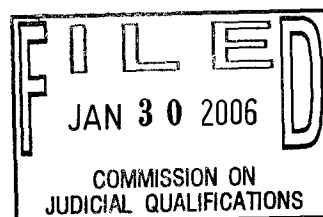




The Supreme Court of Kansas

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



JUDICIAL ETHICS ADVISORY PANEL

Judicial Ethics Opinion JE 136 January 30, 2006

A judge (in a multi-judge district) and the judge's spouse own real estate which is subject to a long-term lease to the Department of Corrections. The property is occupied by the Office of State Parole. This is a local office of the Kansas Parole Board. K.S.A. 2005 Supp. 22-3707.

May the judge accept assignment to the criminal docket?


The Kansas Parole Board supervises inmates who have been incarcerated in the penal system and are placed by the Board on parole. Hearings for alleged violation by these former inmates are held by the Kansas Parole Board, not by the courts. See K.S.A. 2005 Supp. 22-3713, *et seq.*

The Department of Corrections, headed by the Secretary of Corrections, is concerned with the management of state correctional facilities, the placement, care and treatment of inmates, and the appointment of parole officers. See K.S.A. 22-3707, *et seq.* as amended. It is unlikely that such officers, or any employees of the Department would appear before the court in criminal matters.

In the event that the Department or any of its employees appear in a proceeding before the court, the judge should consider whether Canon 3E, 2005 Kan. Ct. R. Annot. 566, requires disqualification. We see no reason why the judge should not accept assignment to the criminal docket.


Robert H. Miller, Chairman


Adrian J. Allen


Fred S. Jackson