



The Supreme Court of Kansas

Kansas Judicial Center
Topeka, Kansas 66612-1507

JUDICIAL ETHICS ADVISORY PANEL

Judicial Ethics Opinion JE-53

December 19, 1994

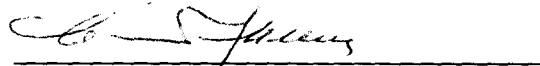
Question: Is it proper for a newly-appointed municipal judge to conduct arraignments or trials, involving defendants whose case files were maintained in the City Attorney's office while the judge, prior to his appointment, was an assistant city attorney handling solely civil litigation?

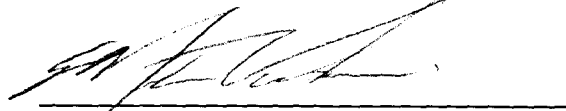
Answer: Yes.

Commentary: Even though the city attorneys all occupied the same suite of offices, the civil files were kept separate and apart, in a separate area from all other files in the office, and the secretarial staff was separate. The judge handled no criminal matters.

Under these facts, we conclude that Canon 3C(1)(b) does not prohibit the judge from handling these proceedings. The judge, however, should recuse himself any time any matter comes before him that would give the appearance of bias, impropriety, or prejudice. See Canon 2.


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