



The Supreme Court
of Kansas

Kansas Judicial Center

Topeka, Kansas 66612-1507

JUDICIAL ETHICS ADVISORY PANEL

Judicial Ethics Opinion JE 89

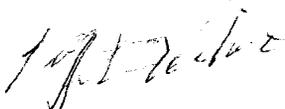
June 24, 1999



- FACTS: The petitioner is a part-time municipal judge. In the course of his private practice of law he was the attorney for the defendant (A) in a case which was tried in the district court and (A) prevailed. Later, the plaintiff (B) in that case was cited to appear in municipal court for violation of a municipal ordinance.
- QUESTION: Is the petitioner disqualified from serving as judge in the case charging (B) with a violation of a municipal ordinance because the judge, as a private lawyer, once represented (A) in opposition to (B) in an unrelated civil case?
- ANSWER: No. The mere fact that the judge represented an adverse party a year or more ago in an unrelated civil case does not, by itself, require disqualification. However, if facts were disclosed or anything occurred in the former case that would cause a reasonable person to question the judge's impartiality, recusal must follow. Also, the judge must step down if the judge has a lingering bias against the defendant and does not feel that he or she can be impartial. Canon 3 E (1) (a), 1998 Kan. Ct. R. Annot. 455.


Robert H. Miller, Chairman


Adrian J. Allen


E. Newton Vickers