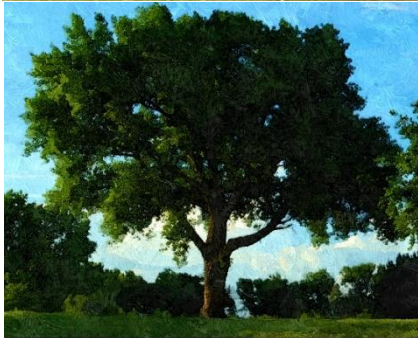




COMMISSION ON JUDICIAL QUALIFICATIONS



2016

ANNUAL REPORT

State of Kansas



Commission on Judicial Qualifications

KANSAS JUDICIAL CENTER
301 SW TENTH AVE., ROOM 115
TOPEKA, KANSAS 66612
785-296-2913
judicialqual@kscourts.org

FROM THE CHAIR

The Code of Judicial Conduct was adopted by the Kansas Supreme Court defining the standard of ethical behavior of all judges in Kansas. This includes municipal judges, pro tem judges, retired judges, senior judges, judges of the district courts and appellate judges. The Commission on Judicial Qualifications is tasked to review all complaints received and determine if a judge has violated the Code.

In 2016, the Commission received 230 formal complaints. Of those, 22 were selected for investigation or further inquiry. Of those, 2 were set for formal hearing resulting in cease and desist orders. Ultimately, the Commission disposed of 247 complaints.

Mary Davidson completed her service to the Commission in 2016. Joining the Commission is Sister Rosemary Kolich.

Special thanks to Justice Marla Luckert for her service as the Supreme Court's liaison to the Commission; Douglas T. Shima, Clerk of the Appellate Courts and Secretary of the Commission; and Administrator Michelle R. Moore. Without their tireless effort and leadership the Commission would simply be unable to complete their tasks. Many thanks as well to the members of the Commission for their time and dedication.

As the Commission continues to meet its task as assigned by the Supreme Court, we welcome your suggestions and comments.

A handwritten signature in cursive script that reads "Mary B. Thrower".

Mary B. Thrower, Chair
Kansas Commission on Judicial Qualification

TABLE OF CONTENTS

	Page
GENERAL INFORMATION	1
BIOGRAPHIES	3
A BRIEF HISTORY OF THE COMMISSION	9
HOW THE COMMISSION OPERATES	11
JURISDICTION/GOVERNING RULES	11
STAFF	11
INITIATING A COMPLAINT	11
COMMISSION REVIEW AND INVESTIGATION	12
DISPOSITION OF DOCKETED COMPLAINTS	13
CONFIDENTIALITY	13
FORMAL PROCEEDINGS	14
FLOW CHART – COMMISSION PROCEDURES	15
FLOW CHART – PROCEEDINGS BEFORE THE SUPREME COURT	16
SUMMARY OF COMMISSION ACTIVITY IN 2016	17
FIVE-YEAR SUMMARY OF COMPLAINTS RECEIVED AND DOCKETED	18
FIVE-YEAR SUMMARY OF DISPOSED COMPLAINTS	18
STATISTICAL INFORMATION 2016	19
SUBSTANCE OF COMPLAINTS	20
CONDUCT EXAMPLES: ADVISORY	21
CONDUCT EXAMPLES: VIOLATION	21
APPENDICES	22
APPENDIX A REPORTED JUDICIAL DISCIPLINARY CASES	22
APPENDIX B FIVE-YEAR STATISTICAL SUMMARIES	27
APPENDIX C SAMPLE COMPLAINT FORM	28

Kansas Commission on Judicial Qualifications

2016 MEMBERS

Judge Mary B. Thrower, Chair of the Full Commission and Chair of Panel A
 Judge Nicholas M. St. Peter, Vice-Chair of the Full Commission and Chair of Panel B

	MEMBERS	POSITION	TERM EXPIRES
PANEL A	Nancy S. Anstaett	Lawyer Member	June 30, 2017
	Brenda M. Cameron	Judge Member	June 30, 2018
	James S. Cooper	Non-lawyer Member	June 30, 2019
	Robert W. Fairchild	Judge Member	June 30, 2019
	Norman R. Kelly	Lawyer Member	June 30, 2019
	Mary Thrower	Judge Member	June 30, 2020
	Valdenia C. Winn	Non-lawyer Member	June 30, 2018
	Mary Davidson Cohen*	Non-lawyer Member	June 30, 2016
	Allen G. Glendenning	Lawyer Member	June 30, 2018
	Larry D. Hendricks	Judge Member	June 30, 2018
	David J. King	Judge Member	June 30, 2017
	Rosemary Kolich**	Non-lawyer Member	June 30, 2020
	Susan Lynn	Non-lawyer Member	June 30, 2017
	Nicholas St. Peter	Judge Member	June 30, 2020
	Diane H. Sorensen	Lawyer Member	June 30, 2020

** Members leaving during Calendar Year 2016*

***Members beginning during Calendar Year 2016*

SUPREME COURT LIAISON

Justice Marla Luckert

COMMISSION STAFF

Douglas T. Shima, Secretary
Michelle R. Moore, Administrator

COMMISSION OFFICE

Kansas Judicial Center
301 SW 10th Ave., Room 115
Topeka, Kansas 66612
785-296-2913 ♦ judicialqual@kscourts.org
www.kscourts.org

BIOGRAPHIES
MEMBERS WHO SERVED DURING 2016



Nancy S. Anstaett, a lawyer member of the Commission, practices in Overland Park and is a member of Rowe & Anstaett, L.L.C. She graduated from Kansas State University, *magna cum laude*, with degrees in journalism and sociology in 1977. She attended Washburn University School of Law and received her juris doctorate, *magna cum laude*, in 1980. She is a member of the Johnson County and Kansas Bar Associations and the Kansas Women Attorneys Association. Ms. Anstaett has served on the Kansas Continuing Legal Education Commission and was elected to the Kansas Supreme Court Nominating Commission where she served from 1996-2000. She served on the Commission since July 2002.



The Honorable Brenda M. Cameron, a district judge from Olathe, received a BS degree from the University of Kansas in 1987 and juris doctorate from the University of Kansas in 1990. She worked for the Public Defender in Salina, Kansas from 1990-1992. She served as Assistant Johnson County District Attorney from 1992-1995; Assistant District Attorney in Austin, Texas from 1995-1996; and returned to serve as Assistant Johnson County District Attorney from 1997-2001. She practiced law in Olathe as a member of Cornwell, Cameron, Erickson & Travis from 2001-2002, when she was appointed as district judge by Governor Bill Graves. In 2012, she was Chair of the Kansas District Court Judges Annual Conference. She is a Silver Fellow with the Johnson County Bar Foundation, as well as being on the Board of Directors and Legacy Celebration Committee. She had served as a member of the Kansas Supreme Court Rules, Education, and Specialty Courts Commission. She has been a member of the Commission since July 2014.



James S. Cooper, Captain, U.S. Navy (Retired) a non-lawyer member of the Commission from Lawrence, graduated from the University of Kansas with a BA in Political Science and was commissioned through the Naval ROTC Program in 1974. He earned his wings as a Naval Flight Officer in 1975 and flew the P-3C Orion subhunter in three separate Patrol Squadrons which were homeported at NAS Moffett Field, California and NAS Barbers Point, Hawaii, and deployed throughout the Pacific and Indian Oceans. He served in two separate Pentagon assignments, earned a Master's degree in National Security Affairs from the Naval Postgraduate School in Monterey, California, and attended Georgetown University's Fellows in Foreign Service Program. He served in a variety of leadership and command assignments both in the US and overseas. His last active duty assignment was Commanding Officer/Professor of Naval Science for the University of Kansas NROTC from 1999 to 2003. In October 2003, he retired from the Navy and took the position of Assistant to the Vice Chancellor for Administration at the University of Kansas Medical Center in Kansas City, Kansas, and was in that position until June, 2012. An active community volunteer, he has been a member of the Commission since June 2015.



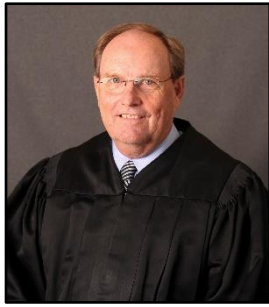
Dr. Mary Davidson, a non-lawyer member of the Commission from Leawood, received a bachelor of science in education at the University of Missouri-Columbia in 1958. She received her master of arts in science education for elementary teachers from Columbia University in 1962 and her doctorate in education administration from the University of Kansas in 1977. She began her education career as a teacher in 1958 teaching fifth, sixth, and seventh grades in the Kansas City, Missouri, School District. She also taught science for K-7 grades for the Kansas City School District's educational television station KCSD – Channel 19. She was assistant vice chancellor for academic affairs at the University of Kansas Regents Center from 1976 to 1992. She served as assistant director of the William T. Kemper Foundation from 1993 to 1997. She served as vice president for adult and continuing education and dean of the graduate school at Saint Mary College in Leavenworth, Kansas, from 1997 to 1999. She served as U. S. Secretary of Education Rod Paige's representative (SRR) for Region VII from 2002-2009, covering the states of Iowa, Kansas, Missouri, and Nebraska. In 2007, she received the Mother Evelyn O'Neill Award for Excellence in Education from Saint Teresa's Academy. In 2010, she received the Hugh Speer Award for distinguished service to Johnson County Community College. In 2012, she was named Philanthropist of the Year by Nonprofit Connect in Kansas City, Missouri, and by the Association of Professional Fundraisers in 2014. She served both as Chair of the WWI Museum Board of Directors and as Interim President and Chief Executive Officer of the National World War Museum at Liberty Hall. She is a past member of the Governance Board of the Children's Campus of Kansas City, Kansas, and the Executive Committee of Freedoms Frontier National Heritage Area Board of Directors. Presently, she hosts "It's Our Community" for the Johnson County Community College television station and is the Executive Director of the Barton P. & Mary D. Cohen Charitable Trust. Dr. Cohen served on the Commission from July 2004 to June 2016.



The Honorable Robert W. Fairchild, a senior judge for the Kansas Judicial Branch, received a juris doctorate degree from the University of Kansas School of Law in 1973. He was in the private practice of law for 23 years handling a wide variety of cases. He was appointed district judge for the 7th Judicial District in 1996 and was appointed chief judge in 2002. He retired as district judge in 2017, and the Supreme Court appointed him as senior judge. He was an adjunct professor at the University of Kansas School of Law from 1992 through 2017 regularly teaching alternative dispute resolution and also taught a criminal law section in the spring of 2005. He has been a member of the Commission since July 2015.



Allen G. Glendenning, a lawyer member of the Commission, practices in Great Bend. He received his B.A. in history from Mid-America Nazarene College (now Mid-America Nazarene University) in Olathe, Kansas in 1981. He received his law degree from the University of Kansas law school in 1984. He has practiced in Wichita, Parsons, and Great Bend and handles cases in both state and federal courts throughout Kansas and in the United States Tenth Circuit Court of Appeals. He is also admitted to practice in the state and federal courts of Colorado. He is a shareholder in the firm of Watkins & Calcara, Chtd., where he has practiced since 1992. He is a member of the Barton County, Southwest Kansas, Kansas, Colorado, and American Bar Associations. He has served on the Kansas Bar Association Bench and Bar Committee and the Judicial Council Civil Code Advisory Committee. He has been a member of the Commission since December 2014.



The Honorable Larry D. Hendricks, a district judge, was appointed to the Shawnee County District Court in 2006. He was a member of the United States Air Force for 8 years. He practiced law in Topeka, Kansas for 25 years before he went on the bench. He served as City Attorney for Alma, Auburn, Leecompton and Perry. Degrees include a Bachelors from Kansas State University (1971), a Masters from the University of Northern Colorado (1977) and his J.D. with honors from Washburn University (1982). He has served as a board member for CASA of Shawnee County. He is a member of the Topeka Bar Association, the Kansas Bar Association, and the Kansas District Judges Association. He has been a member of the Commission since July 2014.



Norman R. Kelly, a lawyer member of the Commission, practices in Salina. He received his B.B.A. from Washburn University in Topeka, Kansas, in 1977 and his law degree from Washburn University School of Law in 1980. He handles civil cases in both state and federal courts throughout Kansas and in the United States 10th Circuit of Appeals. He is a shareholder and managing member of Norton, Wassermann, Jones & Kelly, LLC., Salina, Kansas, where he has practiced law since graduation from law school. He is a member of the Saline-Ottawa County and Kansas Bar Associations. He is also a member of the Saline-Ottawa County Bench Bar Committee. He is a member representing Region IX on the United States Conference of Catholic Bishops' National Advisory Council which meets biannually in Baltimore, Maryland. He was again chosen by peer review to be included in the 2018 Edition of *The Best Lawyers in America* in the practice area of Personal Injury Litigation-Defendants (as he has been chosen in multiple prior years). He has been a member of the Commission since December 2015.



The Honorable David J. King, a district judge from Leavenworth, is a graduate of the University of Kansas (B.A. 1976; J.D. 1980). He was in the private practice of law in Leavenworth from 1981 to 1986. He served as Assistant Leavenworth County Attorney from 1981 to 1984. He was appointed to the Leavenworth District Court in May 1986. He has served as the Chief Judge for the First Judicial District since 1991. He is a member of the Leavenworth Bar Association, the Kansas Bar Association, and the Kansas District Judges Association. He has been a member of the Commission since November 2004.



Rosemary Kolich, S.C.L., a non-lawyer member of the Commission, is an English professor and Chair of the Language and Literature Department at the University of Saint Mary in Leavenworth, Kansas. She received her B.A. from Saint Mary College (now USM) in 1980, her M.A. from Middlebury College (Bread Loaf School of English) in 1996, and her Ph.D. from Saint Louis University in 2013, where her doctoral study examined the life and works of 19th-century British writer Elizabeth Gaskell. She has been an educator for 37 years, teaching high school English and journalism for 17 years in Kansas, Missouri, and Montana before joining the faculty at Saint Mary in 1997. At Billings Central in Montana, the school newspaper received top awards from Columbia University, the Montana School of Journalism, and Quill and Scroll.

At Saint Mary, she has taught Chaucer, Shakespeare, British literature, classical mythology, composition, and creative writing, and has served on numerous committees and in a variety of leadership positions, including Chair of the Faculty Senate. In 2010, she was the recipient of the University’s Sullivan Award for Teaching Excellence. Throughout her teaching career she has presented at various conferences, including the Columbia Scholastic Press Association in New York, the NCEA (National Catholic Educational Association) in Minneapolis, and the Gaskell Society in Stratford-upon-Avon. In the larger community she has served on the Caritas Clinics, Inc. Executive Board and the Saint Vincent Clinic Development Committee; she is currently a member of the Donnelly College Liberal Arts and Science Advisory Board, a TALK (Talk About Literature in Kansas) Scholar for the Kansas Humanities Council, and the American Representative to the Gaskell Society in England. A native of Kansas City, Kansas, she entered the Sisters of Charity of Leavenworth in 1982. She has been a member of the Commission since July 2016.



Susan Lynn, a non-lawyer member of the Commission, is editor and publisher of *The Iola Register*. She studied journalism at the University of Kansas, 1974-78, and received a bachelor’s degree in liberal arts from Western Washington University, Bellingham, Washington, in 1979, and a Masters in library science from Wayne State University, Detroit, in 1995. She worked as a reporter and then as a reference librarian in Holland, Michigan, before returning to her hometown of Iola in 2000 to assume the role of publisher at the *Register*. She is a fourth-generation publisher. She has been a member of the Commission since July 2013.



The Honorable Nicholas St. Peter, a district judge from Winfield, received a BA degree from Fort Hays State University in 1982 and Juris Doctorate from Washburn University in 1985. He practiced law in Winfield from 1985 until 2004 during which he served as president of the Cowley County Bar Association and served as a board member for many community organizations including CASA of Cowley County. For several years St. Peter also served as a part time municipal judge. St. Peter was appointed to the bench in September of 2004 and was elected in November of 2004, 2008, 2012 and 2016. He was appointed chief judge of the 19th Judicial District in September of 2010. St.

Peter serves as the chair-person of Kansas Access to Justice Committee and is a member of the Chief Judges Council and the District Judges Association executive committee. He is also a member of the community advisory boards for Cowley County Community Corrections and Cowley County Youth Services. Judge St. Peter has also served as the drug court judge for Cowley County since the program’s inception in 2009. He has been a member of the Commission since July 2012.



Diane H. Sorensen, a lawyer member of the Commission, practices law in Wichita, Kansas, at Morris, Laing, Evans, Brock & Kennedy, Chtd. She received her B.S. from Kansas State University in 1981, and J.D. from the University of Kansas in 1984. Prior to joining Morris, Laing in 1988, she clerked first for the Honorable Alfred G. Schroeder, Chief Justice of the Kansas Supreme Court, and then for the Honorable Patrick F. Kelly, United States District Judge for the District of Kansas. In 1997, she was awarded the President's Award by the Wichita Bar Association and in 2006 an Outstanding Service Award by the Kansas Bar Association. From 1988 until 2008, she served on the Board of Editors of *The Journal of the Kansas Bar Association*, which included service as chair from 2002 through 2005. She is an active member of the Kansas and Wichita Bar Associations, a past KBA employment law section president, and a frequent speaker at seminars. She currently is an editor of the Kansas Annual Survey. She is a member and past president of the KU Law School Board of Governors, an active community volunteer, and a commissioned Stephen Minister, providing lay pastoral counseling and caregiving. She has been a member of the Commission since July 2012.



The Honorable Mary B. Thrower, a district magistrate judge for the 28th Judicial District, serving Ottawa and Saline counties in Kansas, received an Associate degree from Wichita State University in 1982 and her BS/BA degree from Emporia State University in 1983. After serving the 28th Judicial District as a court services officer, she relocated to Colorado and received a Juris Doctorate degree from the University of Denver, College of Law in 1992. She was in private practice in Colorado Springs for several years and was a senior attorney for the Office of the Guardian ad Litem for three years before returning to Kansas. After three years with the Saline County Attorney's office, she was appointed as magistrate judge in January 2006. She served on the Judicial Needs Assessment Committee for the weighted caseload study. She currently serves as a member of the 28th Judicial District Community Corrections Board. In 2013, she was awarded the Franklin N. Flaschner award by the American Bar Association under the Judicial Division National Conference of Specialized Court Judges. In 2014, she was appointed to the Supreme Court Task Force on Permanency Planning. She has been a member of the Commission since July 2012, serving as chair since June 2015. Judge Thrower recently served as a member of the Juvenile Justice Workgroup for the State of Kansas.



Representative Valdenia C. Winn, Ph.D., a non-lawyer member of the Commission, is currently in her 15th year representing the 34th District, Wyandotte County, in the Kansas House of Representatives. Dr. Winn has extensive background in education, including more than 40 years teaching experience as a Professor of History and Political Science at Kansas City Kansas Community College. In the Kansas House, Rep. Winn serves as the ranking member on both House Education and Education Budget Committees. She also is a member of the House Federal & State Affairs, Joint Rules & Regulations, Capital Preservation Committee, Children's Cabinet & Trust Fund, the James B. Pearson Fellowship Selection Board, and the Bowhay Institute Legislative Leadership Development Steering Committee (Council of State Governments Midwest). Rep. Winn has been recognized for her legislative accomplishments by the Council of State Governments Midwest (CSG) by being named to the Bowhay Institute Legislative Leadership Development program (CSG Midwest) and the Henry Toll Fellowship Program. Dr. Winn has also received numerous awards in education. In 2000, the U.S. Department of Education awarded Dr. Winn a Fulbright-Hayes Group Project Abroad to direct a curriculum development team of 16 faculty to Senegal, West Africa. Rep. Winn attended the University of Kansas where she received a Bachelor of Science in secondary Education (1972), Master of Arts – History (1975) and Doctorate of Philosophy – History & International Relations (1993). She has been a member of the Commission since July 2014.

SECRETARY TO THE COMMISSION



Douglas T. Shima, Douglas T. Shima, was appointed Clerk of the Kansas Appellate Courts on March 28, 2016. He received his undergraduate degree from Bethel College in North Newton, Kansas, and his law degree from Washburn University School of Law graduating in 1994 with *Dean's Honors*. He has been with the Kansas Court of Appeals since graduation from Washburn. He started his employment with the Kansas Court of Appeals as central research staff and then served as chambers counsel to the Hon. G. Joseph Pierron, Jr. in 1995. Mr. Shima is a past chairman of the board of directors of the Topeka Bar Association. He received the TBA's Outstanding Young Lawyer Award in 1997. In April 2014, he received the TBA's prestigious award, the "Hon. E. Newton Vickers Professionalism Award," as a member who by his or her conduct, honesty, integrity, and courtesy, best exemplifies, represents or encourages other lawyers to follow the highest standards of the legal profession. He has also been active in the Sam A. Crow American Inn of Court ever since graduating from law school and currently serves as the Inns' secretary/treasurer. Mr. Shima is active in many organizations in addition to the Topeka Bar Association. He is a long-time supporter of Meals on Wheels, having served Meals on Wheels for over 20 years, and has, for the last 15 years, organized two corporate routes -- one for the Kansas Judicial Center and the other for his church, Southern Hills Mennonite Church. He served in many capacities with the board of directors of Meals on Wheels and ended his term after serving as board chairman for two years. In 2013, Mr. Shima was awarded the Rueter Award (pronounced "Roiter") for distinguished service to Meals on Wheels.

A BRIEF HISTORY OF THE COMMISSION

The Kansas Commission on Judicial Qualifications was established by the Supreme Court of the State of Kansas on January 1, 1974. The Commission, created under the authority granted by Article 3, Section 15 of the Kansas Constitution and in the exercise of the inherent powers of the Supreme Court, is charged with assisting the Supreme Court in the exercise of the Court's responsibility in judicial disciplinary matters.

Originally conceived as a one-tier system with nine members, the Commission functioned effectively for a quarter century before significant change was implemented. On May 1, 1999, a two-tier system was adopted, expanding the Commission from nine to fourteen members, including six active or retired judges, four lawyers, and four non-lawyers. The members are divided into two panels. One panel meets each month. In formal matters, one panel investigates the complaint, while the other conducts the hearing, thus separating the investigative and judicial functions. All members are appointed by the Supreme Court and serve four-year terms with a twelve-year term limit. The Chair of the Commission chairs one panel, while the Vice-Chair chairs the second panel.

Those who have chaired the Commission include:

Judge L. A. McNalley	1974-1977
Fred N. Six	1977-1981
Kenneth C. Bronson	1981-1983
Charles S. Arthur	1983-1985
Judge Lewis C. Smith	1985-1986
Judge O. Q. Claflin	1986-1988
Judge Steven P. Flood	1988-1991
Judge J. Patrick Brazil	1991-1994
Mikel L. Stout	1994-1997
David J. Waxse	1997-1999
Judge Kathryn Carter	1999-2001
Judge Theodore B. Ice	2001-2003
Robert A. Creighton	2003-2005
Judge Jennifer L. Jones	2005-2007
Judge Robert J. Fleming	2007-2009
Nancy S. Anstaett	2009-2011
Judge David J. King	2011-2013
William B. Swearer	2013-2015
Judge Mary B. Thrower	2015-

Past members of the Commission who served with distinction include:

SERVED WHILE ACTIVE JUDGES AND SUBSEQUENTLY AS RETIRED JUDGES	
James J. Noone, Wichita	James W. Paddock, Lawrence
SERVED AS RETIRED JUDGES	
L. A. McNalley, Salina	Theodore Branine Ice, Newton
O. Q. Claflin, III, Kansas City	J. Patrick Brazil, Topeka
SERVED WHILE ACTIVE JUDGES	
Bert Vance, Garden City	Kathryn Carter, Concordia
Harold R. Riggs, Olathe	Lawrence E. Sheppard, Olathe
Brooks Hinkle, Paola	Jennifer L. Jones, Wichita
M.V. Hoobler, Salina	Thomas L. Toepfer, Hays
Lewis C. Smith, Olathe	Robert J. Fleming, Parsons
Steven P. Flood, Hays	
SERVED AS LAWYER MEMBERS	
Robert H. Nelson, Wichita	Karen L. Shelor, Shawnee Mission
Edward F. Arn, Wichita	John W. Mize, Salina
John J. Gardner, Olathe	Robert A. Creighton, Atwood
Fred N. Six, Lawrence	Mikel Stout, Wichita
Charles S. Arthur, Manhattan	Jeffery A. Mason, Goodland
David J. Waxse, Overland Park	William B. Swearer, Hutchinson
SERVED AS NON-LAWYER MEMBERS	
Georgia Neese Gray, Topeka	Carol Sader, Prairie Village
Kenneth C. Bronson, Topeka	Bruce Buchanan, Hutchinson
Dr. Nancy Bramley Hiebert, Lawrence	Carolyn Tillotson, Leavenworth
Marcia Poell Holston, Topeka	Christina Pannbacker, Washington
Ray Call, Emporia	

HOW THE COMMISSION OPERATES

JURISDICTION/GOVERNING RULES

The Commission's jurisdiction extends to approximately 500 judicial positions including justices of the Supreme Court, judges of the Court of Appeals, judges of the district courts, district magistrate judges, and municipal judges. This number does not include judges pro tempore and others who, from time to time, may be subject to the Code of Judicial Conduct.

The Supreme Court Rules governing operation of the Commission are found in the Kansas Court Rules. See 2017 Kan. Ct. R. 467-481.

The Commission conducted extensive analysis, study, and revision of Rule 601A, Code of Judicial Conduct, based on the ABA 2007 Model Code of Judicial Conduct. The Kansas Supreme Court adopted new Rule 601B, Kansas Code of Judicial Conduct, effective March 1, 2009.

STAFF

The Clerk of the Supreme Court serves as secretary to the Commission pursuant to Supreme Court Rule 603. The secretary acts as custodian of the official files and records of the Commission and directs the daily operation of the office. An administrator, Michelle Moore, manages the operation of the office.

The Commission also retains an examiner, a member of the Kansas Bar who investigates complaints, presents evidence to the Commission, and participates in proceedings before the Supreme Court.

INITIATING A COMPLAINT

The Commission is charged with conducting an investigation when it receives a complaint indicating that a judge has failed to comply with the Code of Judicial Conduct or has a disability that seriously interferes with the performance of judicial duties.

Any person may file a complaint with the Commission. Initial inquiries may be made by telephone, letter, e-mail, or by visiting the Appellate Clerk's Office personally.

All who inquire are given a copy of the Supreme Court Rules Relating to Judicial Conduct, a brochure about the Commission, and a complaint form. The complainant is asked to set out the facts and to state specifically how the complainant believes the judge has violated the Code of Judicial Conduct. Very often, the opportunity to voice the grievance is sufficient, and the Commission never receives a formal complaint.

The remainder of the complaints filed come from individuals already familiar with the Commission's work or who have learned about the Commission from another source. Use of the standard complaint form is encouraged but not mandatory. If the complaint received is of a general nature, the Commission's secretary will request further specifics.

In addition to citizen complaints, the Commission may investigate matters of judicial misconduct on its own motion.

Referrals are also made to the Commission through the Office of Judicial Administration and the Office of the Disciplinary Administrator.

Referrals are made through the Office of Judicial Administration on personnel matters involving sexual harassment. The Kansas Court Personnel Rules provide that, if upon investigation the Judicial Administrator finds probable cause to believe an incident of sexual harassment has occurred involving a judge, the Judicial Administrator will refer the matter to the Commission on Judicial Qualifications. *See* Kansas Court Personnel Rule 9.4(e).

The Disciplinary Administrator refers complaints to the Commission if investigation into attorney misconduct implicates a judge. There is a reciprocal sharing of information between the two offices.

COMMISSION REVIEW AND INVESTIGATION

When written complaints are received, all are mailed to a panel of the Commission for review at its next meeting. In the interim, if it appears that a response from the judge would be helpful to the Commission, the secretary may request the judge to submit a voluntary response. With that additional information, the panel may be able to consider a complaint and reach a decision at the same meeting.

All complaints are placed on the agenda, and the panel determines whether they will be docketed or remain undocketed. A docketed complaint is given a number and a case file is established.

Undocketed complaints are those which facially do not state a violation of the Code; no further investigation is required.

Appealable matters constitute the majority of the undocketed complaints and arise from a public misconception of the Commission's function. The Commission does not function as an appellate court. Examples of appealable matters which are outside the Commission's jurisdiction include: matters involving the exercise of judicial discretion, particularly in domestic cases; disagreements with the judge's application of the law; and evidentiary or procedural matters, particularly in criminal cases.

Many complaints address the judge's demeanor, attitude, degree of attention, or alleged bias or prejudice. These are matters in which the secretary is likely to request a voluntary response from the judge and, based on that response, the Commission in some instances determines there has clearly been no violation of the Code.

These undocketed complaints are dismissed with an appropriate letter to the complainant and to the judge, if the judge has been asked to respond to the complaint.

Docketed complaints are those in which a panel feels that further investigation is warranted.

A panel has a number of investigative options once it docketed a complaint. Docketed complaints may be assigned to a subcommittee for review and report at the next meeting. These complaints may be referred to the Commission examiner for investigation and report. Finally, the panel may ask for further information or records from the judge.

DISPOSITION OF DOCKETED COMPLAINTS

After investigation of docketed complaints, the panel may choose a course of action short of filing formal proceedings.

A complaint may be dismissed after investigation. Upon docketing, there appeared to be some merit to the complaint, but after further investigation the complaint is found to be without merit.

A letter of informal advice may be issued if the investigation did not disclose an ethical violation but future direction would be beneficial to the judge. A letter of caution may be issued if the investigation disclosed an ethical violation which was too minor to warrant further proceedings.

A cease and desist order may be issued when the panel finds factually undisputed violations of the Code which represent a continuing course of conduct. The judge must agree to comply by accepting the order, or formal proceedings will be instituted.

Examples of conduct resulting in cease and desist orders include: activity on behalf of a political candidate or continuing to handle matters in a case in which the judge has recused.

Upon disposition of any docketed complaint, the judge and the complainant are notified of the panel's action. Other interested persons may be notified within the panel's discretion.

CONFIDENTIALITY

The panel assigned a complaint conducts investigations, often contacting the judge involved as well as witnesses. The Commission and its staff are bound by a rule of confidentiality unless public disclosure is permitted by the Rules Relating to Judicial Conduct or by order of the Supreme Court. See Rule 607(a). One exception to the confidentiality rule exists if the panel gives written notice to the judge, prior to the judge's acceptance of a cease and desist order, that the order will be made public. Rule 611(a).

Other narrowly delineated exceptions to the rule of confidentiality exist. Rule 607(d)(3) provides a specific exception to the rule of confidentiality with regard to any information which the Commission or a panel considers relevant to current or future criminal prosecutions or ouster proceedings against a judge. Rule 607 further permits a waiver of confidentiality, in the Commission's or panel's discretion, to the Disciplinary Administrator, the Judges Assistance Committee, the Supreme Court Nominating Commission, the District Judicial Nominating Commissions, and the Governor with regard to nominees for judicial appointments.

The rule of confidentiality does not apply to the complainant or to the respondent. See Rule 607(c).

FORMAL PROCEEDINGS

During the investigation stage prior to the filing of the notice of formal proceedings, the judge is advised by letter that an investigation is underway. The judge then has the opportunity to present information to the examiner. Rule 609.

If a panel institutes formal proceedings, specific charges stated in ordinary and concise language are submitted to the judge. The judge has an opportunity to answer and a hearing date is set. Rule 611(b); Rule 613. The hearing on that notice of formal proceedings is conducted by the other panel, which has no knowledge of the investigation or prior deliberations.

The hearing on a notice of formal proceedings is a public hearing. The judge is entitled to be represented by counsel at all stages of the proceedings, including the investigative phase prior to the filing of the notice of formal proceedings if the judge so chooses. The rules of evidence applicable to civil cases apply at formal hearings. Procedural rulings are made by the chair, consented to by other members unless one or more calls for a vote. Any difference of opinion with the chair is controlled by a majority vote of those panel members present.

The Commission examiner presents the case in support of the charges in the notice of formal proceedings. At least five members of the panel must be present when evidence is introduced. A vote of five members of the panel is required before a finding may be entered that any charges have been proven.

If the panel finds the charges proven, it can admonish the judge, issue an order of cease and desist, or recommend to the Supreme Court the discipline or compulsory retirement of the judge. Discipline means public censure, suspension, or removal from office. Rule 620.

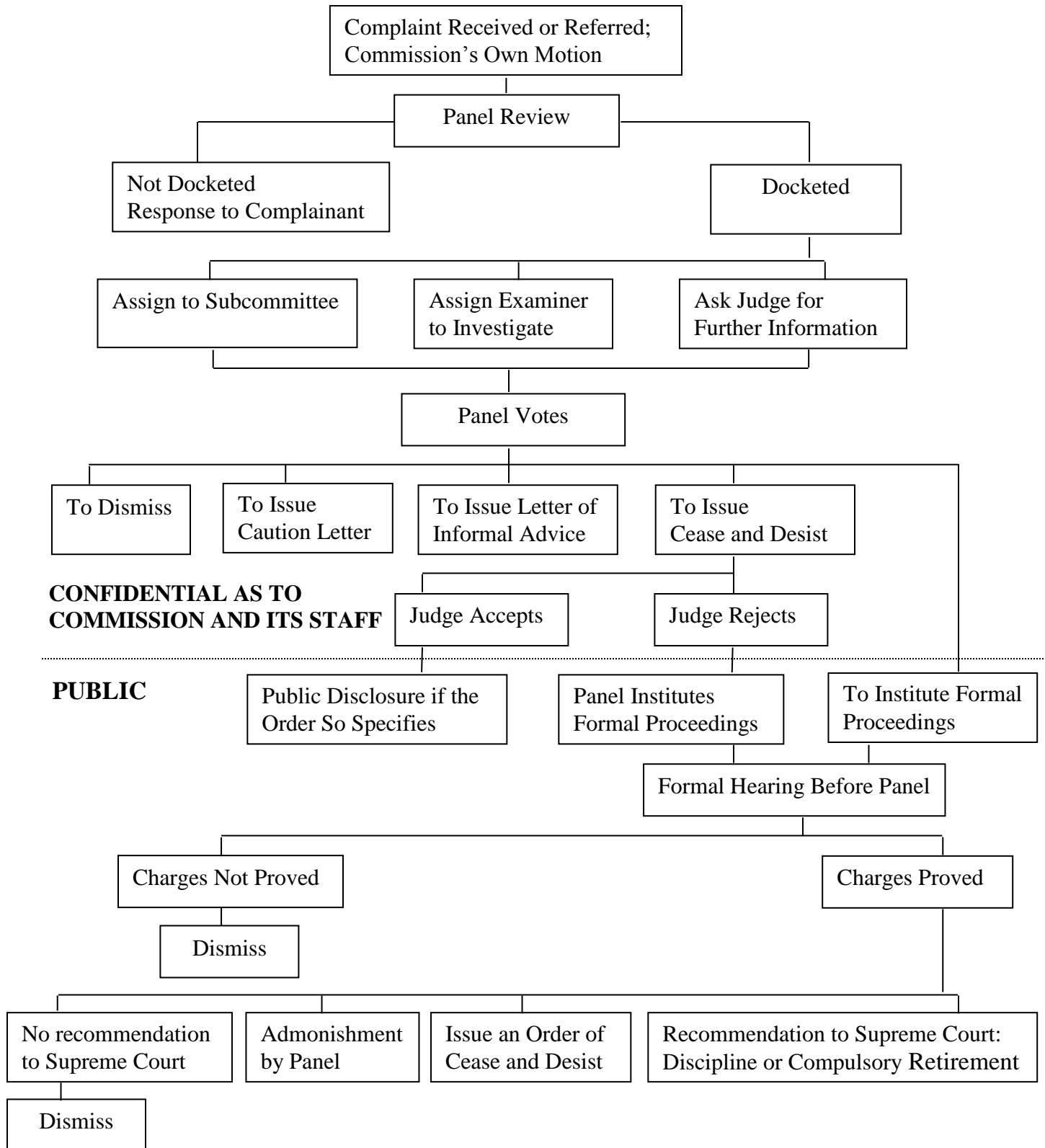
In all proceedings resulting in a recommendation to the Supreme Court for discipline or compulsory retirement, the panel is required to make written findings of fact, conclusions of law, and recommendations which shall be filed and docketed by the Clerk of the Supreme Court as a case. Rule 622. The respondent judge then has the opportunity to file written exceptions to the panel's report. A judge who does not wish to file exceptions may reserve the right to address the Supreme Court with respect to disposition of the case. Rule 623.

If exceptions are taken, a briefing schedule is set; thereafter, argument is scheduled before the Supreme Court at which time respondent appears in person and, at respondent's discretion, by counsel. If exceptions are not taken, the panel's findings of fact and conclusions of law are conclusive and may not later be challenged by respondent. The matter is set for hearing before the Supreme Court, at which time the respondent appears in person and may be accompanied by counsel but only for the limited purpose of making a statement with respect to the discipline to be imposed. In either case, the Supreme Court may adopt, amend, or reject the recommendations of the panel. Rule 623.

The following flow charts trace the progress of a complaint before a panel of the Commission and through Supreme Court proceedings.

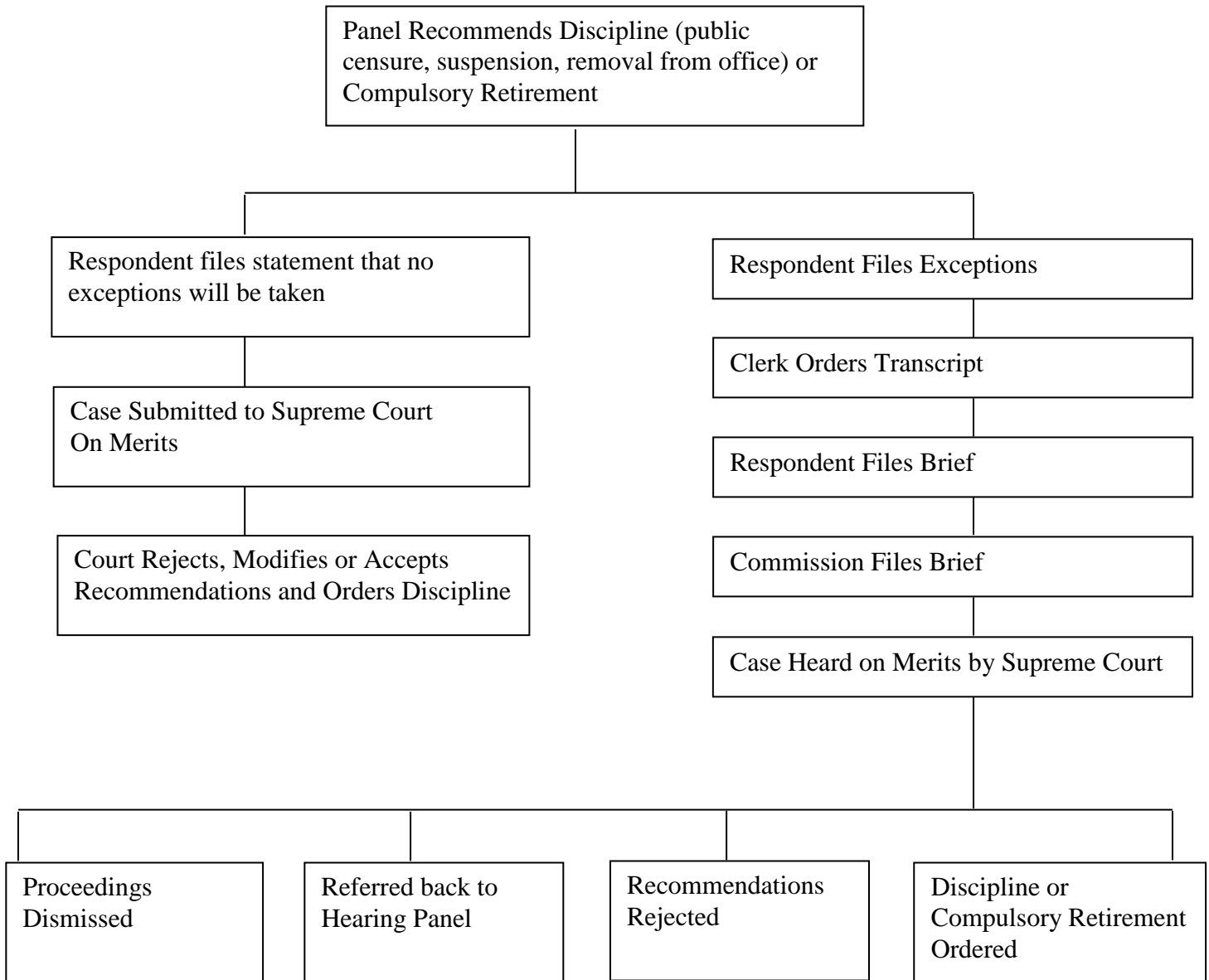
COMMISSION PROCEDURES

RECEIPT OF COMPLAINT THROUGH FORMAL PROCEEDINGS



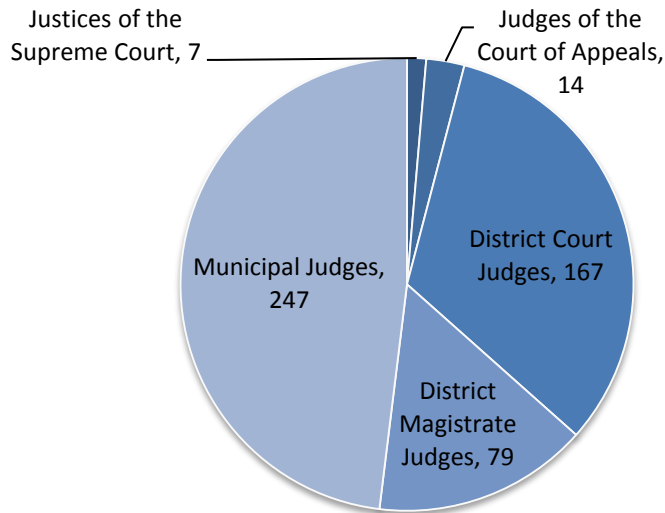
PROCEEDINGS BEFORE THE SUPREME COURT

REVIEW OF COMMISSION FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS



COMMISSION ACTIVITY IN 2016

At the close of 2016, there were 514 judicial positions subject to the Commission’s jurisdiction.



Others are subject to the Code of Judicial Conduct on an ad hoc basis. The Application Section which prefaces the Code provides: “Anyone, whether or not a lawyer, who is an officer of the judicial system, is a judge within the meaning of this Code. Judge is defined as: any judicial officer who performs the functions of a judge in the courts of this state including Kansas Supreme Court Justices, Court of Appeals Judges, District Judges, District Magistrate Judges, Senior Judges, Retired Judges who accept judicial assignments, and Municipal Court Judges.” Application I.(B) (2017 Kan. Ct. R. 428). “The term ‘judge’ also includes Masters, Referees, Judicial Hearing Officers, Temporary Judges, Pro Tempore Judges, Part-time Judges, and Commissioners if they perform any functions of a judge in any court of this state.” Application I.(C). “The term ‘judge’ also includes a judicial candidate.” Application I.(D). No attempt has been made in this report to enumerate those individuals.

In 2016, the Commission received 448 inquiries by telephone, by letter, by e-mail, or by personal visit to the Clerk’s Office. Of those individuals, 322 were provided copies of the Supreme Court Rules Relating to Judicial Conduct, a complaint form, and a brochure describing the work of the Commission. A complaint form is also available on the Commission’s web site: www.kscourts.org. A total of 230 complaints were received in 2016. Of those complaints, 22 were eventually docketed. For a discussion of the distinction between undocketed and docketed complaints, see this report at page 12. See Figure 1 at page 18 for a five-year summary.

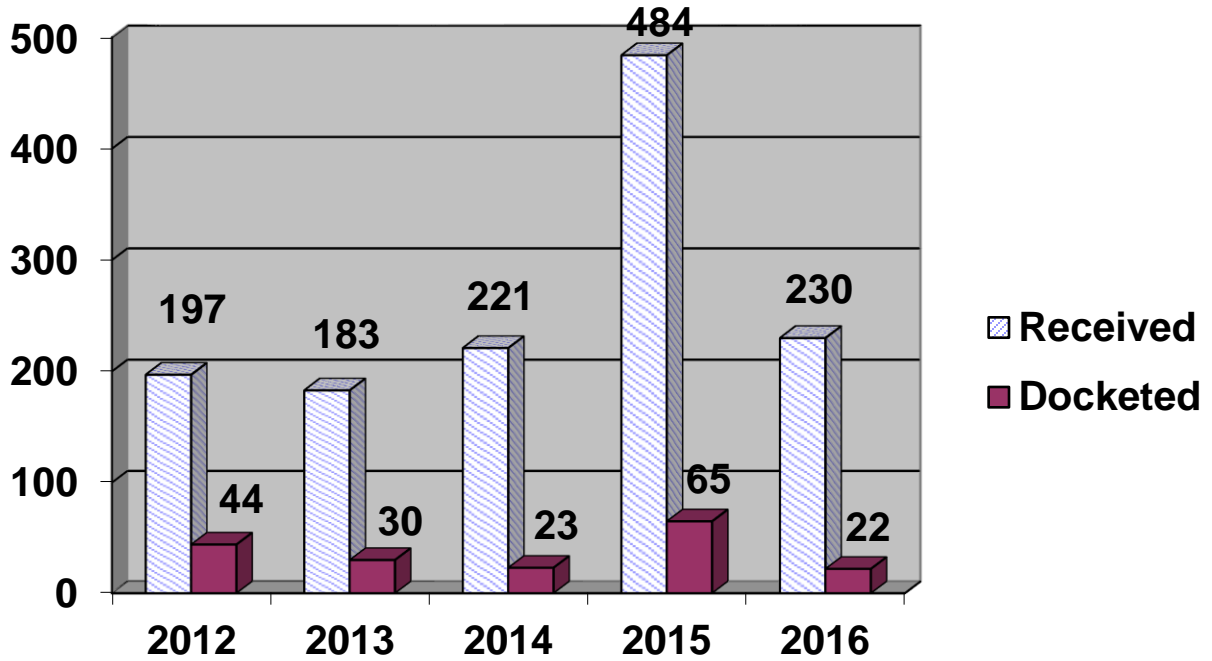


Figure 1: Five-year Summary of Complaints Received and Docketed

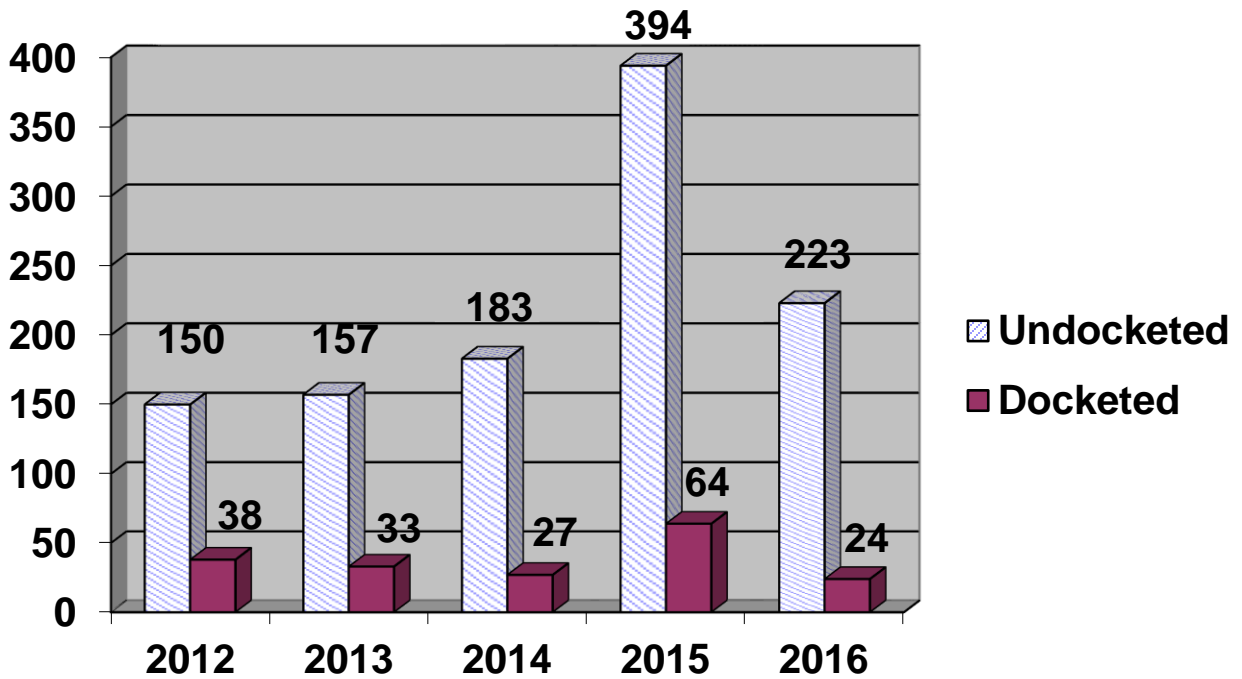


Figure 2: Five-year Summary of Disposed Complaints which may include carryover from a prior year.

COMMISSION ON JUDICIAL QUALIFICATIONS
January 1, 2016 – December 31, 2016

TOTAL NUMBER OF INQUIRIES	448
RULES AND COMPLAINT FORMS PROVIDED	322
NUMBER OF COMPLAINTS RECEIVED	230
NUMBER OF COMPLAINTS DOCKETED	22
DOCKETED COMPLAINTS PENDING ON JANUARY 1, 2016	7

DISPOSITION OF DOCKETED COMPLAINTS:

Public Cease and Desist, After Hearing	2
Public Cease and Desist	1
Private Cease and Desist	3
Caution	4
Informal Advice	2
Dismissed after investigation	12
Pending on December 31, 2016	5
	29 ¹

POSITION OF JUDGE AGAINST WHOM A DOCKETED COMPLAINT WAS FILED:

Supreme	1
District	7
District Magistrate	6 (2 law trained)
Municipal	2 (law trained)
	16 ¹

¹In some instances, more than one complaint was filed against the same judge.

SUBSTANCE OF COMPLAINTS

Substance of complaints filed in 2016 is listed in order of prevalence. Individual complaints may contain more than one allegation of misconduct.

Legal or Appealable [95]	Denied Fair Hearing [85]	Prejudice/Bias [62]	Disagreement with Ruling [41]
Inappropriate Personal Comment [28]	Incompetence in Law [27]	Inappropriate Judicial Conduct [24]	Delay [17]
Injudicious Temperament [17]	Abuse of Power [15]	Conflict of Interest [15]	Administrative Inefficiency [10]
Failure to Discharge Disciplinary Responsibilities [10]	Ex Parte Communication [9]	Retaliation [9]	Improper Political Activity [5]
Violation of Law [2]	Failure to Control Courtroom [2]	Improper Influence [1]	

CONDUCT EXAMPLES

The Commission has many dispositional avenues available after investigation, including but not limited to: Finding of No Violation resulting in dismissal or a letter of informal advice to the judge OR Finding of Violation resulting in a letter of caution; cease and desist order; or notice of formal proceedings. The following are examples of conduct found to be advisory or a violation of the judicial code.

ADVISORY

No violation was found when it was alleged a judge failed to schedule a preliminary hearing within 10 days. The judge was informally advised that it would be prudent to update any court forms which state that a preliminary hearing will be set within 10 days to reflect that it will be set within 14 days, subject to K.S.A. 22-2902.

No violation was found when it came to the Commission's attention a judge garnered media attention when, during a criminal proceeding, the judge made the comment: "Is this *Fifty Shades of Grey* or 50 shades of illegal?" The judge was informally advised to use more discretion with regards to comments in the future.

VIOLATION

After a public hearing, a judge who was found to have violated Rules 1.1, 1.2, 2.1, 2.5, and 3.15(A) & (B) by failing to timely file the annual financial disclosure report, was publicly ordered to cease and desist from future activity in violation of the cited Canons and Rules.

After a public hearing, a judge who was found to have violated Rules 1.2, 2.2, and 2.5(A) by failing to acknowledge a juvenile's rights against incrimination and making unprofessional comments, was publicly ordered to cease and desist from future activity in violation of the cited Canons and Rules.

A judge, who was found to have violated Rules 1.1, 2.2, and 2.5(A) by failing to conduct a first appearance without unnecessary delay, as set forth in K.S.A. 22-2901, was cautioned to comply with the law.

A judge, who was found to have violated Rules 4.1(A)(4), 4.1(C), and 4.2(A)(3) by using an outdated statement by another judge in support of the judge's re-election campaign without obtaining permission, was publicly ordered to desist from providing misleading campaign material.

A judge, who was found to have violated Rules 1.2 and 2.9(A), by participating in ex parte communications with the sheriff that included statements about a pending matter, was cautioned to avoid ex parte communications.

A judge, who was found to have violated Rules 1.1 and 2.5(A) & (B) by failing to timely rule on a matter taken under advisement and failing to provide a written report pursuant to Supreme Court Rule 166, was privately ordered to desist from failing to dispose of matters promptly and efficiently and failing to comply with Supreme Court Rules.

Appendices

APPENDIX A

REPORTED JUDICIAL DISCIPLINARY CASES UNDER RULE 601

In re Rome, 218 Kan. 198, 542 P.2d 676 (1975).

In a criminal proceeding, a magistrate judge issued a memorandum decision which held the defendant out to public ridicule or scorn. The decision was, incidentally, issued in poetic form.

The Supreme Court found the conduct violated Canon 3A(3) which requires a judge to be "patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom he deals in his official capacity." The court ordered public censure.

In re Baker, 218 Kan. 209, 542 P.2d 701 (1975).

The Commission on Judicial Qualifications found six violations of Canon 7 arising out of advertising materials used in a campaign for judicial office.

The Supreme Court found no violation as to five charges, holding the activities to come within the pledge of faithful performance of the duties of judicial office. The court found the health, work habits, experience, and ability of the candidates to be matters of legitimate concern to the electorate. As to the sixth charge, the court found that a campaign statement by a candidate for judicial office that an incumbent judge is entitled to a substantial pension if defeated, when the judge is not in fact eligible for any pension, violates the prohibition of Canon 7B(1)(c) against misrepresentation of facts. The court imposed the discipline of public censure.

In re Sortor, 220 Kan. 177, 551 P.2d 1255 (1976).

A magistrate judge was found by the Commission to have been rude and discourteous to lawyers and litigants and, on occasion, to have terminated proceedings without granting interested parties the right to be heard.

The Supreme Court found violations of Canons 3A(3) and (4) and imposed public censure.

In re Dwyer, 223 Kan. 72, 572 P.2d 898 (1977).

A judge of the Court of Common Pleas of Sedgwick County was found to lack patience, courtesy, dignity, and the appearance of fairness and objectivity. A course of conduct was established which demonstrated an intemperate, undignified, and discourteous attitude toward and treatment of litigants and members of the public who came before the judge.

The Supreme Court found the judge had violated Canons 3A(2), (3), and (4). The court imposed public censure.

In re Miller, 223 Kan. 130, 572 P.2d 896 (1977).

A judge of the district court asked a judge of the county court to dismiss a ticket of an acquaintance of the judge. When the judge of the county court declined, the judge of the district court inquired whether the fine could be reduced. The judge of the county court again declined; whereupon, the judge of the district court remarked, "Well, I guess that is one favor I don't owe you."

The Supreme Court found violations of Canons 2A and 2B which exhort a judge to avoid impropriety and the appearance of impropriety. The court ordered public censure.

In re Hammond, 224 Kan. 745, 585 P.2d 1066 (1978).

A judge of the district court was found to have demanded sexual favors of female employees as a condition of employment.

The Supreme Court found violations of Canons 1, 2A, and 3B(4). Noting that the judge's retirement due to disability made suspension from duty or removal from office unnecessary, the court ordered public censure.

In re Rome, 229 Kan. 195, 623 P.2d 1307 (1981).

An associate district judge was found to lack judicial temperament as evidenced by his actions in the following regard. The judge acted in a manner that did not promote public confidence in the integrity and impartiality of the judiciary and allowed his personal views or appeared to allow his personal views on the political issue of selection of judges to influence his judicial conduct or judgment. The judge, in writing a memorandum decision, purposefully attempted to be critical of actions of the county attorney and of a fellow judge. The judge purposefully made allegations of fact and stated as conclusions factual matters that were, at the time he made his statements, being contested in separate criminal cases. Subsequent to making such statements, the judge purposefully and intentionally attempted to get them publicized by sending copies to the news media.

The Supreme Court found violations of Canons 1, 2, 3A(1), 3A(3), and 3A(6). The judge was ordered removed from office.

In re Woodworth, 237 Kan. 884, 703 P.2d 844 (1985).

A judge of the district court was convicted of violating a statute which makes it unlawful to have in one's possession any package of alcoholic liquor without having thereon the Kansas tax stamps required by law.

The Supreme Court found violations of Canons 1 and 2A relating to the integrity and independence of the judiciary and the avoidance of impropriety and the appearance of impropriety. The court ordered public censure.

In re Levans, 242 Kan. 148, 744 P.2d 800 (1987).

A district magistrate judge removed eight railroad ties belonging to a railway company without written permission or verification of purported oral authority. The judge did not fully cooperate during investigation of the incident.

The Supreme Court found violations of Canons 1 and 2. The court ordered public censure.

In re Yandell, 244 Kan. 709, 772 P.2d 807 (1989).

A judge of the district court violated the law by leaving the scene of a non-injury accident and in so doing also violated the terms of a previous cease and desist order issued by the Commission on Judicial Qualifications. Numerous other violations arose out of the judge's conduct in various financial transactions and his failure to recuse himself in contested cases involving his creditors.

The Supreme Court found violations of Canons 1, 2A, 3C, 5C(1), 5C(3), and 5C(4)(b). The court ordered removal from office.

In re Long, 244 Kan. 719, 772 P.2d 814 (1989).

A judge of the district court was found to have failed to respect and comply with the law, carry out her adjudicative responsibility of promptly disposing of the business of the court, and diligently discharge her administrative responsibilities and maintain professional competence in judicial administration.

The Supreme Court found violations of Canons 2A, 3A(5), and 3B(1). The court ordered public censure.

In re Alvord, 252 Kan. 705, 847 P.2d 1310 (1993).

A magistrate judge was found to have treated a female employee in a manner which was not dignified and courteous. Unsolicited inquiries on behalf of the employee regarding a traffic ticket were also found to be inappropriate.

The Supreme Court found violations of Canons 2 and 3 and ordered public censure.

***In re Handy*, 254 Kan. 581, 867 P.2d 341 (1994).**

A judge of the district court was found to have violated Canons of the Code of Judicial Conduct in the following particulars: ignoring a conflict of interest by handling cases that involved the city which employed him as a municipal judge; creating an appearance of impropriety in purchasing property involved in pending litigation; and lacking sensitivity to conflict of interest, creating an appearance of impropriety, and being less than candid in a real estate transaction.

The Supreme Court found violations of Canons 1, 2A, 3C(1), 3C(1)(c), and 5C(1). The court ordered public censure.

**REPORTED JUDICIAL DISCIPLINARY CASES
UNDER RULE 601A**

***In re Moroney*, 259 Kan 636, 914 P.2d 570 (1996).**

A majority of the Commission on Judicial Qualifications recommended to the Kansas Supreme Court that Respondent be disciplined by removal from the bench. After Findings of Fact, Conclusions of Law, and Recommendations were submitted to the Supreme Court, Respondent voluntarily resigned from office. The Supreme Court removed the case from its docket, finding the hearing on removal to be moot.

***In re Platt*, 269 Kan. 509, 8 P.3d 686 (2000).**

A judge of the district court followed a disqualification policy with respect to several attorneys which involved not hearing newly filed cases and implementation of an “informed consent policy” for ongoing cases in which the judge did not recuse.

The Supreme Court found violations of Canons 1, 2A, 3B(1), 3B(5), 3B(7), 3C(1), and 3E(1). The court ordered public censure.

***In re Groneman*, 272 Kan. 1345, 38 P.3d 735 (2002).**

A district court judge allowed his administrative assistant to maintain dual employment during courthouse hours and falsely reported time and leave information.

The respondent stipulated to violations of Canons 1, 2A, 2B, 3C(1), (2), and (4). The Supreme Court ordered public censure and other conditions, including repayment to the State of Kansas for hours not worked.

***In re Robertson*, 280 Kan. 266, 120 P.3d 790 (2005).**

A district court judge admitted violation of the judicial district's administrative order regarding computer and internet usage when, over an extended period of time, he used the county-owned computer located in his office at the courthouse to access and display sexually explicit images, messages, and materials.

The Supreme Court found violations of Canon 1, Canon 2, and Canon 4(A)(2). The court ordered removal from office.

***In re Pilshaw*, 286 Kan. 574, 186 P.3d 708 (2008).**

A judge of the district court was found to have lost her temper and engaged in emotional outbursts.

The Supreme Court found violations of Canons 2A and 3B(3) and (4). The Supreme Court ordered public censure.

**REPORTED JUDICIAL DISCIPLINARY CASES
UNDER RULE 601B**

***In re Henderson*, 301 Kan. 412, 343 P.3d 518 (2015).**

A judge of the district court was found to have made offensive and demeaning comments of a sexual nature to female attorneys and staff members; interfered with an attorney's practice by sending an ex parte email communication to the attorney's client that expressed bias or prejudice toward the attorney; and used the influence of his judicial position for personal gain by brokering an employment opportunity for his wife.

The Supreme Court found violations of 1.2 and 1.3 of Canon 1 and Rules 2.2, 2.3, and 2.9 of Canon 2. The Supreme Court ordered: (1) a 90-day suspension without pay; (2) satisfactory completion of a course in sexual harassment, discrimination, and retaliation prevention training and one or more educational programs on the employment law applicable to such conduct within 1 year of the opinion and to file a report detailing the training and program(s) completed; and (3) prohibition from accepting any position in the 18th Judicial District that involved the supervision of any judicial branch employee, other than his chambers staff, for a period of 2 years following completion of the above-described educational requirement.

APPENDIX B

STATISTICAL SUMMARIES 2012 - 2016

COMPLAINT STATISTICS

	2012	2013	2014	2015	2016
Total Number of Inquiries	442	416	470	453	448
Rules and Complaint Forms Provided	328	278	305	320	322
Number of Complaints Received	197	183	221	484	230
Number of Complaints Docketed	44	30	23	65	22
Docketed Complaints pending at start of year	5	11	8	4	7

DISPOSITION OF DOCKETED COMPLAINTS

	2012	2013	2014	2015	2016
Dismissed after investigation	23	21	17	48	12
Dismissed after investigation w/caution	1	0	0	0	0
Dismissed after investigation w/informal advice	5	0	0	0	0
Letter of caution	6	3	7	9	4
Letter of informal advice	0	5	2	1	2
Public Cease & Desist After Hearing	0	0	0	0	2
Public Cease & Desist	0	0	0	0	1
Private Cease & Desist	2	3	0	3	3
Notice of Formal Proceedings Filed; Recommendation to the Court; or Stipulation	0	1	1	2	0
Withdrawn	1	0	0	0	0
Referred to Supreme Court	0	0	0	1	0
Complaints pending year end	11	8	4	5	5

POSITION OF JUDGE WITH DOCKETED COMPLAINT FILED¹

	2012	2013	2014	2015	2016
Supreme Court Justice	0	0	0	0	1
Chief Judge	9	1	2	4	0
District Judge	24	19	9	11	7
District Magistrate Judge	6	5	4	5	6
Municipal Judge	4	0	2	2	2
Judge Pro Tempore	0	2	0	0	0
Retired – Chief Judge	0	0	0	0	0
Retired – District Judge	0	0	0	1	0
Senior Judge	0	0	0	1	0
Judicial Candidate	1	0	0	0	0

¹In some instances, more than one complaint was filed against the same judge.

APPENDIX C

Kansas Commission on Judicial Qualifications



KANSAS JUDICIAL CENTER
301 SW 10TH AVE., ROOM 115
TOPEKA, KANSAS 66612
785-296-2913 ♦ judicialqual@kscourts.org

◆ COMPLAINT AGAINST A JUDGE ◆

The Commission only has authority to investigate allegations of judicial misconduct or disability by persons holding state judicial positions. The Commission has no jurisdiction over and does not consider complaints against federal judges, lawyers, law enforcement and detention center officers, district court clerks, and court personnel.

The Commission does not act as an appellate court and cannot review, reverse, or modify a legal decision made by a judge in a court proceeding. Please review the accompanying brochure which describes the functions of the Commission. Note in particular the examples of functions which the Commission cannot perform.

Please Note: Complaint form must be typed or legibly hand-printed, dated, and signed before it will be considered. Complaint forms may be submitted by U.S. Mail or scanned and submitted by e-mail.

I. PERSON MAKING THE COMPLAINT

Full Name _____ Inmate Number, if applicable _____

Mailing Address _____

City, State Zip Code _____

Telephone Number _____

E-mail address _____ Preferred Method of Communication: U.S. Mail E-Mail

II. JUDGE AGAINST WHOM COMPLAINT IS MADE

Full Name _____

County or City _____

Type of Judge^(check one): Supreme Court Justice Court of Appeals Judge
 District District Magistrate Municipal
 Pro Tempore Other _____

III. COURT CASE INFORMATION

If the complaint involves a court case, please provide:

- Case Title: _____ Case Number: _____
- Your Relationship to the Case: _____ Plaintiff/Petitioner _____ Defendant/Respondent
_____ Other _____

IV. STATEMENT OF FACTS

In the following section, please provide all specific facts and circumstances which you believe constitute judicial misconduct or disability. Include names, dates and places which may assist the Commission in its evaluation and investigation of this complaint.

If additional space is required, attach and number additional pages.

V. ATTACHMENTS

Relevant documents: Please attach any relevant documents which you believe directly support your claim that the judge has engaged in judicial misconduct or has a disability. Highlight or otherwise identify those sections that you rely on to support your claim. Do not include documents which do not directly support your complaint, for example, a copy of your complete court case.

Keep a copy of all documents submitted for your records as they become the property of the Commission and will not be returned.

In filing this complaint, I understand that:

- **The Commission's rules provide that all proceedings of the Commission, including complaints filed with the Commission, shall be kept confidential unless formal proceedings are filed. The confidentiality rule does not apply to the complainant or the judge against whom a complaint is filed.**
- **The Commission may find it necessary to disclose my identity and the existence of this complaint to the involved judge. By filing this complaint, I expressly consent to any such disclosure.**

VI. SIGNATURE

I declare that to the best of my knowledge and belief, the above information is true, correct and complete and submitted of my own free will.

Date

Signature

**Kansas Commission
on Judicial Qualifications**



KANSAS JUDICIAL CENTER
301 SW 10TH AVE., ROOM 115
TOPEKA, KANSAS 66612
785-296-2913 ♦ judicialqual@kscourts.org
www.kscourts.org