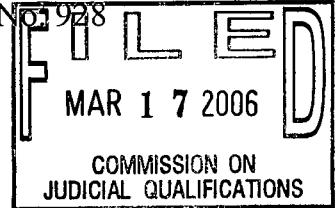


STATE OF KANSAS

BEFORE THE COMMISSION ON JUDICIAL QUALIFICATIONS

Inquiry Concerning
A Judge

Docket No. 928



ORDER

Members of the Commission present include: Hon. Robert J. Fleming, Chair; Hon. Lawrence E. Sheppard, Vice-Chair; Bruce Buchanan; Mary Davidson Cohen; Robert A. Creighton; Hon. David J. King; and Mikel L. Stout.

FINDINGS OF FACT

There is no dispute regarding the facts set out below:

1. The Honorable Warren Wilbert, Respondent, is a District Judge in the 18th Judicial District.
2. The Commission received a complaint of alleged sexual harassment or an inappropriate personal relationship between the Respondent and a subordinate employee.
3. During the early summer months of 2005, Respondent pursued a personal relationship with a subordinate employee beyond the appropriate boundaries between a judge and a subordinate employee.

CONCLUSIONS OF LAW

1. Canon 1 of the Code of Judicial Conduct, Rule 601A, provides:

“A Judge Shall Uphold the Integrity and Independence of the Judiciary

An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining and enforcing high standards of conduct, and shall personally observe those standards so that the integrity and independence of the judiciary will be preserved. The provisions of this Code are to be construed and applied to further that objective.”

2. Canon 2A of the Code of Judicial Conduct, Rule 601A, provides:

“A. A judge shall respect and comply with the law* and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.”

3. Commentary to Canon 2A of the Code of Judicial Conduct, Rule 601A, provides in relevant part:

“Public confidence in the judiciary is eroded by irresponsible or improper conduct by judges. A judge must avoid all impropriety and appearance of impropriety. A judge must expect to be the subject of constant public scrutiny. A judge must therefore accept restrictions on the judge’s conduct that might be viewed as burdensome by the ordinary citizen and should do so freely and willingly.

The prohibition against behaving with impropriety or the appearance of impropriety applies to both the professional and personal conduct of a judge. . . . The test for appearance of impropriety is whether the conduct would create in reasonable minds a perception that the judge’s ability to carry out judicial responsibilities with integrity, impartiality and competence is impaired.”

4. The Commission has determined that Respondent violated Canons 1, 2A, and the Commentary to 2A by failing to respect appropriate boundaries between a judge and a subordinate employee.
5. The Commission concludes that the ultimate responsibility for maintaining appropriate boundaries is upon the judge.

IT IS THEREFORE ORDERED that the Honorable Warren Wilbert cease and desist from initiating or participating in inappropriate personal relationships with subordinate employees, in violation of the above-cited Canons.

This Order, if accepted, shall be made public pursuant to Rule 611(a). See 2005 Kan. Ct. R. Annot. 591.

Cease and Desist Order
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The Secretary of the Commission on Judicial Qualifications is hereby instructed to mail a copy of this Order with a copy of Rule 611, as adopted by the Supreme Court of Kansas, to Respondent. Respondent is requested, in accordance with Rule 611, to either (a) comply by accepting the Order by written acknowledgment directed to the Secretary of the Commission; or (b) refuse to accept the Order. Any agreement to comply or refusal to accept shall be served upon the Commission within twenty days from this date. In the event the Respondent shall not agree to comply by accepting this Order by written acknowledgment within said period, Respondent shall be deemed to have refused to accept this Order.

BY ORDER OF THE COMMISSION dated this 9th day of March, 2006.

COMMISSION ON JUDICIAL QUALIFICATIONS

By: Carol G. Green
Carol G. Green, Secretary

APPROVED & ACCEPTED

March 17, 2006
Date

Warren Wilbert
Warren Wilbert, Respondent