

MAR 19 2018

COMMISSION ON
JUDICIAL QUALIFICATIONS

STATE OF KANSAS

BEFORE THE COMMISSION ON JUDICIAL QUALIFICATIONS

Inquiry Concerning
A Judge

Docket No. 1337

ORDER

Members of the Commission present include: Hon. Brenda M. Cameron, Chair; James S. Cooper, Vice-Chair; Terrence J. Campbell; Hon. Robert W. Fairchild; Norman R. Kelly; and Hon. Mary B. Thrower.

FINDINGS OF FACT

There is no dispute regarding the facts set out below:

1. Kathleen M. Lynch, respondent, is a district judge in the 29th Judicial District.
2. The Commission received a complaint that the defendant was denied the right to be heard within 21 days of the filing a petition against him under K.S.A. 60-31a05.
3. On October 17, 2017, J.M. filed a petition for protection from stalking or sexual assault under K.S.A. 60-31a01 *et seq.*, against the complainant/defendant, and a temporary order of protection from stalking or sexual assault was issued.
4. A hearing was scheduled on November 1, 2017.
5. K.S.A. 60-31a05 provides that a hearing shall be held within 21 days of the filing of a petition at which time the plaintiff must prove the allegations, and the defendant shall have an opportunity to present evidence on the defendant's behalf.
6. On November 1, 2017, the parties appeared in person, pro se. While the hearing date was within 21 days, the plaintiff did not submit supporting documentation, and the defendant/complainant was not allowed to present evidence. The matter was continued to April 2, 2018.
7. On December 14, 2017, the secretary of the Commission on Judicial Qualifications sent Respondent a letter seeking a response to the complaint.
8. On January 5, 2018, Respondent submitted a written response. Respondent stated that supporting documentation is not required by law before an ex parte order can be issued. Respondent concluded the complaint was frivolous.

CONCLUSIONS OF LAW

1. RULE 1.1 of the Code of Judicial Conduct, Rule 601B, provides:
"A judge shall comply with the *law* and the Kansas Code of Judicial Conduct."
2. RULE 2.6(A) of the Code of Judicial Conduct, Rule 601B, provides:
"A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to *law*."
3. The Commission unanimously determined that respondent violated Rules 1.1 and 2.6(A) of the Code of Judicial Conduct by denying the claimant the opportunity to present evidence on his behalf within 21 days of the filing of a petition under the protection from stalking or sexual abuse act as required by K.S.A. 60-31a05.

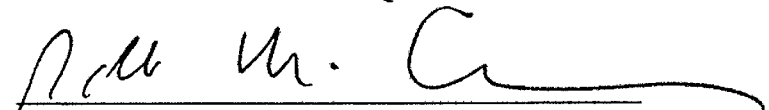
IT IS THEREFORE ORDERED that Kathleen M. Lynch cease and desist from failing to comply with the law and denying litigants the right to be heard, in violation of the above-cited Rules.

This Order, if accepted, shall be made public pursuant to Rule 611(a). See 2018 Kan. S. Ct. R. 475.

The Secretary of the Commission on Judicial Qualifications is hereby instructed to mail this Order with a copy of Rule 611, as adopted by the Supreme Court of Kansas, to Respondent. Respondent is requested, in accordance with Rule 611, to either (a) agree to comply with the Order by accepting the Order by written acknowledgment directed to the Secretary of the Commission; or (b) refuse to accept the Order. Any written acknowledgement to comply or refusal to accept shall be served upon the Secretary of the Commission within twenty days from the date of this Order. **This order is deemed to have been refused if the Secretary of the Commission receives no communication from respondent within twenty days after service of this Order.**

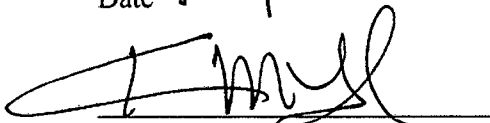
BY ORDER OF THE COMMISSION dated this 27th day of February, 2018.

COMMISSION ON JUDICIAL QUALIFICATIONS

By: 
BRENDA M. CAMERON, Chair

APPROVED & ACCEPTED

3/19/18
Date


KATHLEEN M. LYNCH, Respondent