

June 22, 2023

DOUGLAS T. SHIMA
CLERK OF APPELLATE COURTS

IN THE SUPREME COURT OF THE STATE OF KANSAS

Administrative Order

2023-RL-052

Rules Relating to Judicial Conduct

The court amends the attached Supreme Court Rule 650, effective the date of this order.

Dated this 22nd day of June 2023.

FOR THE COURT



MARLA LUCKERT
Chief Justice

Rule 650

JUDICIAL ETHICS ADVISORY PANEL

- (a) **Purpose.** ~~Pursuant to Article 3, Section 15 of the Constitution of the State of Kansas and the inherent power of the Supreme Court, there is hereby created a~~ The judicial ethics advisory panel to serve as an advisory committee for ~~advises a~~ Kansas judges as defined in Rule 603 seeking an opinions concerning on whether ~~an the compliance of an intended, future course of conduct complies with the Code of Judicial Conduct.~~
- (b) **Members; Terms.** ~~The Supreme Court expands the panel from three members to five members. The court will appoint five~~ The panel shall consist of no more than three retired justices or judges to serve on the panel for the following terms.
- (1) **Inaugural Term.** ~~The Supreme Court will appoint the two members added during the expansion for an inaugural 1-year term. Under subsection (b)(2), these two members may serve three more consecutive 4-year terms.~~
- (2) **Terms.** ~~Other than the inaugural term under subsection (b)(1), the Supreme Court will appoint each member for a 4-year term. No member may serve more than three consecutive 4-year terms, except that a member initially appointed to serve an unexpired term created by a vacancy may serve three more consecutive 4-year terms.~~
- (3) **Vacancy.** ~~Each appointment shall be for a term of 4 years. The Supreme Court will appoint a new member to fill a vacancy on the panel occurring during a term, and the. A new member appointed to fill a vacancy will serve the unexpired term of the previous member. No member may serve more than three consecutive 4-year terms, except that a member initially appointed to serve an unexpired term may serve three consecutive 4-year terms thereafter. A vacancy shall will occur when a member no longer meets the qualifications for the appointment of any member are no longer met.~~
- (c) **Chair; and Meetings.** ~~The Supreme Court shall will designate one member as chair of the panel. The panel will, which shall meet as needed when the need arises and as called when scheduled by the chair.~~
- (d) **Quorum.** ~~A quorum of members must be present for the panel to act. Three members constitute a quorum.~~

- (ed) **Reimbursement; Compensation.** The Supreme Court will reimburse a ~~M~~members of the advisory panel shall be reimbursed their for actual and necessary expenses incurred in the discharge of their official duties and ~~shall be compensated in the manner determined by the Supreme Court~~ will determine compensation for each member.
- (fe) **Request.** A judge must submit a request for a judicial ethics advisory opinion ~~shall be directed to the Clerk of the Appellate Courts. The clerk will, who shall forward the a request that meets the requirements of this rule to the panel and will disclose the identity of the judge to the panel if the requirements of this rule are satisfied. Requests will be accepted o~~Only from a persons subject to Supreme Court Rule 601B et seq. may submit a request.
- (gf) **Request Requirements.** A ~~R~~requests for an judicial ethics advisory opinions must shall relate to prospective conduct only and shall. The clerk of the appellate courts will not accept or refer a request that does not contain the following:
- (1) a complete detailed statement of the all facts pertaining to the intended conduct;
 - (2) together with a clear, and concise question of judicial ethics.; and The identity of the judge, whose proposed conduct is the subject of the request, shall be disclosed to the panel.
 - (3) The requesting judge shall include with the request a concise memorandum setting forth the judge's own research and conclusions concerning the question. Requests shall not be accepted or referred for opinion unless accompanied by this memorandum.
- (hg) **Advisory Opinion Content.** In an ~~A~~advisory opinions, the panels ~~shall~~ will only address only whether an intended, future course of conduct violates the Code of Judicial Conduct and ~~shall provide an interpretation of the application of the Code with regard to the factual situation presented. The opinion shall panel must not address issues of law nor shall it address or the ethical propriety of past or present conduct. The panel must not disclose the identity of the requesting judge shall not be disclosed in the opinion.~~
- (ih) **Distribution; Retention.** The ~~C~~clerk of the appellate courts ~~will~~ shall provide a copy of ~~each an~~ advisory opinion to the ~~C~~chief Justice, the Commission on Judicial Conduct, ~~and~~ the requesting judge, and the ~~state~~ Supreme Court ~~H~~Law ~~H~~Library. The ~~C~~clerk ~~shall~~ will keep the original opinion in a permanent file.

- (j) **Discipline.** The Commission on Judicial Conduct will consider ~~the fact that a judge or candidate for judicial office (as defined in the Terminology Section of this Code) has requested and relied upon an advisory opinion shall be taken into account by the Commission on Judicial Conduct in its disposition when disposing of a complaints and in when determining whether to recommend to that the Supreme Court discipline of a the judge or judicial candidate.~~ The panel's advisory opinion, however, shall is not be binding on the Commission on Judicial Conduct, the hearing panel, or the Supreme Court in the exercise of their judicial discipline responsibilities.