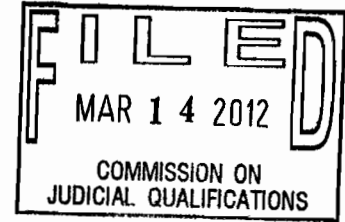




The Supreme Court of Kansas

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



JUDICIAL ETHICS ADVISORY PANEL

Judicial Ethics Opinion JE 173 March 14, 2012

A candidate for judicial office owns and operates an outpatient substance abuse facility and also offers substance abuse assessments and treatment at the request of the court.

The candidate inquires whether the candidate may continue to own and operate this facility and continue to offer substance assessments and treatment if elected judge.

We are of the opinion that it would not promote public confidence in the independence, integrity and impartiality of the judiciary for the judge to preside in a matter involving a user of the facility, or be in a position to refer individuals to the facility, and that it would be improper or, at the very least, would create the appearance of impropriety in violation of Rule 1.2 of the Kansas Code of Judicial Conduct which provides:

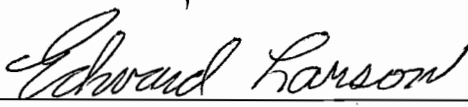
“A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.”

We are also of the opinion that the continuous ownership of this facility would also offend the following enumerated other rules of judicial conduct which will be referred to by number and incorporated herein by reference: Rules 1.3, 2.1, 2.9(C), 2.11(A)(1) and (2), 2.11(A)(5)(c), 3.1(B), and 3.11(C)(3).

We are, therefore, of the opinion that the elected candidate could not continue to own or operate the substance abuse facility or offer substance abuse assessments and treatment.


Adrian J. Allen


Fred S. Jackson


Edward Larson