

STATE OF KANSAS



FILED

Jan 23, 2024

ETHICS
ADVISORY PANEL

JUDICIAL ETHICS ADVISORY PANEL

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JUDICIAL ETHICS OPINION 188

JANUARY 23, 2024

A Kansas district judge asks whether the judge may write a letter to a sentencing judge in a different judicial district on behalf of a close family member.

The judge states that the family member is facing sentencing for a felony offense and has asked the judge “to write a reference letter for them based on [the judge’s] personal knowledge of their character.” The judge indicates “the letter would not be on official letterhead and would not identify my job title.”

The judge notes that “A judge may provide a reference or recommendation for an individual based upon the judge’s personal knowledge.” Rule 1.3, Comment 2.

It is our opinion that the judge’s proposed conduct is governed by Rule 3.3, rather than Rule 1.3, Comment 2.

Rule 3.3 specifically prohibits a judge from testifying as a character witness “or otherwise vouch[ing] for the character of a person in a legal proceeding, except when duly summoned.”

The proposed conduct is contrary to Rule 3.3 and is prohibited.

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MARK S. BRAUN, CHAIR

Handwritten signature of Larry D. Hendricks in cursive.

LARRY D. HENDRICKS

Handwritten signature of Robert J. Frederick in cursive.

ROBERT J. FREDERICK

Handwritten signature of David J. King in cursive.

DAVID J. KING

MEMBERS

Hon. Mark S. Braun, Chair; Hon. Robert J. Frederick; Hon. Larry D. Hendricks; and Hon. David J. King