

# STATE OF KANSAS

FILED



March 12, 2024

ETHICS  
ADVISORY PANEL

## JUDICIAL ETHICS ADVISORY PANEL

KANSAS JUDICIAL CENTER, 301 S.W. TENTH AVENUE, TOPEKA, KANSAS 66612-1507  
785-296-2913 ♦ ethicspanel@kscourts.org

### JUDICIAL ETHICS OPINION 191

**MARCH 12, 2024**

A Kansas judge asks two questions concerning judges soliciting support for Kansas Legal Services (KLS) to expand services in underserved areas. The two questions are as follows:

1. May judges write letters in support for KLS funding requests for grants from community foundations and other institutions whose mission is supporting stronger communities? These are not explicit solicitations but would most certainly be used as part of a larger submission that would be solicitations. They would be primarily informative in nature about the legal crisis and what judges see in their courtrooms.
2. May judges also be available for discussions and direct interface on financially supporting KLS? In other words, elaborate on the problems and provide more context, if requested. For example, may they appear before a Community Foundation Board and answer questions?

In an advisory opinion, this panel will only address whether an intended, future course of conduct violates the Code of Judicial Conduct and provide an application of the Code to the factual situation presented. The panel is acutely aware of the need for attorneys to assist the public in underserved areas. However, the questions presented both inquire concerning the ethical propriety of judges soliciting funds either directly or indirectly for KLS. The answers to both questions as written must be no.

Rule 3.1 of the Kansas Code of Judicial Conduct (Rule 601B) provides in part:

“A judge may engage in extrajudicial activities, except as prohibited by *law* or this Code. However, when engaging in extrajudicial activities, a judge shall not:

(D) engage in conduct that would appear to a reasonable person to be coercive.”

Rule 3.1, Comment [4] explains:

“...depending upon the circumstances, a judge’s solicitation of contributions or memberships for an organization, even as permitted by Rule 3.7 (A), might create the risk that the person solicited would feel obligated to respond favorably...”

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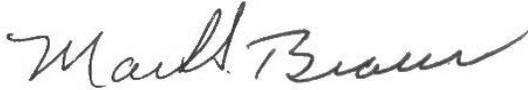
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Rule 3.7 provides:

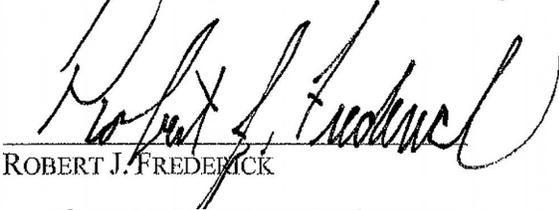
“(A) Subject to the requirements of Rule 3.1, a judge may participate in activities sponsored by organizations or governmental entities concerned with the *law*, the legal system, or the administration of justice, and those sponsored by or on behalf of educational, religious, charitable, fraternal, or civic organizations not conducted for profit, including but not limited to the following activities:”

“(2) soliciting *contributions* for such an organization or entity, but only from *members of the judge’s family*, or from judges over whom the judge does not exercise supervisory or appellate authority;”

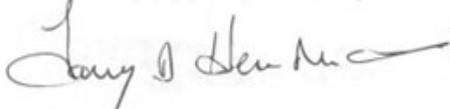
The Advisory Panel believes the actions in the questions asked to be reviewed are solicitations for funds which are prohibited under Canon 3 of the Code of Judicial Conduct as outlined above.



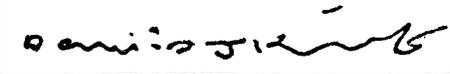
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