



State of Kansas

Office of Judicial Administration

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JUDICIAL ETHICS ADVISORY PANEL

June 7, 1989

Judicial Ethics Opinion JE-28

Topic

Under what circumstances may a municipal judge serve as an appointed defense attorney for indigent defendants.

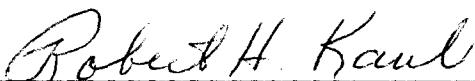
A newly appointed Municipal Judge of a second-class city is on the District Court panel of attorneys for indigent defendants in his judicial district. He states: "Do I have a conflict of interest on indigency cases where the defense would involve cross-examining city police officers--where those same officers appear before me in trials in city court?"

While a municipal judge is charged with compliance with the code of judicial conduct, he falls within the category of a part-time judge and may practice law as restricted by A(2) and is exempted from compliance with Canon 5C(2), D, E, F, and G, and Canon 6C.

A municipal judge is not prohibited, per se, by the canons of judicial conduct from accepting appointment as indigent counsel. However, he should not serve as an attorney in any proceeding where such service might reasonably cause his impartiality as a judge to be questioned.

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In other words, the judge should not put himself in a position where his professional duty as a defense counsel would conflict with his obligation to maintain the appearance of impartiality as a judge.



Robert H. Kaul, Chairman



John W. Brookens



Harry G. Miller