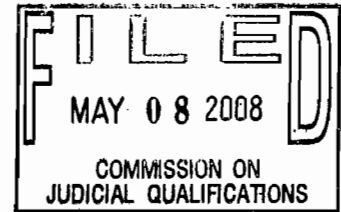




# The Supreme Court of Kansas

KANSAS JUDICIAL CENTER  
301 S.W. 10<sup>th</sup> Ave.  
Topeka, Kansas 66612-1507



## JUDICIAL ETHICS ADVISORY PANEL

### Judicial Ethics Opinion JE 163

May 8, 2008

A judge asks if the judge may submit a letter to the editor of a newspaper discussing issues regarding the criminal code in response to an editorial.

The specific editorial involved states an individual “either faces criminal charges or has been convicted in five Kansas counties.” The editorial further states that the convicted person “faces additional charges and civil suits in those jurisdictions.”

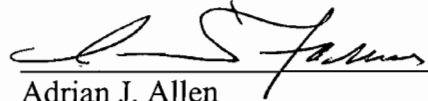
The judge further indicates that the judge would not be identified as a judge if a response to the editorial was made.

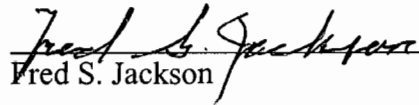
Canon 3B(9) provides in pertinent part:

“A judge shall not, while a proceeding is pending or impending in any court, make any public comment that might reasonably be expected to affect its outcome or impair its fairness or make any nonpublic comment that might substantially interfere with a fair trial or hearing. . .” (2007 Kan. Ct. R. Annot. 626)

We are of the opinion that any response to the editorial would constitute a public comment that might reasonably be expected to affect the outcome of a pending proceeding or a situation where the person involved may face additional charges or civil suits. Based on the specific facts of the question submitted, a response by a judge to the editorial would be a violation of Canon 3B(9).

We are further of the opinion that for a judge to make any permissible response where the judge was not identified as a judge would be a violation of Canon 2 which states "A judge shall avoid impropriety and the appearance of impropriety in all of the judge's activities" (2007 Kan. Ct. R. Annot 621).

  
Adrian J. Allen

  
Fred S. Jackson

  
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