

AUG 03 2022

STATE OF KANSAS

BEFORE THE COMMISSION ON JUDICIAL CONDUCT

COMMISSION ON
JUDICIAL CONDUCTInquiry Concerning A Judge
LINDA D. KIRBY

Complaint No. 2651

ORDER

Members of the Commission present include Diane H. Sorensen, Chair; Judge Bradley E. Ambrosier; Sister Rosemary Kolich; Judge Thomas E. Malone; and Judge Nicholas M. St. Peter.

FINDINGS OF FACT

There is no dispute regarding the facts set out below:

1. Linda D. Kirby, respondent, is a District Judge in the 18th Judicial District.
2. On April 6, 2022, Brooke R. Medlam Mantey filed a complaint stating that on September 20, 2021, the respondent entered a Memorandum of Judgment and Decree of Divorce in Medlam's divorce matter. On October 2, 2021, Medlam filed a motion to reconsider, and the court heard the motion on November 9, 2021. Medlam filed a complaint alleging that the respondent had still not issued a ruling in the matter as of the date of the complaint.
3. On May 6, 2022, the Inquiry Panel for the Commission met at its general monthly meeting to discuss the complaint against the respondent and determine whether the complaint contained facts that cause a reasonable person to believe that a violation of the Code of Judicial Conduct had occurred.
4. On May 9, 2022, the Commission asked the respondent to respond to the complaint.
5. On June 27, 2022, the respondent submitted a response to the Commission acknowledging the delay and providing an explanation for that delay which included staffing problems, health concerns and private/personal issues.

CONCLUSIONS OF LAW

1. RULE 2.5 of the Code of Judicial Conduct, Rule 601B, provides:

“(A) A judge shall perform judicial and administrative duties, competently and diligently.”
2. The Commission determined that the respondent violated the above-cited rules by failing to perform judicial duties competently and diligently by failing to complete judicial duties and hear and decide matters that come before the court.

IT IS THEREFORE ORDERED that Linda D. Kirby:

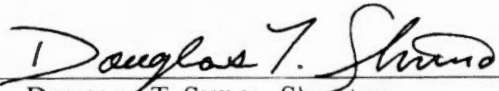
1. cease and desist failing to hear and decide matters assigned to the judge; and
2. agree that this Order will be made public.

This Order, if accepted, shall be made public pursuant to Rules 611(a) and 614(c). See 2022 Kan. S. Ct. R. 535, 538.

The Secretary of the Commission on Judicial Conduct is hereby instructed to serve a copy of this Order on the respondent under K.S.A. 60-303(c). The respondent must, in accordance with Rule 614(c), either (1) agree to comply with the order by accepting the order in writing where indicated and returning a signed copy of the order to the Secretary of the Commission; or (2) refuse to accept the by notifying the Secretary it is not accepted. The signed order or written refusal to accept must be served upon the Secretary of the Commission within twenty days after service of the order. This order is deemed to have been refused if the Secretary of the Commission receives no response from the respondent within twenty days after service of this Order.

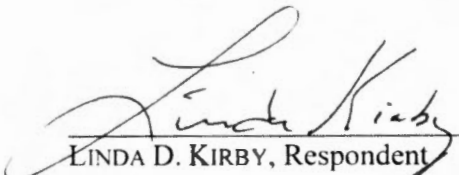
BY ORDER OF THE COMMISSION dated this 20th day of July, 2022.

COMMISSION ON JUDICIAL CONDUCT

By: 
DOUGLAS T. SHIMA, Secretary

APPROVED & ACCEPTED

August 3, 2022
Date


LINDA D. KIRBY, Respondent