

FEB 07 2018

COMMISSION ON
JUDICIAL QUALIFICATIONS

STATE OF KANSAS

BEFORE THE COMMISSION ON JUDICIAL QUALIFICATIONS

Inquiry Concerning a Judge

Docket No. 1328

FRANK J. YEOMAN, JR.

ORDER

Members of the Commission on Judicial Qualifications (CJQ) present include: Hon. Nicholas M. St. Peter, Chair; Diane H. Sorensen, Vice-Chair; Hon. Bradley E. Ambrosier; Allen G. Glendenning; Rosemary Kolich, S.C.L.; and Susan Lynn.

FINDINGS OF FACT

There is no dispute regarding the facts set out below:

1. Frank J. Yeoman, respondent, was a district judge in the 3rd Judicial District.
2. Respondent announced his retirement, effective September 30, 2017.
3. In June and July of 2017, the CJQ received several complaints alleging workplace harassment by respondent. Said allegations included that the respondent:
 - A. swatted a court reporter on the buttocks;
 - B. massaged the shoulders and neck of a court reporter;
 - C. put his hands on the waist of a court reporter;
 - D. engaged in significant gifting to certain females at the courthouse; and
 - E. had or pursued personal, rather than strictly professional, relationships with female judges and court reporters.
4. The complaints were docketed and referred to the Commission examiner, Todd N. Thompson, for investigation.
5. After consideration of the information gleaned from the examiner's investigation, the CJQ authorized Examiner Thompson to initiate discussion with respondent and respondent's counsel regarding a stipulated resolution of the complaints.

CONCLUSIONS OF LAW

1. RULE 1.1 of the Code of Judicial Conduct, Rule 601B, provides:

"A judge shall comply with the *law* and the Kansas Code of Judicial Conduct."
2. RULE 1.2 of the Code of Judicial Conduct, Rule 601B, 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."
3. RULE 2.3(B) of the Code of Judicial Conduct, Rule 601B, provides:

"(B) A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, or engage in *harassment*, including but not limited to bias, prejudice, or *harassment* based upon race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation"
4. RULE 2.8(B) of the Code of Judicial Conduct, Rule 601B, provides:

"A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, court staff, court officials, and others with whom the judge deals in an official capacity"
5. The Commission determined that respondent violated Rules 1.1 and 1.2 of Canon 1 and Rules 2.3(B) and 2.8(B) of Canon 2 by engaging in verbal or physical conduct of a sexual nature which was offensive and demeaning to female court reporters and judges.

IT IS THEREFORE ORDERED that Frank J. Yeoman, Jr.:

1. cease and desist from verbal and/or physical conduct which is offensive and demeaning to female court reporters and judges in violation of the above-cited Rules;
2. agree to continue his retirement and not hold a judicial office in the future;
3. agree to not seek election or accept appointment to any judicial office in the future; and
4. agree that this Order will be made public pursuant to Rule 611(a). See 2017 S. Ct. R. 473.

The Secretary of the Commission on Judicial Qualifications is hereby instructed to mail this Order with a copy of Rule 611, as adopted by the Supreme Court of Kansas, to respondent and his counsel.

Respondent is requested, in accordance with Rule 611, to either (a) agree to comply with the Order by accepting the Order by written acknowledgment directed to the Secretary of the Commission; or (b) refuse to accept the Order. **Any written acknowledgement to comply or refusal to accept shall be served upon the Secretary of the Commission within twenty days from the date of this Order. This order is deemed to have been refused if the Secretary of the Commission receives no communication from respondent within twenty days after service of this Order.** If Respondent refuses to accept the order, formal proceedings shall be instituted.

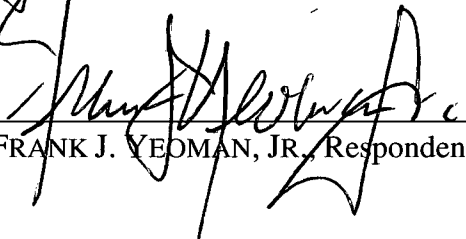
BY ORDER OF THE COMMISSION dated this 24th day of January, 2018.

COMMISSION ON JUDICIAL QUALIFICATIONS

By: 
NICHOLAS M. ST. PETER, Chair

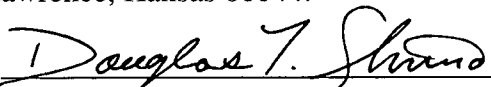
APPROVED & ACCEPTED

January 29, 2018
Date


FRANK J. YEOMAN, JR., Respondent

CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of January, 2018, this Order was served via certified mail, return receipt requested, proper postage prepaid to: Frank J. Yeoman, Jr., 1611 NW 59 Terrace, Topeka, Kansas 66618 and a copy of the Order was deposited in the United States mail, proper postage prepaid to R.E. "Tuck" Duncan, Attorney for Respondent, Duncan Law Office, 212 SW 8th Ave., Suite 202, Topeka, Kansas 66603 and Todd N. Thompson, Examiner, Thompson Warner, P.A., 333 West 9th Street, Suite B, Lawrence, Kansas 66044.


Douglas T. Shima, Secretary
Commission on Judicial Qualifications