



The Supreme Court
of Kansas

Kansas Judicial Center
Topeka, Kansas 66612-1507

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CLERK APPELLATE COURTS

JUDICIAL ETHICS ADVISORY PANEL

Judicial Ethics Opinion JE-42

March 5, 1993

Topic

The effect of a judge father and lawyer son relationship as to appearances of the son or his firm in docket call proceedings.

Question: Is a judge disqualified from conducting a docket call proceeding in which his son or a member of the son's firm is of counsel in a case or cases on the docket?

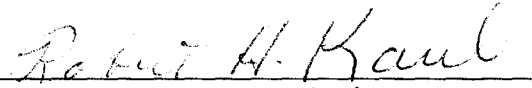
Answer: A district judge is serving as the presiding judge of the civil department of his district court. There are eight other judges in the department to whom he assigns cases from the master calendar of the department in a call of the docket proceeding. The judge also hears some preliminary matters before a case is assigned.

A son of the judge will commence practice with a law firm in the district on June 1, 1993. The judge's concern is his conduct as it relates to his son or other members of the firm as to whether they can appear and participate at a docket call proceeding where he assigns cases for trial or hearings to other judges.


The judge states that he will not hear or decide any matter of substance or procedure in cases where his son or his firm are of counsel. All of such matters would be assigned to other judges.

The question whether the judge should disqualify himself under the circumstances stated is controlled by Canon 3C(d)(i)(ii)(iii). A pertinent comment reads: "The fact that a lawyer in a proceeding is affiliated with a law firm with which a lawyer-relative of the judge is affiliated does not of itself disqualify the judge."

We do not believe the assignment of a case or cases on a docket call is a proceeding in which impartiality of the judge might reasonably be questioned.


Robert H. Kaul, Chairman


John W. Brookens


Harry G. Miller