

DEC 11 2023

COMMISSION ON  
JUDICIAL CONDUCT

## STATE OF KANSAS

## BEFORE THE COMMISSION ON JUDICIAL CONDUCT

Inquiry Concerning A Judge  
DAVID ANDREW RUDER

Complaint No. 2873

**ORDER**

Members of the Commission present include Allen G. Glendenning, Chair; Judge Bradley E. Ambrosier, Vice Chair; Rosemary Kolich; Susan Lynn; Diane H. Sorensen; and Judge Nicholas M. St. Peter.

**FINDINGS OF FACT**

There is no dispute regarding the facts set out below:

1. On February 20, 2023, Thomas J. Bath, Jr. filed a complaint alleging the Respondent served as a municipal court judge while the respondent's law license was suspended and did not take the magistrate exam or required CLE.
2. David Andrew Ruder, Respondent, was a municipal court judge for the City of Louisburg, Kansas from 2008-2022 and served as a pro tem judge for the City of Olathe, Kansas on numerous occasions between October 29, 2010, and August 31, 2012.
3. The Kansas Supreme Court admitted Respondent to the practice of Law in Kansas on September 27, 1996.
4. Respondent's law license was suspended on October 7, 2002 for not maintaining his annual registration requirement and not meeting his continuing legal education requirement.
5. Respondent's law license was suspended during the time period when he served as municipal court judge from 2008-2022.
6. Respondent did not take the magistrate certification examination when he was appointed municipal court judge.
7. When Respondent's qualifications were questioned in December 2022, Respondent resigned from his municipal court judge position.

8. On March 3, 2023, the Inquiry Panel for the Commission met at its general monthly meeting to discuss the complaint against the respondent and determine whether the complaint contained facts that cause a reasonable person to believe that a violation of the Code of Judicial Conduct had occurred.
9. On March 3, 2023, the Inquiry Panel decided to hold this matter in abeyance pending the completion of the City of Louisburg's investigation regarding potential criminal and/or civil litigation against the respondent.
10. On July 28, 2023, the Respondent's attorney, Mr. Hazlett, was notified that this matter would be reviewed and action taken at the September 1, 2023, meeting providing the respondent an opportunity to submit a written response to this complaint.
11. On August 15, 2023, Mr. Hazlett requested an extension of time to respond to this complaint. That request was granted and a response was submitted on October 19, 2023.

#### **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 2.5(A) of the Code of Judicial Conduct, Rule 601B, provides:  
  
"(A) A judge shall perform judicial and administrative duties, competently and diligently."
4. K.S.A. 12-4114 requires that all municipal court judges who are not admitted to the practice of law in Kansas must successfully complete an examination administered by the Kansas Supreme Court to be eligible to serve as a municipal court judge and also complete annual continuing judicial education requirements approved by the supreme court.
5. Respondent's law license was suspended the entire time he was a municipal court judge.
6. Respondent never complied with the requirements of K.S.A. 12-4114.

7. The Commission determined that the respondent violated the above-cited rules and statutory provisions by not being a properly certified municipal court judge in Louisburg from 2008-2022 and as a pro tem municipal judge in Olathe from 2010-2012.

IT IS THEREFORE ORDERED that David Andrew Ruder:

1. cease and desist from serving as a municipal court judge until Respondent meets the qualifications in K.S.A. 12-4114; and
2. agree that this Order will be made public.

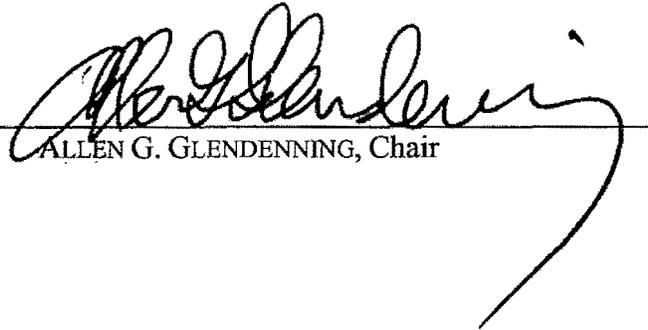
This Order, if accepted, shall be made public pursuant to Rules 611(a) and 614(c). See 2023 Kan. S. Ct. R. 533, 536.

The Secretary of the Commission on Judicial Conduct is hereby instructed to serve a copy of this Order on the respondent under K.S.A. 60-303(c). The respondent must, in accordance with Rule 614(c), either (1) agree to comply with the order by accepting the order in writing where indicated and returning a signed copy of the order to the Secretary of the Commission; or (2) refuse to accept the by notifying the Secretary it is not accepted. The signed order or written refusal to accept must be served upon the Secretary of the Commission within twenty days after service of the order. This order is deemed to have been refused if the Secretary of the Commission receives no response from the respondent within twenty days after service of this Order.

BY ORDER OF THE COMMISSION dated this 6<sup>th</sup> day of December, 2023.

COMMISSION ON JUDICIAL CONDUCT

By:



ALLEN G. GLENDENNING, Chair

APPROVED & ACCEPTED

12/8/2023  
Date



DAVID ANDREW RUDER, Respondent