

HOW LONG DOES IT TAKE TO RESOLVE A COMPLAINT OF JUDICIAL MISCONDUCT?

A panel of the Commission meets each month, but the panels alternate months. Final disposition may take several months, depending on the complexity of the matter.

SHOULD I DELAY APPEAL UNTIL MY COMPLAINT OF JUDICIAL MISCONDUCT IS CONCLUDED?

No. You must proceed with whatever remedy is available to you within the court system to correct any judicial errors you believe were committed in your case. Your complaint of judicial misconduct is a matter totally independent of your litigation.

CAN I REMOVE THE JUDGE ON MY CASE IF I FILE A COMPLAINT AGAINST THE JUDGE?

No. An allegation of judicial misconduct is not a substitute for removal procedure. You should seek your attorney’s advice as to the procedure for removing a judge on your case or refer to K.S.A. 20-311d.

EXAMPLES OF FUNCTIONS THE COMMISSION

- ◆ The Commission does not have the power to release an inmate from jail or prison.
- ◆ The Commission cannot change the sentence of any court or reduce the term of an inmate in prison or jail.
- ◆ The Commission cannot change custody rulings made by a judge in divorce cases.
- ◆ The Commission does not have the power to alter the amount of child support set by a judge in domestic cases.
- ◆ The Commission does not have the power to change the judge in any case.
- ◆ The Commission cannot remove a defendant’s attorney.
- ◆ The Commission cannot change the decision of any judge.

Commission on Judicial Conduct

James S. Cooper is Chair of the Commission, and Allen G. Glendenning is Vice-Chair. They each chair a panel.

MEMBERS OF PANEL A

James S. Cooper,	Non-lawyer Member
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Terrence J. Campbell	Lawyer Member
Hon. Robert W. Fairchild	Judge Member
Norman R. Kelly	Lawyer Member
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MEMBERS OF PANEL B

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Susan Lynn	Non-lawyer Member
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Commission on Judicial Conduct



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STATE OF KANSAS



**COMMISSION
ON
JUDICIAL CONDUCT**

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The Commission on Judicial Conduct (formerly known as the Commission on Judicial Qualifications) was established by the Supreme Court of the State of Kansas on January 1, 1974.

The Commission was created by the Court under the authority granted by Article III, Section 15 of the Kansas Constitution and in the exercise of the inherent powers of the Supreme Court.

The Commission is charged with assisting the Supreme Court in the exercise of the Court's responsibility in judicial disciplinary matters. The Commission consists of fourteen members including six active or retired judges, four lawyers, and four non-lawyers. All members are appointed by the Supreme Court and serve four-year terms.

WHAT IS JUDICIAL MISCONDUCT?

Judicial misconduct is any violation of the Code of Judicial Conduct which may include, but is not limited to, misconduct in office, failure to perform duties, or the inability, physically or mentally, to perform duties. Judicial misconduct does not include erroneous application of the law or matters within the discretion of the trial judge. These rulings can be appealed to a higher court.

DOES THE COMMISSION HAVE JURISDICTION OVER LEGAL MATTERS?

The Commission does not have the authority to act as a court of review, determining the legal or factual validity of any judge's decision. An appeal must be filed with a higher court.

DOES THE COMMISSION GIVE LEGAL ADVICE?

The Commission cannot give legal advice to citizens or represent clients.

I BELIEVE A JUDGE IN THE STATE OF KANSAS HAS VIOLATED THE CODE OF JUDICIAL CONDUCT. HOW DO I REGISTER A COMPLAINT?

Initial inquiries and/or a complaint form can be obtained by contacting the Commission office or can be accessed on-line at www.kscourts.org under "Commission on Judicial Conduct." The complaint must be in writing on a form provided by the Commission and signed. It should identify the conduct or action believed to be improper and should provide specific details and facts. If further information is needed, you will be contacted.

IS MY COMPLAINT CONFIDENTIAL?

The Commission and its staff are bound by a rule of confidentiality unless there is an exception as provided by Supreme Court Rule 611. The Commission may, however, ask the judge for a response to the complaint at which time the judge would be provided a copy of the complaint.

Pursuant to Supreme Court Rule 611(b)(3), the rule of confidentiality does not apply to the complainant or to the respondent judge.

WHAT WILL THE COMMISSION DO WITH MY COMPLAINT?

Initial Review

The secretary of the Commission will provide a written acknowledgment to the complainant and make an initial review of the complaint. Any complaint that is illegible or does not conform to the requirements of Rule 607(a) will be returned. If the complaint fails to state a violation of the Code of Judicial Conduct or does not state a matter within the Commission's jurisdiction, the complainant will be notified. The secretary's decision will be reviewed by the next sitting Inquiry Panel. Any complaint not resolved by the initial review process will be assigned to an Inquiry Panel.

Inquiry Panel

A complaint assigned to an Inquiry Panel by the secretary will be considered at its next monthly

meeting to determine whether the complaint states sufficient credible facts that cause a reasonable person to believe a violation of the Code of Judicial Conduct has occurred. An Inquiry Panel may obtain additional documents, direct the secretary to request a response from the judge, refer the matter to the Examiner, or stay a complaint.

An Inquiry Panel may make one of the following dispositions:

- ◆ No violation—dismissal;
- ◆ No violation—dismissal and issue a letter of informal advice;
- ◆ Violation—issue a letter of caution;
- ◆ Violation—issue a cease-and-desist order; or
- ◆ Violation—refer the matter for formal proceedings

Formal Proceedings

Once a notice of formal proceedings is filed by the Inquiry Panel and service made, all matters relating to the formal proceedings are referred to the Hearing Panel which has no knowledge of the Inquiry Panel's process. The judge has an opportunity to answer. A prehearing conference is set to conduct preliminary matters and to establish the time, place, and duration of the formal hearing. At the formal hearing, the judge has the right to defend against the charges and to be represented by a lawyer.

If the Hearing Panel finds the charges have been proven, it must make one of the following dispositions:

- ◆ Admonishment;
- ◆ Issue a cease-and-desist order;
- ◆ Recommend to the Supreme Court a discipline of public censure, suspension, or removal; or
- ◆ Recommend to the Supreme Court compulsory retirement.

If the Hearing Panel finds the charges have not been proven or its disposition is admonishment or issuance of a cease-and desist order, the proceedings will terminate.