questions.

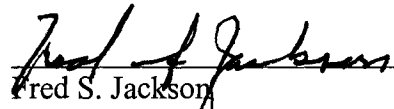
The method of judicial selection directly impacts upon the administration of justice within the contemplation of Canon 4 of the Code of Judicial Conduct. It is our opinion, therefore, that judges may participate in the activities set forth in the questions submitted. Within the relevant restraints of Canons 4, 5, and 7, a judge may take a position and engage in the activities in support of or in opposition to the two methods set forth in such proposition.”

The applicable Canons were substantially the same then as now. See 1984 Canon 4, 5 & 7, 235 Kan. clxvii, clxx and present Canon 4C(1), 2004 Kan. Ct. R. Annot. 550; Canon 5A(1), 2004 Kan Ct. R. Annot. 558; and Canon 5C, 2004 Kan. Ct. R. Annot. 561.

We rely on our Opinion, JE 5, and conclude that judges may contribute to the Kansans for Impartial Courts Committee of the Kansas Appleseed Center for Law and Justice. However, judges may not solicit funds for the Committee. See JE 5A (1984).


Robert H. Miller, Chairman


Adrian J. Allen


Fred S. Jackson