



The Supreme Court of Kansas

Kansas Judicial Center

Topeka, Kansas 66612-1507



JUDICIAL ETHICS ADVISORY PANEL

Judicial Ethics Opinion JE 88

May 13, 1999

FILED

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CAROL G. GREEN
CLERK OF APPELLATE COURTS

FACTS: Petitioner, a part-time municipal court judge, maintains a private law office. A local non-profit group has asked to use the telephone lines in his private law office to solicit contributions. Petitioner would not make any of the calls and his name would not be used in connection with the solicitations. However, anyone with Caller Identification would be aware of where the call originated unless Caller Identification is blocked.

QUESTION: May a part-time judge permit charitable solicitations to be made from his private law office over his private telephone lines?

DISCUSSION: Petitioner cites Canon 5 B (2), 1998 Kan. Ct. R. Annot. 438. That, however, is a part of Rule 601 which was superseded by Rule 601A effective June 1, 1995. See Reporters's Note, 1998 Kan.Ct.R.Annot. 427. The applicable Canons are:

Canon 2 B, 1998 Kan. Ct. R. Annot. 449, which reads in part:

"...A judge shall not lend the prestige of judicial office to advance the private interests of...others" and

Canon 4 C (4) (b), 1998 Kan. Ct. R. Annot. 459, which reads in part:

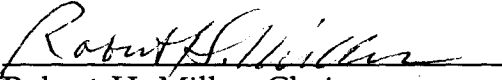
"A judge should not solicit funds for any educational, religious, charitable, fraternal, or civic organization, or use or permit the use of the prestige of office for that purpose..."

The solicitation in this case is to be made by others, using the private office and private telephone lines of a practicing attorney. The use of those phone lines, it seems to us, is a gift in kind from the individual

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to the charity. Caller Identification, known generally as "Caller I.D.," must, of course, be blocked so that the persons called and solicited will not be aware of the origin of the calls. Under these circumstances, we see no violation of the Canons.

ANSWER: Yes, so long as the judge does not make the calls and is not identified with the solicitations.


Robert H. Miller, Chairman


Adrian J. Allen

E. Newton Vickers, not participating