

FILED
MAY 16 1997

STATE OF KANSAS
COMMISSION ON JUDICIAL QUALIFICATIONS
BEFORE THE COMMISSION ON JUDICIAL QUALIFICATIONS

Inquiry Concerning
A Judge

Docket No. 633

ORDER

Members of the Commission present include: Mr. Mikel L. Stout, Chair; Mr. David J. Waxse, Vice-Chair; Hon. J. Patrick Brazil; Mr. Ray Call; Mr. Robert A. Creighton; Hon. Theodore B. Ice; Hon. James W. Paddock; and Carol Sader.

FINDINGS OF FACT

There is no dispute regarding the facts set out below:

1. The Honorable George Robertson is a district judge from the Twenty-Eighth Judicial District at Salina, Kansas.
2. D.M., a juvenile offender, appeared before respondent on several occasions. One of the probationary conditions placed upon D.M. by respondent was the condition that D.M. should not associate with Hispanic males under the age of 21 unless in the company of an adult or unless they were family members.
3. Respondent admits imposition of the probationary condition but submits that national origin was not the motivating factor in imposing the condition of probation.

CONCLUSIONS OF LAW

1. Canon 2 of the Canons of Judicial Conduct, Rule 601A, provides in relevant part:

A Judge Shall Avoid Impropriety and the Appearance of Impropriety in All of the Judge's Activities.

A. A judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity...of the judiciary." 1996 Kan. Ct. R. Annot. 411.

2. Canon 3B(5) provides in relevant part:

A judge shall perform judicial duties without bias or prejudice. A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, including but not limited to bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status

3. The Commission has determined that Respondent violated Canon 2A and Canon 3B(5) when he, intentionally or unintentionally, used national origin as a condition of probation.

IT IS THEREFORE ORDERED that the Honorable George Robertson cease and desist from any activity in violation of the above-cited canons.

This Order, if accepted, shall be made public pursuant to Rule 611(a). See 1996 Kan. Ct. R. Annot. 438.

The Secretary of the Commission on Judicial Qualifications is hereby instructed to mail a copy of this Order with a copy of Rule 611, as adopted by the Supreme Court of Kansas, to Respondent. Respondent is requested, in accordance with Rule 611, to either (a) comply by accepting the Order by written acknowledgment directed to the Secretary of the Commission; or (b) refuse to accept the Order. Any agreement to comply or refusal to accept shall be served upon the Commission within twenty days from this date. In the event the Respondent shall not agree to comply by accepting this Order by written acknowledgment within said period, Respondent shall be deemed to have refused to accept this Order.

BY ORDER OF THE COMMISSION dated this 9th day of
May _____, 1997.

COMMISSION ON JUDICIAL QUALIFICATIONS

By: Carol G. Green
Carol G. Green, Secretary

APPROVED & ACCEPTED

May 15, 1997
(date) George Ruckey Robertson
George Robertson, Respondent