



The Supreme Court of Kansas

Kansas Judicial Center

Topeka, Kansas 66612-1507

JUDICIAL ETHICS ADVISORY PANEL

Judicial Ethics Opinion IE 79

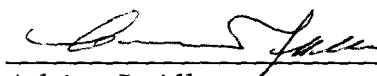
February 18, 1998

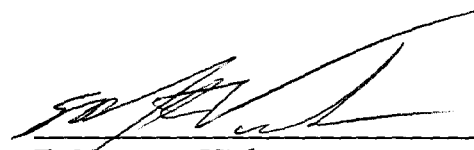


Prior to hearings before the Kansas Parole Board, the Department of Corrections sends a notice seeking "Official's Comments" to the sentencing judge, prosecutor, sheriff, and chief of police. A district judge contends that he cannot respond to this notice because a response would violate Canon 2B (1997 Kan. Ct. R. Annot. 427-428) which provides that "A judge shall not testify voluntarily as a character witness."

K.S.A. 1997 Supp. 22-3717(h) directs the Parole Board to consider, among other things, "official comments." The notice seeks comment from those public officials who may have information that could be helpful to the Board. We find nothing in Canon 2 which would prohibit a judge from responding to the notice. The notice solicits additional information from the judges's files and records, not opinion as to character.


Robert H. Miller, Chairman


Adrian J. Allen


E. Newton Vickers