

DEC 12 2017

ETHICS
ADVISORY PANEL

Judicial Ethics Advisory Panel

Judge Fred S. Jackson, Chair
Justice Edward Larson
Judge J. Patrick Brazil

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JUDICIAL ETHICS OPINION 185

December 12, 2017

A district judge's brother is a candidate for Congress in a state over 700 miles from the judge's Kansas judicial district. As a part of the brother's campaign, he has asked that the Kansas district court judge participate in a video to be created for and used in his campaign.

The brother's video will not mention or identify that the judge is a Kansas judicial district court judge.

The judge is aware that Rule 1.3 provides that "A judge shall not lend the prestige of judicial office to advance the personal or *economic interests* of the judge or others, or allow others to do so."

The judge is also aware that Rule 4.1(B)(2) provides that "... a judge ... shall not: publicly endorse or oppose another candidate for any public office;".

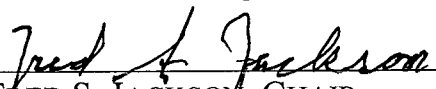
The judge asks if Rule 1.3 or Rule 4.1(B)(2) prevents the Kansas district judge from participating in the video.

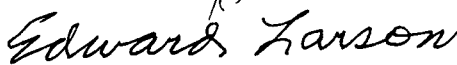
We are of the opinion that so long as the candidate's video makes no mention that the sibling that appears therein is a Kansas district court judge, we see no violation of either Rule 1.3 or Rule 4.1(B)(2).


We have considered the previous opinion of our panel dated July 25, 1984 in Judicial Ethics Advisory Opinion JE 3 wherein the judge's spouse was a candidate for a political office outside the judge's judicial district. We allowed the judge to be present with the judge's spouse at public appearances so long as the judge was not identified as a judge.

JE 3 further opined that the judge may appear in a family photograph in a campaign leaflet (video here) so long as he/she is not identified as a judge.

The Kansas rule relating to judicial conduct at the time JE 3 was issued was virtually identical to our present rule with respect to public endorsement of a candidate for political office.


FRED S. JACKSON, CHAIR


EDWARD LARSON


J. PATRICK BRAZIL