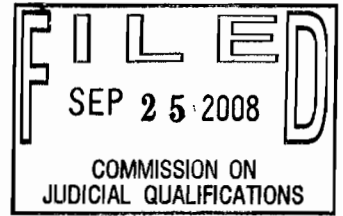




# The Supreme Court of Kansas



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

## JUDICIAL ETHICS ADVISORY PANEL

### Judicial Ethics Opinion JE 164 September 25, 2008


A judge asks whether the judge can ethically hear cases involving a County Attorney's office in the judge's district if the judge's spouse is employed as a non-lawyer support staff member of that office.

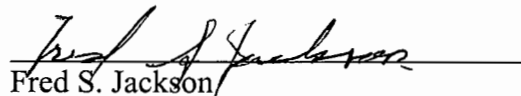
Canon 3E(1) applies to this issue and provides in pertinent part, as follows:


"A judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned . . . ." (2007 Kan. Ct. R. Annot. 628)

Under these circumstances we are of the opinion that the judge's spouse, solely by virtue of his or her employment in the County Attorney's office, would have no reason of any kind to have any interest in the outcome of cases before the judge involving the County Attorney's Office.

Accordingly, the judge is not required to disqualify himself or herself in cases involving the County Attorney's office for the sole reason that his or her spouse is employed by the County Attorney's office.

  
Adrian J. Allen

  
Fred S. Jackson

  
Edward Larson