

## Rule 650

### JUDICIAL ETHICS ADVISORY PANEL

- (a) **Purpose.** The judicial ethics advisory panel advises a Kansas judge as defined in Rule 603 seeking an opinion on whether 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 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.** The Supreme Court will appoint a new member to fill a vacancy occurring during a term, and the new member will serve the unexpired term of the previous member. A vacancy will occur when a member no longer meets the qualifications for the appointment.
- (c) **Chair; Meetings.** The Supreme Court will designate one member as chair of the panel. The panel will meet as needed and when scheduled by the chair.
- (d) **Quorum.** A quorum of members must be present for the panel to act. Three members constitute a quorum.
- (e) **Reimbursement; Compensation.** The Supreme Court will reimburse a member for actual and necessary expenses incurred in the discharge of official duties and will determine compensation for each member.
- (f) **Request.** A judge must submit a request for a judicial ethics advisory opinion to the clerk of the appellate courts. The clerk will forward a request that meets the requirements of this rule to the panel and will disclose the identity of the judge to the panel. Only a person subject to Rule 601B et seq. may submit a request.
- (g) **Request Requirements.** A request for an advisory opinion must relate to prospective conduct only. The clerk of the appellate courts will not accept or refer a request that does not contain the following:

- (1) a detailed statement of the facts pertaining to the intended conduct;
  - (2) a clear and concise question of judicial ethics; and
  - (3) a concise memorandum setting forth the judge's own research and conclusions concerning the question.
- (h) **Advisory Opinion Content.** In an advisory opinion, the 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 must not address issues of law or the ethical propriety of past or present conduct. The panel must not disclose the identity of the requesting judge in the opinion.
- (i) **Distribution; Retention.** The clerk of the appellate courts will provide a copy of an advisory opinion to the chief justice, the Commission on Judicial Conduct, the requesting judge, and the Supreme Court Law Library. The clerk will keep the original opinion in a permanent file.
- (j) **Discipline.** The Commission on Judicial Conduct will consider the fact that a judge requested and relied on an advisory opinion when disposing of a complaint and when determining whether to recommend that the Supreme Court discipline the judge. The panel's advisory opinion is not binding on the Commission on Judicial Conduct or the Supreme Court.

**[History:** Am. effective March 6, 1984; Am. effective November 17, 1987; Am. (f) effective May 11, 1995; Am. (b) and (f) effective May 1, 1999; Am. effective August 31, 2015; [Am. effective June 22, 2023.](#)]