



The Supreme Court
of Kansas

Kansas Judicial Center
Topeka, Kansas 66612-1507

Judicial Ethics Opinion JE-46

August 3, 1993

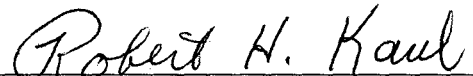
Topic

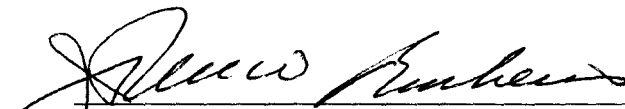
May a city council member accept a position
as a municipal court judge of a nearby city?

The questioner states that the position will require him to serve as municipal judge part-time, but on a continuing basis. Before he accepts the position he asks for an opinion whether doing so would require him to resign his position as council member. He also inquires that if he accepts the position would he be precluded from becoming a candidate for re-election as a city council member.

The two positions in question are located in two separate cities and are unrelated as to functions and duties and are therefore not legally incompatible. We do not believe the questioner, as a part-time judge, who is not required to comply with Canon 6C or with Canon 5C(2), D, E, F or G would be required to resign from his present position as a city council member.

However, Canon 7(4), which is applicable to part-time as well as full-time judges, (see JE 4), specifically requires that a judge "should resign from office before becoming a candidate either in a primary or in a general election for nonjudicial office."


Robert H. Kaul, Chairman


John W. Brookens


Harry G. Miller