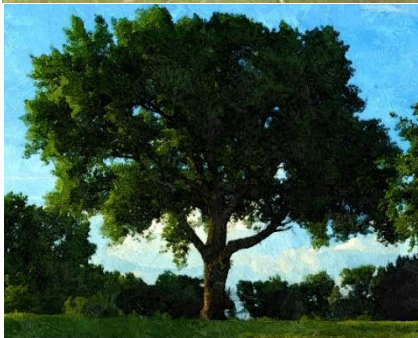




COMMISSION ON JUDICIAL QUALIFICATIONS



2014

ANNUAL REPORT

State of Kansas



Commission on Judicial Qualifications

KANSAS JUDICIAL CENTER
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FROM THE CHAIR

For forty years the Judicial Qualifications Commission has assisted the Supreme Court in addressing claims of judicial misconduct. In doing so, the Commission considers and responds to complaints from the public and others concerning alleged violations of the Code of Judicial Conduct.

In 2014, 221 formal complaints were filed with the Commission. 23 of those complaints required investigation and action by the investigating panel. Ultimately, after further investigation by the Commission's Examiner, formal proceedings were instituted on two of the complaints.

Four Commissioners completed their service in 2014. Hon. Theodore B. Ice served as a judicial member since 1994; Hon. Robert J. Fleming served as a judicial member since 1999; Carolyn Tillotson served as a non-lawyer member since 2004; and Jeffrey Mason served as a lawyer member since 2006. Each individual provided valuable service to the Commission and will be missed.

Beginning their service on the Commission were Hon. Brenda Cameron, a district judge from Johnson County; Allen G. Glendenning, a lawyer from Barton County; Hon. Larry D. Hendricks, a district judge from Shawnee County; and Representative Valdenia C. Winn, a non-lawyer member of the Kansas House of Representatives from Wyandotte County.

Carol G. Green retired as Clerk of the Appellate Courts and Secretary of the Commission after 24 years of service, and Edward G. Collister, Jr., completed his service as Commission Examiner after 40 years of service. Both Ms. Green and Mr. Collister rendered invaluable assistance to the Commission during their many years of service.

We welcomed Ms. Green's successor, Heather L. Smith, who came to us from Indiana where she served as Deputy Clerk of the Indiana Supreme Court, and we welcomed Todd N. Thompson, an attorney from Lawrence, Kansas, as Commission Examiner.

Special thanks to Justice Marla Luckert for her service as the Supreme Court's liaison to the Commission and the other members of the Court for their leadership. The contributions of Heather L. Smith, and Michelle R. Moore, her assistant, to the work of the Commission were invaluable. Last, but not least, many thanks to the members of the Commission for their dedication and hard work.

As the Commission continues its work in helping maintain a strong judicial system in Kansas, your suggestions and comments are welcome.

William B. Swearer

William B. Swearer, Chair

Kansas Commission on Judicial Qualifications

April 2015

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Kansas Commission on Judicial Qualifications

2014 MEMBERS

William B. Swearer, Chair of the Full Commission and Chair of Panel A
 Jeffery A. Mason, Vice-Chair of the Full Commission and Chair of Panel B

	MEMBERS	POSITION	TERM EXPIRES
PANEL A	William B. Swearer	Lawyer Member	June 30, 2015
	Nancy S. Anstaett	Lawyer Member	June 30, 2017
	J. Patrick Brazil	Judge Member	June 30, 2015
	Brenda M. Cameron**	Judge Member	June 30, 2018
	Theodore B. Ice*	Judge Member	June 30, 2014
	Christina Pannbacker	Non-lawyer Member	June 30, 2015
	Mary Thrower	Judge Member	June 30, 2016
	Carolyn Tillotson*	Non-lawyer Member	June 30, 2014
	Valdenia C. Winn**	Non-lawyer Member	June 30, 2018
PANEL B	Jeffery A. Mason*	Lawyer Member	June 30, 2014
	Mary Davidson Cohen	Non-lawyer Member	June 30, 2016
	Robert J. Fleming*	Judge Member	June 30, 2014
	Allen G. Glendenning**	Lawyer Member	June 30, 2018
	Larry D. Hendricks**	Judge Member	June 30, 2018
	David J. King	Judge Member	June 30, 2017
	Susan Lynn	Non-lawyer Member	June 30, 2017
	Nicholas St. Peter	Judge Member	June 30, 2016
	Diane H. Worth	Lawyer Member	June 30, 2016

* *Members leaving during Calendar Year 2014*

***Members beginning during Calendar Year 2014*

SUPREME COURT LIAISON

Justice Marla Luckert

COMMISSION STAFF

Carol Gilliam Green, Secretary
Heather L. Smith, Secretary
Michelle R. Moore, Administrator

COMMISSION OFFICE

Kansas Judicial Center
301 SW 10th Ave., Room 374
Topeka, Kansas 66612
785-296-2913 ♦ judicialqual@kscourts.org
www.kscourts.org

BIOGRAPHIES
MEMBERS WHO SERVED DURING 2014



Nancy S. Anstaett, a lawyer member of the Commission, practices in Overland Park and is a member of Rowe & Anstaett, L.L.C. She graduated from Kansas State University, *magna cum laude*, with degrees in journalism and sociology in 1977. She attended Washburn University School of Law and received her juris doctorate, *magna cum laude*, in 1980. She is a member of the Johnson County and Kansas Bar Associations and the Kansas Women Attorneys Association. Ms. Anstaett has served on the Kansas Continuing Legal Education Commission and was elected to the Kansas Supreme Court Nominating Commission where she served from 1996-2000. She has been a member of the Commission since July 2002.



The Honorable J. Patrick Brazil received a BS/BA degree from Rockhurst College, Kansas City, Missouri. He received his law degree from Washburn University School of Law. Judge Brazil was a state district judge from 1972 until his appointment to the Kansas Court of Appeals on December 11, 1985. He was appointed Chief Judge June 1, 1995, and served as Chief Judge until his retirement in January 2001. He continued to serve as a Senior Judge for the appellate courts until July 2012. He has served in the officer positions of the Kansas District Judges' Association, including president from 1980-1981. He was a member of the Pattern Jury Instructions Committee of the Kansas Judicial Council and served on the Kansas Continuing Legal Education Commission from its creation in 1985 to July 1, 1991. In 1994, he received the Outstanding Service Award conferred by the Kansas Bar Association and was a 2012 recipient of The Lifetime Achievement Award from the Washburn University School of Law. In 2014, he was a conferee of Washburn's Honorary Doctor of Law degree. He is a member and Paul Harris Fellow of the Topeka South Rotary Club and has served as a trustee of the Topeka & Shawnee County Library Foundation and Washburn Law Alumni Board of Governors. Judge Brazil has been a member of the Kansas Commission on Judicial Qualifications since 1984, including service as chairman from 1991 to 1994 and vice chair (includes chair of Panel A) from 2003 to 2005. He was instrumental in the reorganization of the Commission, making it one of the first judicial conduct commissions in the country to separate the investigative and adjudicatory functions into separate panels.



The Honorable Brenda M. Cameron, a district judge from Olathe, received a BS degree from the University of Kansas in 1987 and juris doctorate from the University of Kansas in 1990. She worked for the Public Defender in Salina, Kansas from 1990-1992. She served as Assistant Johnson County District Attorney from 1992-1995; Assistant District Attorney in Austin, Texas from 1995-1996; and returned to serve as Assistant Johnson County District Attorney from 1997-2001. She practiced law in Olathe as a member of Cornwell, Cameron, Erickson & Travis from 2001-2002, when she was appointed as district judge by Governor Bill Graves. In 2012, she was Chair of the Kansas District Court Judges Annual Conference. She is a Silver Fellow with the Johnson County Bar Foundation, as well as being on the Board of Directors and Legacy Celebration Committee. She had served as a member of the Kansas Supreme Court Rules, Education, and Specialty Courts Commission. She has been a member of the Commission since July 2014.



Dr. Mary Davidson Cohen, a non-lawyer member of the Commission from Leawood, received a bachelor of science in education at the University of Missouri-Columbia in 1958. She received her master of arts in science education for elementary teachers from Columbia University in 1962 and her doctorate in education administration from the University of Kansas in 1977. She began her education career as a teacher in 1958 teaching fifth, sixth, and seventh grades in the Kansas City, Missouri, School District. She also taught science for K-7 grades for the Kansas City School District's educational television station KCSD – Channel 19. She was assistant vice chancellor for academic affairs at the University of Kansas Regents Center from 1976 to 1992. She served as assistant director of the William T. Kemper Foundation from 1993 to 1997. She served as vice president for adult and continuing education and dean of the graduate school at Saint Mary College in Leavenworth, Kansas, from 1997 to 1999. She served as U. S. Secretary of Education Rod Paige's representative (SRR) for Region VII from 2002-2009, covering the states of Iowa, Kansas, Missouri, and Nebraska. In 2007, she received the Mother Evelyn O'Neill Award for Excellence in Education from Saint Teresa's Academy. In 2010, she received the Hugh Speer Award for distinguished service to Johnson County Community College. In 2012, she was named Philanthropist of the Year by Nonprofit Connect in Kansas City, Missouri, and by the Association of Professional Fundraisers in 2014. She served both as Chair of the WWI Museum Board of Directors and as Interim President and Chief Executive Officer of the National World War Museum at Liberty Hall. She is a past member of the Governance Board of the Children's Campus of Kansas City, Kansas, and the Executive Committee of Freedoms Frontier National Heritage Area Board of Directors. Presently, she hosts "It's Our Community" for the Johnson County Community College television station and is the Executive Director of the Barton P. & Mary D. Cohen Charitable Trust. Dr. Cohen has been a member of the Commission since July 2004.



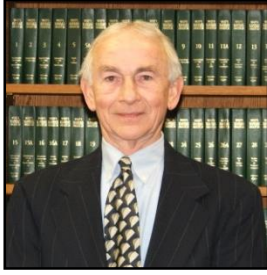
The Honorable Robert J. Fleming, a district judge from Parsons, received a BS/BA degree from Pittsburg State University in 1964 and a Juris Doctorate degree from Washburn University School of Law in 1968. He practiced law in Pittsburg from 1968 until 1996, during which time he served as president of the Crawford County Bar Association, a member of the Law in Education Committee of the Kansas Bar Association, and a member of the Ethics and Grievance Committee of the Kansas Bar Association. Fleming was appointed to the bench in August 1996. He is currently a member of the Labette County Bar Association and the Kansas Bar Association. He served on the Board of Trustees of the Labette County Correctional Camp; was the previous chairman of the Eleventh Judicial District Community Corrections Board; was a former member, chairman of the Executive Committee, and past president of the Kansas District Judges' Association; and currently serves on the Nonjudicial Salary Initiative Committee and as a member of the Kansas Judicial Council. He served on the Commission from May 1999 to June 2014.



Allen G. Glendenning, a lawyer member of the Commission, practices in Great Bend. He received his B.A. in history from Mid-America Nazarene College (now Mid-America Nazarene University) in Olathe, Kansas in 1981. He received his law degree from the University of Kansas law school in 1984. He has practiced in Wichita, Parsons, and Great Bend and handles cases in both state and federal courts throughout Kansas and in the United States Tenth Circuit Court of Appeals. He is also admitted to practice in the state and federal courts of Colorado. He is a shareholder in the firm of Watkins & Calcara, Chtd., where he has practiced since 1992. He is a member of the Barton County, Southwest Kansas, Kansas, Colorado, and American Bar Associations. He has served on the Kansas Bar Association Bench and Bar Committee and the Judicial Council Civil Code Advisory Committee. He has been a member of the Commission since December 2014.

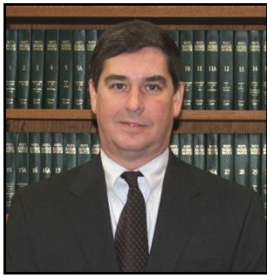


The Honorable Larry D. Hendricks, a district judge, was appointed to the Shawnee County District Court in 2006. He was a member of the United States Air Force for 8 years. He practiced law in Topeka, Kansas for 25 years before he went on the bench. He served as City Attorney for Alma, Auburn, Lecompton and Perry. Degrees include a Bachelors from Kansas State University (1971), a Masters from the University of Northern Colorado (1977) and his J.D. with honors from Washburn University (1981). He has served as a board member for CASA of Shawnee County. He is a member of the Topeka Bar Association, the Kansas Bar Association, and the Kansas District Judges Association. He has been a member of the Commission since July 2014.



The Honorable Theodore Branine Ice, a retired district judge from Newton, received his B.A. from the University of Kansas in 1956 and his Juris Doctorate in 1961, following service in the United States Navy. He practiced law in Newton for twenty-five years in the firm of Branine, Ice, Turner & Ice. During that time, he was president of the Newton Chamber of Commerce and served on several community boards. He was appointed district judge in 1987 and served until he retired in March 2002. He has also served as an assigned panel member of the Kansas Court of Appeals.

Judge Ice was the organizing judge for the Harvey County CASA (Court-appointed Special Advocate), Multi-Disciplinary Team, and CRB (Citizens Review Board). He served as president of the Harvey County Bar Association and also served four years on the Board of Editors of the Journal of the Kansas Bar Association. Judge Ice is a life member of the American and Kansas Bar Foundations, a member of the Kansas Bar Association, Harvey County Bar Association, Phi Delta Theta Social Fraternity, Omicron Delta Kappa Honorary Society, and Phi Delta Phi Legal Fraternity. In 1997, he was named citizen of the year by the Newton Chamber of Commerce. He served on the Commission from July 1994 to June 2014.



The Honorable David J. King, a district judge from Leavenworth, is a graduate of the University of Kansas (B.A. 1976; J.D. 1980). He was in the private practice of law in Leavenworth from 1981 to 1986. He served as Assistant Leavenworth County Attorney from 1981 to 1984. He was appointed to the Leavenworth District Court in May 1986. He has served as the Chief Judge for the First Judicial District since 1991. He is a member of the Leavenworth Bar Association, the Kansas Bar Association, and the Kansas District Judges Association. He has been a

member of the Commission since November 2004.



Susan Lynn, a non-lawyer member of the Commission, is editor and publisher of *The Iola Register*. She studied journalism at the University of Kansas, 1974-78, and received a bachelor's degree in liberal arts from Western Washington University, Bellingham, Washington, in 1979, and a Masters in library science from Wayne State University, Detroit, in 1995. She worked as a reporter and then as a reference librarian in Holland, Michigan, before returning to her hometown of Iola in 2000 to assume the role of publisher at the *Register*. She is a fourth-generation publisher. She serves on the boards of the Kansas Press Association, the William Allen White Foundation, and the Kansas Humanities Commission. She has been a member of the Commission since July 2013.



Jeffery A. Mason, a lawyer member of the Commission, practices in Goodland. He received his undergraduate degree from the University of Kansas in 1980 and his law degree from the University of Kansas Law School in 1983. He has practiced law in Goodland since 1983 and is a member of the firm of Vignery & Mason L.L.C. Prior to his appointment to the Commission, he served as a member of the Kansas State Highway Advisory Commission (1996-2006) and as a member of the Kansas Continuing Legal Education Commission (1997-2003), serving as chairperson from 2001-2003. He also served on the Kansas Water Authority from 1988-1994. He is an active member of the Sherman County, Kansas, and American Bar Associations. He served for a number of years on the Continuing Legal Education Committee for the Kansas Bar Association and received the Kansas Bar Association Outstanding Service Award in 1998. He is presently a member of the Kansas Bar Association Board of Governors and serves on the Executive Committee. He served as president of the Solo and Small Firm Section in 1996-1997. He is active in the community as president of the Goodland Medical Foundation and serves as secretary for the Kiwanis Club of Goodland. He served on the Commission from July 2006 to November 2014.



Christina Pannbacker, a non-lawyer member of the Commission from Washington, received a bachelor's degree in communication arts from Washburn University and a master's degree in journalism and mass communications from Kansas State University. She has worked for weekly newspapers in Wamego, Marysville, and Washington, Kansas. She was editor and publisher of *The Washington County News* for five years. Pannbacker has served as a school board member and is a long-time community volunteer. She served on the Commission since July 2003.



The Honorable Nicholas St. Peter, a district judge from Winfield, received a BA degree from Fort Hays State University in 1982 and juris doctorate from Washburn University School of Law in 1985. He practiced law in Winfield from 1985 until 2004, serving as president of the Cowley County Bar Association and as a board member for many community organizations including CASA of Cowley County. For several years he also served as a part-time municipal judge. He was appointed to the bench in September 2004 and was elected in November 2004, 2008, and 2012. He was appointed chief judge of the 19th Judicial District in September 2010 and has also served as the drug court judge for Cowley County since the program's inception in 2009. He is a member of the community advisory boards for Cowley County Community Corrections, Cowley County Youth Services, and the Law and Public Safety Pathway program for the Arkansas City school district. Since 2006, he has participated in the Cowley County Big Brothers/Sisters program. He has been a member of the Commission since July 2012.



William B. Swearer, a lawyer member of the Commission, graduated from Princeton University in 1951 and the University of Kansas School Of Law in 1955. He served with the United States Army (artillery) in Korea in 1952-53. He is of counsel to the law firm of Martindell Swearer Shaffer and Ridenour, LLP, of Hutchinson, Kansas. He has practiced law in Hutchinson since 1955. Swearer served as a member (1979-92) and as chair (1987-92) of the Kansas Board of Discipline for Attorneys. He has been active in the Kansas Bar Association, having served on various committees, as one of the Association's representatives to the House of Delegates of the American Bar Association (1995-2000), and as president of the Association (1992-93). He received Outstanding Service Awards in 1977 and 1979 and the 2002 Distinguished Service Award from the Kansas Bar Association. He is a member of the Reno County, Kansas, and American Bar Associations, as well as a member of the Kansas Bar Foundation and the American Bar Foundation (state chair, 1997-2001). Swearer has been active in his community where he has served as president of the Hutchinson Chamber of Commerce and as a board member of the Hutchinson Hospital Corporation, Health Care, Inc., the Hutchinson Hospital Foundation, and the Hutchinson Library. He currently serves as a trustee of Wesley Towers, Inc. He served as a member of the Commission since July 2003.



The Honorable Mary B. Thrower, a district magistrate judge for the 28th Judicial District, received an Associate degree from Wichita State University in 1982 and her BS/BA degree from Emporia State University in 1983. After serving the 28th Judicial District as a court services officer, she relocated to Colorado and received a Juris Doctorate degree from the University of Denver, College of Law in 1992. She was in private practice in Colorado Springs for several years and was a senior attorney for the Office of the Guardian ad Litem for three years before returning to Kansas. After three years with the Saline County Attorney's office, she was appointed as magistrate judge in January 2006. She served on the Judicial Needs Assessment Committee for the weighted caseload study. She currently serves as a member of the 28th Judicial District Community Corrections Board and on the Child Safety and Permanency Review Panel, which included service as chair from 2009 to 2012. In 2013, she was awarded the Franklin N. Flaschner award by the American Bar Association under the Judicial Division National Conference of Specialized Court Judges. In 2014, she was appointed to the Supreme Court Task Force on Permanency Planning. She has been a member of the Commission since July 2012.



Carolyn A. Tillotson, a non-lawyer member of the Commission from Leavenworth, is a native of Little Rock, Arkansas. She received a bachelor's degree in English from the University of Arkansas. She has served as Leavenworth City Commissioner, Leavenworth Mayor, and Kansas State Senator for Leavenworth and Jefferson Counties. She is a former newspaper reporter and editor and a former health care public relations director. She is a CASA volunteer. She served as a member of the Commission from May 2004 to June 2014.



Representative Valdenia C. Winn, Ph.D., a non-lawyer member of the Commission, is currently in her 15th year representing the 34th District, Wyandotte County, in the Kansas House of Representatives. Dr. Winn has extensive background in education, including more than 40 years teaching experience as a Professor of History and Political Science at Kansas City Kansas Community College. In the Kansas House, Rep. Winn serves as the ranking member on both House Education and Education Budget Committees. She also is a member of the House Federal & State Affairs, Joint Rules & Regulations, Capital Preservation Committee, Children's Cabinet & Trust Fund, the James B. Pearson Fellowship Selection Board, and the Bowhay Institute Legislative Leadership Development Steering Committee (Council of State Governments Midwest). Rep. Winn has been recognized for her legislative accomplishments by the Council of State Governments Midwest (CSG) by being named to the Bowhay Institute Legislative Leadership Development program (CSG Midwest) and the Henry Toll Fellowship Program. Dr. Winn has also received numerous awards in education. In 2000, the U.S. Department of Education awarded Dr. Winn a Fulbright-Hayes Group Project Abroad to direct a curriculum development team of 16 faculty to Senegal, West Africa. Rep. Winn attended the University of Kansas where she received a Bachelor of Science in secondary Education (1972), Master of Arts – History (1975) and Doctorate of Philosophy – History & International Relations (1993). She has been a member of the Commission since July 2014.



Diane S. Worth, a lawyer member of the Commission, practices law in Wichita, Kansas, at Morris, Laing, Evans, Brock & Kennedy, Chtd. She received her B.S. from Kansas State University in 1981, and J.D. from the University of Kansas in 1984. Prior to joining Morris, Laing in 1988, she clerked first for the Honorable Alfred G. Schroeder, Chief Justice of the Kansas Supreme Court, and then for the Honorable Patrick F. Kelly, United States District Judge for the District of Kansas. In 1997, she was awarded the President's Award by the Wichita Bar Association and in 2006 an Outstanding Service Award by the Kansas Bar Association. From 1988 until 2008, she served on the Board of Editors of *The Journal of the Kansas Bar Association*, which included service as chair from 2002 through 2005. She is an active member of the Kansas and Wichita Bar Associations, a past KBA employment law section president, and a frequent speaker at seminars. She currently is an editor of the Kansas Annual Survey. She is a member and past president of the KU Law School Board of Governors, an active community volunteer, and a commissioned Stephen Minister, providing lay pastoral counseling and caregiving. She has been a member of the Commission since July 2012.

SECRETARY TO THE COMMISSION



Carol Gilliam Green, by Supreme Court Rule, has served as Secretary to the Commission since her appointment as Clerk of the Kansas Appellate Courts in September 1991. Prior to that appointment she served as research attorney to Chief Justice Alfred G. Schroeder and as Director of the Central Research Staff for the Kansas Court of Appeals. Ms. Green received her J.D. degree from Washburn University School of Law, *magna cum laude*, in May 1981. She also holds a Master of Arts in English from the University of Missouri at Columbia. She was a member of the Kansas Continuing Legal Education Commission from its inception in 1985 until 1993, serving as chair from 1991-1993. She serves, by Supreme Court Rule, as Secretary to the Client Protection Fund Commission, the Kansas Board of Law Examiners, and the Board of Examiners of Court Reporters. She is past chair of both the Kansas Bar Association Public Information Committee and the Handbook Subcommittee of the CLE Committee. Ms. Green edited the second and third editions of the *Kansas Appellate Practice Handbook* and received a KBA Outstanding Service Award in 1995. She continues to work on that publication as chair of the Judicial Council Appellate Practice Advisory Committee. She received the KBA Distinguished Government Service Award in 2008 and a Washburn University School of Law Distinguished Service Award in 2012. The KBA awarded her the Phil Lewis Medal of Distinction in June 2014, the month of her retirement as Clerk of the Appellate Courts.



Heather L. Smith, was appointed Clerk of the Kansas Appellate Courts on June 9, 2014. Previously, Heather served for seven years as the Deputy Clerk of the Indiana Supreme Court, Court of Appeals, and Tax Court. Heather also worked as a staff attorney for the Indiana Court of Appeals, as a hearing officer at the Indiana Department of Revenue, as legal counsel in the trust department of Union Federal Bank of Indianapolis, and as a real estate attorney for Duke Realty Corporation. During and following law school, Heather served as an intern and law clerk for the Indiana Court of Appeals, working for the Honorable George B. Hoffman, Jr., and the Honorable James S. Kirsch. Heather graduated *cum laude* with a B.A. in economics from Spelman College in Atlanta, and received a J.D. from the Indiana University School of Law, Indianapolis.

A BRIEF HISTORY OF THE COMMISSION

The Kansas Commission on Judicial Qualifications was established by the Supreme Court of the State of Kansas on January 1, 1974. The Commission, created under the authority granted by Article 3, Section 15 of the Kansas Constitution and in the exercise of the inherent powers of the Supreme Court, is charged with assisting the Supreme Court in the exercise of the Court's responsibility in judicial disciplinary matters.

Originally conceived as a one-tier system with nine members, the Commission functioned effectively for a quarter century before significant change was implemented. On May 1, 1999, a two-tier system was adopted, expanding the Commission from nine to fourteen members, including six active or retired judges, four lawyers, and four non-lawyers. The members are divided into two panels. One panel meets each month. In formal matters, one panel investigates the complaint, while the other conducts the hearing, thus separating the investigative and judicial functions. All members are appointed by the Supreme Court and serve four-year terms with a twelve-year term limit. The Chair of the Commission chairs one panel, while the Vice-Chair chairs the second panel.

Those who have chaired the Commission include:

Judge L. A. McNalley	1974-1977
Fred N. Six	1977-1981
Kenneth C. Bronson	1981-1983
Charles S. Arthur	1983-1985
Judge Lewis C. Smith	1985-1986
Judge O. Q. Claflin	1986-1988
Judge Steven P. Flood	1988-1991
Judge J. Patrick Brazil	1991-1994
Mikel L. Stout	1994-1997
David J. Waxse	1997-1999
Judge Kathryn Carter	1999-2001
Judge Theodore B. Ice	2001-2003
Robert A. Creighton	2003-2005
Judge Jennifer L. Jones	2005-2007
Judge Robert J. Fleming	2007-2009
Nancy S. Anstaett	2009-2011
Judge David J. King	2011-2013
William B. Swearer	2013-

Past members of the Commission who served with distinction include:

Served while active judges and subsequently as retired judges	
James J. Noone	Wichita
James W. Paddock	Lawrence
Served as retired judges	
L. A. McNalley	Salina
O. Q. Claflin, III	Kansas City
Theodore Branine Ice	Newton
Served while active judges	
Bert Vance	Garden City
Harold R. Riggs	Olathe
Brooks Hinkle	Paola
M.V. Hoobler	Salina
Lewis C. Smith	Olathe
Steven P. Flood	Hays
Kathryn Carter	Concordia
Lawrence E. Sheppard	Olathe
Jennifer L. Jones	Wichita
Thomas L. Toepfer	Hays
Robert J. Fleming	Parsons
Served as lawyer members	
Robert H. Nelson	Wichita
Edward F. Arn	Wichita
John J. Gardner	Olathe
Fred N. Six	Lawrence
Charles S. Arthur	Manhattan
David J. Waxse	Overland Park
Karen L. Shelor	Shawnee Mission
John W. Mize	Salina
Robert A. Creighton	Atwood
Mikel Stout	Wichita
Jeffery A. Mason	Goodland
Served as non-lawyer members	
Georgia Neese Gray	Topeka
Kenneth C. Bronson	Topeka
Dr. Nancy Bramley Hiebert	Lawrence
Marcia Poell Holston	Topeka
Ray Call	Emporia
Carol Sader	Prairie Village
Bruce Buchanan	Hutchinson
Carolyn Tillotson	Leavenworth

HOW THE COMMISSION OPERATES

JURISDICTION/GOVERNING RULES

The Commission's jurisdiction extends to approximately 500 judicial positions including justices of the Supreme Court, judges of the Court of Appeals, judges of the district courts, district magistrate judges, and municipal judges. This number does not include judges pro tempore and others who, from time to time, may be subject to the Code of Judicial Conduct.

The Supreme Court Rules governing operation of the Commission are found in the Kansas Court Rules Annotated. See 2014 Kan. Ct. R. Annot. 794-810.

The Commission conducted extensive analysis, study, and revision of Rule 601A, Code of Judicial Conduct, based on the ABA 2007 Model Code of Judicial Conduct. The Kansas Supreme Court adopted new Rule 601B, Kansas Code of Judicial Conduct, effective March 1, 2009.

STAFF

The Clerk of the Supreme Court serves as secretary to the Commission pursuant to Supreme Court Rule 603. The secretary acts as custodian of the official files and records of the Commission and directs the daily operation of the office. An administrator, Michelle Moore, manages the operation of the office.

The Commission also retains an examiner, a member of the Kansas Bar who investigates complaints, presents evidence to the Commission, and participates in proceedings before the Supreme Court.

INITIATING A COMPLAINT

The Commission is charged with conducting an investigation when it receives a complaint indicating that a judge has failed to comply with the Code of Judicial Conduct or has a disability that seriously interferes with the performance of judicial duties.

Any person may file a complaint with the Commission. Initial inquiries may be made by telephone, by letter, by e-mail, or by visiting the Appellate Clerk's Office personally.

All who inquire are given a copy of the Supreme Court Rules Relating to Judicial Conduct, a brochure about the Commission, and a complaint form. The complainant is asked to set out the facts and to state specifically how the complainant believes the judge has violated the Code of Judicial Conduct. Very often, the opportunity to voice the grievance is sufficient, and the Commission never receives a formal complaint. In any given year, one-fourth to one-third of the initial inquiries will result in a complaint being filed.

The remainder of the complaints filed come from individuals already familiar with the Commission's work or who have learned about the Commission from another source. Use of the standard complaint form is encouraged but not mandatory. If the complaint received is of a general nature, the Commission's secretary will request further specifics.

In addition to citizen complaints, the Commission may investigate matters of judicial misconduct on its own motion.

Referrals are also made to the Commission through the Office of Judicial Administration and the Office of the Disciplinary Administrator.

Referrals are made through the Office of Judicial Administration on personnel matters involving sexual harassment. The Kansas Court Personnel Rules provide that, if upon investigation the Judicial Administrator finds probable cause to believe an incident of sexual harassment has occurred involving a judge, the Judicial Administrator will refer the matter to the Commission on Judicial Qualifications. *See* Kansas Court Personnel Rule 9.4(e).

The Disciplinary Administrator refers complaints to the Commission if investigation into attorney misconduct implicates a judge. There is a reciprocal sharing of information between the two offices.

COMMISSION REVIEW AND INVESTIGATION

When written complaints are received, all are mailed to a panel of the Commission for review at its next meeting. In the interim, if it appears that a response from the judge would be helpful to the Commission, the secretary may request the judge to submit a voluntary response. With that additional information, the panel may be able to consider a complaint and reach a decision at the same meeting.

All complaints are placed on the agenda, and the panel determines whether they will be docketed or remain undocketed. A docketed complaint is given a number and a case file is established.

Undocketed complaints are those which facially do not state a violation of the Code; no further investigation is required.

Appealable matters constitute the majority of the undocketed complaints and arise from a public misconception of the Commission's function. The Commission does not function as an appellate court. Examples of appealable matters which are outside the Commission's jurisdiction include: matters involving the exercise of judicial discretion, particularly in domestic cases; disagreements with the judge's application of the law; and evidentiary or procedural matters, particularly in criminal cases.

Many complaints address the judge's demeanor, attitude, degree of attention, or alleged bias or prejudice. These are matters in which the secretary is likely to request a voluntary response from the judge and, based on that response, the Commission in some instances determines there has clearly been no violation of the Code.

These undocketed complaints are dismissed with an appropriate letter to the complainant and to the judge, if the judge has been asked to respond to the complaint.

Docketed complaints are those in which a panel feels that further investigation is warranted.

A panel has a number of investigative options once it docketed a complaint. Docketed complaints may be assigned to a subcommittee for review and report at the next meeting. These complaints may be referred to the Commission Examiner for investigation and report. Finally, the panel may ask for further information or records from the judge.

DISPOSITION OF DOCKETED COMPLAINTS

After investigation of docketed complaints, the panel may choose a course of action short of filing formal proceedings.

A complaint may be dismissed after investigation. On docketing, there appeared to be some merit to the complaint, but after further investigation the complaint is found to be without merit.

A letter of informal advice may be issued if the investigation did not disclose an ethical violation but future direction would be beneficial to the judge. A letter of caution may be issued if the investigation disclosed an ethical violation which was too minor to warrant further proceedings.

A cease and desist order may be issued when the panel finds factually undisputed violations of the Code which represent a continuing course of conduct. The judge must agree to comply by accepting the order, or formal proceedings will be instituted.

Examples of conduct resulting in cease and desist orders include: activity on behalf of a political candidate or continuing to handle matters in a case in which the judge has recused.

Upon disposition of any docketed complaint, the judge and the complainant are notified of the panel's action. Other interested persons may be notified within the panel's discretion.

CONFIDENTIALITY

The panel assigned a complaint conducts investigations, often contacting the judge involved as well as witnesses. The Commission and its staff are bound by a rule of confidentiality unless public disclosure is permitted by the Rules Relating to Judicial Conduct or by order of the Supreme Court. See Rule 607(a). One exception to the confidentiality rule exists if the panel gives written notice to the judge, prior to the judge's acceptance of a cease and desist order, that the order will be made public. Rule 611(a).

Other narrowly delineated exceptions to the rule of confidentiality exist. Rule 607(d)(3) provides a specific exception to the rule of confidentiality with regard to any information which the Commission or a panel considers relevant to current or future criminal prosecutions or ouster proceedings against a judge. Rule 607 further permits a waiver of confidentiality, in the Commission's or panel's discretion, to the Disciplinary Administrator, the Judges Assistance Committee, the Supreme Court Nominating Commission, the District Judicial Nominating Commissions, and the Governor with regard to nominees for judicial appointments.

The rule of confidentiality does not apply to the complainant or to the respondent. See Rule 607(c).

FORMAL PROCEEDINGS

During the investigation stage prior to the filing of the notice of formal proceedings, the judge is advised by letter that an investigation is underway. The judge then has the opportunity to present information to the examiner. Rule 609.

If a panel institutes formal proceedings, specific charges stated in ordinary and concise language are submitted to the judge. The judge has an opportunity to answer and a hearing date is set. Rule 611(b); Rule 613. The hearing on that notice of formal proceedings is conducted by the other panel, which has no knowledge of the investigation or prior deliberations.

The hearing on a notice of formal proceedings is a public hearing. The judge is entitled to be represented by counsel at all stages of the proceedings, including the investigative phase prior to the filing of the notice of formal proceedings if the judge so chooses. The rules of evidence applicable to civil cases apply at formal hearings. Procedural rulings are made by the chair, consented to by other members unless one or more calls for a vote. Any difference of opinion with the chair is controlled by a majority vote of those panel members present.

The Commission Examiner presents the case in support of the charges in the notice of formal proceedings. At least five members of the panel must be present when evidence is introduced. A vote of five members of the panel is required before a finding may be entered that any charges have been proven.

If the panel finds the charges proven, it can admonish the judge, issue an order of cease and desist, or recommend to the Supreme Court the discipline or compulsory retirement of the judge. Discipline means public censure, suspension, or removal from office. Rule 620.

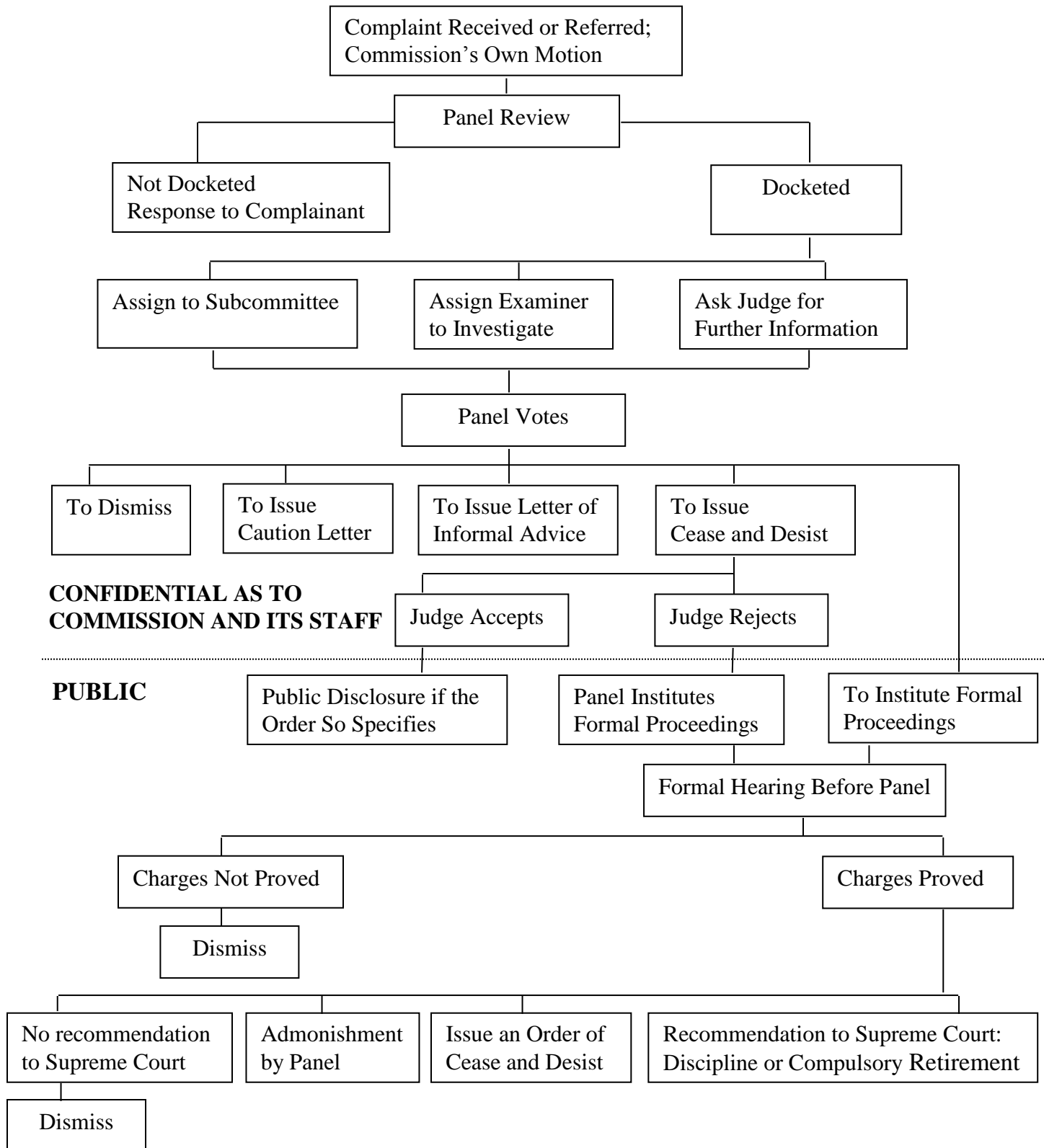
The panel is required in all proceedings resulting in a recommendation to the Supreme Court for discipline or compulsory retirement to make written findings of fact, conclusions of law, and recommendations which shall be filed and docketed by the Clerk of the Supreme Court as a case. Rule 622. The respondent judge then has the opportunity to file written exceptions to the panel's report. A judge who does not wish to file exceptions may reserve the right to address the Supreme Court with respect to disposition of the case. Rule 623.

If exceptions are taken, a briefing schedule is set; thereafter, argument is scheduled before the Supreme Court at which time respondent appears in person and, at respondent's discretion, by counsel. If exceptions are not taken, the panel's findings of fact and conclusions of law are conclusive and may not later be challenged by respondent. The matter is set for hearing before the Supreme Court, at which time the respondent appears in person and may be accompanied by counsel but only for the limited purpose of making a statement with respect to the discipline to be imposed. In either case, the Supreme Court may adopt, amend, or reject the recommendations of the panel. Rule 623.

The following flow charts trace the progress of a complaint before a panel of the Commission and through Supreme Court proceedings.

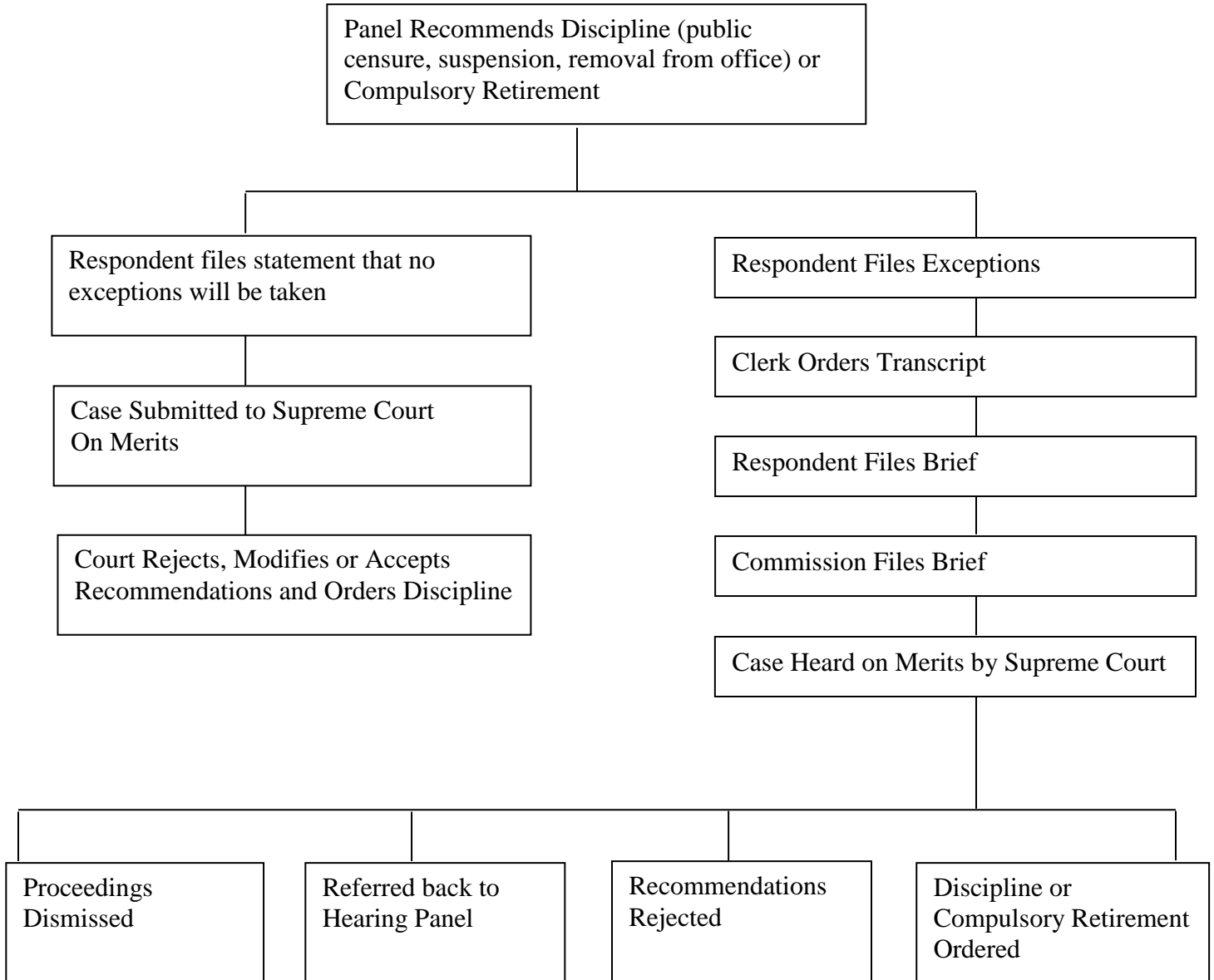
COMMISSION PROCEDURES

RECEIPT OF COMPLAINT THROUGH FORMAL PROCEEDINGS



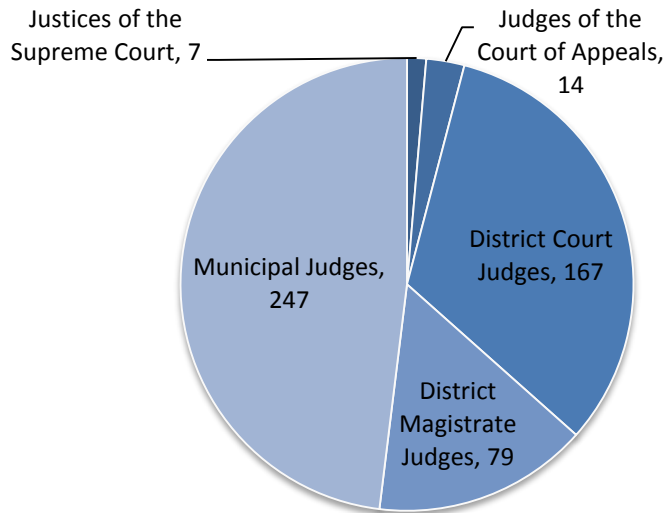
PROCEEDINGS BEFORE THE SUPREME COURT

REVIEW OF COMMISSION FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS



COMMISSION ACTIVITY IN 2014

At the close of 2014, there were 514 judicial positions subject to the Commission's jurisdiction.



Others are subject to the Code of Judicial Conduct on an ad hoc basis. The Application Section which prefaces the Code provides: “Anyone, whether or not a lawyer, who is an officer of the judicial system, is a judge within the meaning of this Code. Judge is defined as: any judicial officer who performs the functions of a judge in the courts of this state including Kansas Supreme Court Justices, Court of Appeals Judges, District Judges, District Magistrate Judges, Senior Judges, Retired Judges who accept judicial assignments, and Municipal Court Judges.” Application I.(B) (2014 Kan. Ct. R. Annot. 756). “The term ‘judge’ also includes Masters, Referees, Judicial Hearing Officers, Temporary Judges, Pro Tempore Judges, Part-time Judges, and Commissioners if they perform any functions of a judge in any court of this state.” Application I.(C). “The term ‘judge’ also includes a judicial candidate.” Application I.(D). No attempt has been made in this report to enumerate those individuals.

In 2014, the Commission received 470 inquiries by telephone, by letter, by e-mail, or by personal visit to the Clerk's Office. Of those individuals, 305 were provided copies of the Supreme Court Rules Relating to Judicial Conduct, a complaint form, and a brochure describing the work of the Commission. A complaint form is also available on the Commission's web site: www.kscourts.org. A total of 221 complaints were received in 2014. Of those complaints, 23 were eventually docketed. For a discussion of the distinction between undocketed and docketed complaints, see this report at page 14. See Figure 1 at page 20 for a five-year summary.

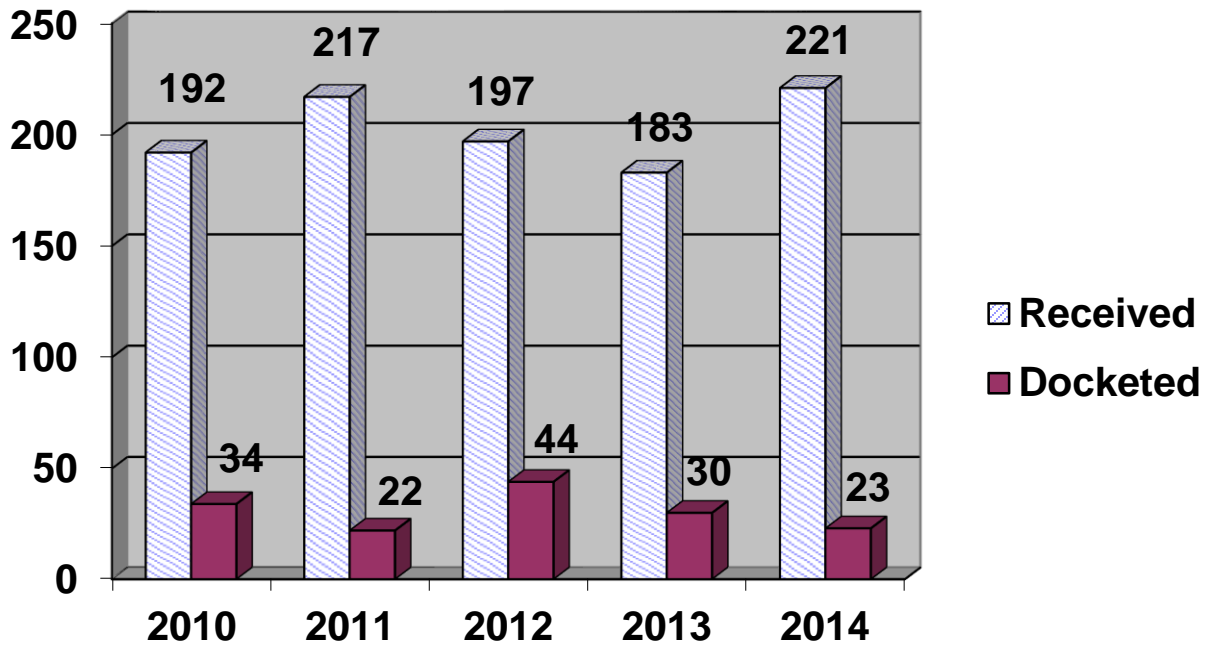


Figure 1: Five-year Summary of Complaints Received and Docketed

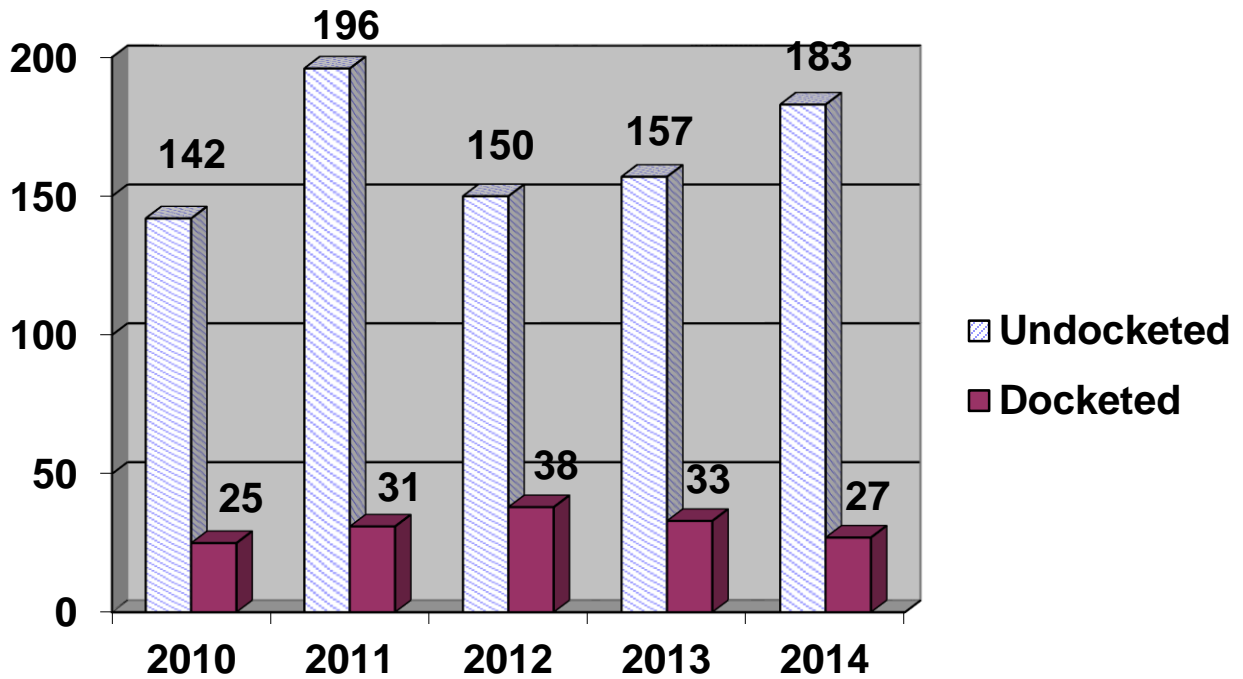


Figure 2: Five-year Summary of Disposed Complaints which may include carryover from a prior year.

COMMISSION ON JUDICIAL QUALIFICATIONS
January 1, 2014 – December 31, 2014

TOTAL NUMBER OF INQUIRIES	470
RULES AND COMPLAINT FORMS PROVIDED	305
NUMBER OF COMPLAINTS RECEIVED	221
NUMBER OF COMPLAINTS DOCKETED	23
DOCKETED COMPLAINTS PENDING ON JANUARY 1, 2014	8

DISPOSITION OF DOCKETED COMPLAINTS:

Notice of Formal Proceeding Filed	1
Caution	7
Informal Advice	2
Dismissed after investigation	17
Pending on December 31, 2014	4
	31 ¹

POSITION OF JUDGE AGAINST WHOM A DOCKETED COMPLAINT WAS FILED:

Chief	2
District	9
District Magistrate	4 (2 law trained)
Municipal	2 (law trained)
	17 ¹

¹In some instances, more than one complaint was filed against the same judge.

SUBSTANCE OF COMPLAINTS

Substance of complaints filed in 2014 is listed in order of prevalence. Individual complaints may contain more than one allegation of misconduct.

Denied Fair Hearing [75]	Legal or Appealable [59]	Prejudice/Bias [57]	Conflict of Interest [48]
Delay [35]	Inappropriate Personal Comment [28]	Disagreement with Ruling [19]	Inappropriate Judicial Conduct [17]
Injudicious Temperament [16]	Incompetence in Law [10]	Administrative Inefficiency [8]	Abuse of Power [7]
Failure to Discharge Disciplinary Responsibilities [6]	Ex Parte Communication [4]	Violation of Law [3]	Failure to Enforce Order [3]
Retaliation [3]	Improper Political Activity [3]	Failure to Control Courtroom [1]	

CONDUCT EXAMPLES

The Commission has many dispositional avenues available after investigation, including but not limited to: Finding of No Violation resulting in dismissal or a letter of informal advice to the judge OR Finding of Violation resulting in a letter of caution; cease and desist order; or notice of formal proceedings. The following are examples of conduct found to be proper, advisory, or improper.

PROPER

No violation was found when it was alleged a judge's conduct during a hearing was notably terse to the point of rudeness and that the judge gave an intense admonishment to a litigant. The judge admitted to being very firm to both litigants but indicated that no litigant was individually singled out. The audio recording of the hearing did not reflect any inappropriate comments.

No violation was found when it was alleged a judge failed to rule on motions for approximately seven months. The judge denied the allegation as the information contained in the motions were issues that had been previously ruled on.

No violation was found when it was alleged a judge failed to advise a litigant of the right to appeal, failed to address a litigant's request for discovery but allowed that evidence to be presented at trial, and winked and smiled at the opposing attorney after sustaining an objection. The judge denied the allegations, and there were no witnesses to support the allegations.

No violation was found when it was alleged that the judge presided over a case in which the judge had originally been the prosecutor. While the judge did admit to being the charging prosecutor in the case, the judge did not have any recollection of the case as it had been at least 10 years since the charging document was issued. The judge did not serve as the prosecutor, only in the determination on whether charges were filed.

ADVISORY

No violation was found when it was alleged a judge showed favoritism toward one litigant over another by providing tissues and consoling the litigant during a break in the hearing before the judge. The judge was informally advised on the importance of not appearing to exhibit bias toward one litigant over another.

No violation was found when it was alleged a judge failed to issue a ruling on a matter taken under advisement for approximately 13 months. The judge acknowledged that an order should have been more timely issued and implemented a plan to avoid future instances of delay. The judge was informally advised on the issue of delay and the importance of a judge to dispose of matters promptly and efficiently.

IMPROPER

A Notice of Formal Proceedings was filed against a judge alleging harassment by making inappropriate and offensive comments; *ex parte* email communication that exhibited bias and prejudice; and using the prestige of judicial office to secure a job for the judge's spouse. After a public hearing, the matter was referred to the Supreme Court with a recommendation of public censure.

A judge, who was found to have violated Rules 1.2 and 2.8(B) by exhibiting undignified and discourteous conduct by engaging in name calling in open court during a trial, was cautioned regarding future language choices and the importance of considering public perception of judicial conduct.

A judge, who was found to have violated Rule 2.5(A) by failing to take action in a matter for approximately 4 years, was cautioned regarding delay.

A judge, who was found to have violated Rules 1.2 and 2.8(B) by cursing and making improper comments, was cautioned about future word choices.

A judge, who was found to have violated Rules 1.1 and 2.9 by obstructing a party's effort to pursue criminal non-support charges, was cautioned to comply with the law and to avoid *ex parte* communications.

A judge, who was found to have violated Rule 2.11(A)(5)(a) for being involved in a case as an attorney and later presided over the same case as a judge, was cautioned regarding future recusal choices. The recusal should have been based, not on the limited involvement of the judge, but on the association of another attorney whose participation was substantial.

A judge, who was found to have violated Rule 1.1 by smoking in restricted areas and parking illegally and Rule 2.5(b) by failing to follow administrative directives of the chief judge, was cautioned to comply with the law and to comply with the directives of the chief judge.

A judge, who was found to have violated Rule 2.9(B) by conducting independent investigation and considering evidence outside the record of a pending case, was cautioned that, upon discovery of information, should have promptly notified the parties and provided them with an opportunity to respond.

Appendices

APPENDIX A

REPORTED JUDICIAL DISCIPLINARY CASES UNDER RULE 601

In re Rome, 218 Kan. 198, 542 P.2d 676 (1975).

In a criminal proceeding, a magistrate judge issued a memorandum decision which held the defendant out to public ridicule or scorn. The decision was, incidentally, issued in poetic form.

The Supreme Court found the conduct violated Canon 3A(3) which requires a judge to be "patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom he deals in his official capacity." The court ordered public censure.

In re Baker, 218 Kan. 209, 542 P.2d 701 (1975).

The Commission on Judicial Qualifications found six violations of Canon 7 arising out of advertising materials used in a campaign for judicial office.

The Supreme Court found no violation as to five charges, holding the activities to come within the pledge of faithful performance of the duties of judicial office. The court found the health, work habits, experience, and ability of the candidates to be matters of legitimate concern to the electorate. As to the sixth charge, the court found that a campaign statement by a candidate for judicial office that an incumbent judge is entitled to a substantial pension if defeated, when the judge is not in fact eligible for any pension, violates the prohibition of Canon 7B(1)(c) against misrepresentation of facts. The court imposed the discipline of public censure.

In re Sortor, 220 Kan. 177, 551 P.2d 1255 (1976).

A magistrate judge was found by the Commission to have been rude and discourteous to lawyers and litigants and, on occasion, to have terminated proceedings without granting interested parties the right to be heard.

The Supreme Court found violations of Canons 3A(3) and (4) and imposed public censure.

In re Dwyer, 223 Kan. 72, 572 P.2d 898 (1977).

A judge of the Court of Common Pleas of Sedgwick County was found to lack patience, courtesy, dignity, and the appearance of fairness and objectivity. A course of conduct was established which demonstrated an intemperate, undignified, and discourteous attitude toward and treatment of litigants and members of the public who came before the judge.

The Supreme Court found the judge had violated Canons 3A(2), (3), and (4). The court imposed public censure.

In re Miller, 223 Kan. 130, 572 P.2d 896 (1977).

A judge of the district court asked a judge of the county court to dismiss a ticket of an acquaintance of the judge. When the judge of the county court declined, the judge of the district court inquired whether the fine could be reduced. The judge of the county court again declined; whereupon, the judge of the district court remarked, "Well, I guess that is one favor I don't owe you."

The Supreme Court found violations of Canons 2A and 2B which exhort a judge to avoid impropriety and the appearance of impropriety. The court ordered public censure.

In re Hammond, 224 Kan. 745, 585 P.2d 1066 (1978).

A judge of the district court was found to have demanded sexual favors of female employees as a condition of employment.

The Supreme Court found violations of Canons 1, 2A, and 3B(4). Noting that the judge's retirement due to disability made suspension from duty or removal from office unnecessary, the court ordered public censure.

In re Rome, 229 Kan. 195, 623 P.2d 1307 (1981).

An associate district judge was found to lack judicial temperament as evidenced by his actions in the following regard. The judge acted in a manner that did not promote public confidence in the integrity and impartiality of the judiciary and allowed his personal views or appeared to allow his personal views on the political issue of selection of judges to influence his judicial conduct or judgment. The judge, in writing a memorandum decision, purposefully attempted to be critical of actions of the county attorney and of a fellow judge. The judge purposefully made allegations of fact and stated as conclusions factual matters that were, at the time he made his statements, being contested in separate criminal cases. Subsequent to making such statements, the judge purposefully and intentionally attempted to get them publicized by sending copies to the news media.

The Supreme Court found violations of Canons 1, 2, 3A(1), 3A(3), and 3A(6). The judge was ordered removed from office.

In re Woodworth, 237 Kan. 884, 703 P.2d 844 (1985).

A judge of the district court was convicted of violating a statute which makes it unlawful to have in one's possession any package of alcoholic liquor without having thereon the Kansas tax stamps required by law.

The Supreme Court found violations of Canons 1 and 2A relating to the integrity and independence of the judiciary and the avoidance of impropriety and the appearance of impropriety. The court ordered public censure.

In re Levans, 242 Kan. 148, 744 P.2d 800 (1987).

A district magistrate judge removed eight railroad ties belonging to a railway company without written permission or verification of purported oral authority. The judge did not fully cooperate during investigation of the incident.

The Supreme Court found violations of Canons 1 and 2. The court ordered public censure.

In re Yandell, 244 Kan. 709, 772 P.2d 807 (1989).

A judge of the district court violated the law by leaving the scene of a non-injury accident and in so doing also violated the terms of a previous cease and desist order issued by the Commission on Judicial Qualifications. Numerous other violations arose out of the judge's conduct in various financial transactions and his failure to recuse himself in contested cases involving his creditors.

The Supreme Court found violations of Canons 1, 2A, 3C, 5C(1), 5C(3), and 5C(4)(b). The court ordered removal from office.

In re Long, 244 Kan. 719, 772 P.2d 814 (1989).

A judge of the district court was found to have failed to respect and comply with the law, carry out her adjudicative responsibility of promptly disposing of the business of the court, and diligently discharge her administrative responsibilities and maintain professional competence in judicial administration.

The Supreme Court found violations of Canons 2A, 3A(5), and 3B(1). The court ordered public censure.

In re Alvord, 252 Kan. 705, 847 P.2d 1310 (1993).

A magistrate judge was found to have treated a female employee in a manner which was not dignified and courteous. Unsolicited inquiries on behalf of the employee regarding a traffic ticket were also found to be inappropriate.

The Supreme Court found violations of Canons 2 and 3 and ordered public censure.

In re Handy, 254 Kan. 581, 867 P.2d 341 (1994).

A judge of the district court was found to have violated Canons of the Code of Judicial Conduct in the following particulars: ignoring a conflict of interest by handling cases that involved the city which employed him as a municipal judge; creating an appearance of impropriety in purchasing property involved in pending litigation; and lacking sensitivity to conflict of interest, creating an appearance of impropriety, and being less than candid in a real estate transaction.

The Supreme Court found violations of Canons 1, 2A, 3C(1), 3C(1)(c), and 5C(1). The court ordered public censure.

**REPORTED JUDICIAL DISCIPLINARY CASES
UNDER RULE 601A**

In re Moroney, 259 Kan 636, 914 P.2d 570 (1996).

A majority of the Commission on Judicial Qualifications recommended to the Kansas Supreme Court that Respondent be disciplined by removal from the bench. After Findings of Fact, Conclusions of Law, and Recommendations were submitted to the Supreme Court, Respondent voluntarily resigned from office. The Supreme Court removed the case from its docket, finding the hearing on removal to be moot.

In re Platt, 269 Kan. 509, 8 P.3d 686 (2000).

A judge of the district court followed a disqualification policy with respect to several attorneys which involved not hearing newly filed cases and implementation of an “informed consent policy” for ongoing cases in which the judge did not recuse.

The Supreme Court found violations of Canons 1, 2A, 3B(1), 3B(5), 3B(7), 3C(1), and 3E(1). The court ordered public censure.

In re Groneman, 272 Kan. 1345, 38 P.3d 735 (2002).

A district court judge allowed his administrative assistant to maintain dual employment during courthouse hours and falsely reported time and leave information.

The respondent stipulated to violations of Canons 1, 2A, 2B, 3C(1), (2), and (4). The Supreme Court ordered public censure and other conditions, including repayment to the State of Kansas for hours not worked.

In re Robertson, 280 Kan. 266, 120 P.3d 790 (2005).

A district court judge admitted violation of the judicial district's administrative order regarding computer and internet usage when, over an extended period of time, he used the county-owned computer located in his office at the courthouse to access and display sexually explicit images, messages, and materials.

The Supreme Court found violations of Canon 1, Canon 2, and Canon 4(A)(2). The court ordered removal from office.

In re Pilshaw, 286 Kan. 574, 186 P.3d 708 (2008).

A judge of the district court was found to have lost her temper and engaged in emotional outbursts.

The Supreme Court found violations of Canons 2A and 3B(3) and (4). The Supreme Court ordered public censure.

APPENDIX B

STATISTICAL SUMMARIES 2010 - 2014

COMPLAINT STATISTICS

	2010	2011	2012	2013	2014
Total Number of Inquiries	416	413	442	416	470
Rules and Complaint Forms Provided	328	306	328	278	305
Number of Complaints Received	192	217	197	183	221
Number of Complaints Docketed	34	22	44	30	23
Docketed Complaints pending at start of year	5	14	5	11	8

DISPOSITION OF DOCKETED COMPLAINTS

	2010	2011	2012	2013	2014
Dismissed after investigation	16	21	23	21	17
Dismissed after investigation w/caution	2	3	1	0	0
Dismissed after investigation w/informal advice	1	1	5	0	0
Letter of caution	4	5	6	3	7
Letter of informal advice	0	0	0	5	2
Private Cease & Desist	2	1	2	3	0
Notice of Formal Proceedings Filed; Recommendation to the Court; or Stipulation	0	0	0	1	1
Withdrawn	0	0	1	0	0
No action – issue corrected or stayed	0	0	0	0	0
Complaints pending year end	14	5	11	8	4

POSITION OF JUDGE WITH DOCKETED COMPLAINT FILED¹

	2010	2011	2012	2013	2014
Supreme Court Justice	0	1	0	0	0
Chief Judge	2	1	9	1	2
District Judge	20	11	24	19	9
District Magistrate Judge	5	3	6	5	4
Municipal Judge	1	1	4	0	2
Judge Pro Tempore	1	2	0	2	0
Retired – Chief Judge	0	1	0	0	0
Retired – District Judge	0	0	0	0	0
Judicial Candidate	1	0	1	0	0

¹In some instances, more than one complaint was filed against the same judge.

APPENDIX C

Kansas Commission on Judicial Qualifications



KANSAS JUDICIAL CENTER
301 SW 10TH AVE., ROOM 374
TOPEKA, KANSAS 66612
785-296-2913 ♦ judicialqual@kscourts.org

◆ COMPLAINT AGAINST A JUDGE ◆

The Commission only has authority to investigate allegations of judicial misconduct or disability by persons holding state judicial positions. The Commission has no jurisdiction over and does not consider complaints against federal judges, lawyers, law enforcement and detention center officers, district court clerks, and court personnel.

The Commission does not act as an appellate court and cannot review, reverse, or modify a legal decision made by a judge in a court proceeding. Please review the accompanying brochure which describes the functions of the Commission. Note in particular the examples of functions which the Commission cannot perform.

Please Note: Complaint form must be typed or legibly hand-printed, dated, and signed before it will be considered. Complaint forms may be submitted by U.S. Mail or scanned and submitted by e-mail.

I. PERSON MAKING THE COMPLAINT

Full Name _____ Inmate Number, if applicable _____

Mailing Address _____

City, State Zip Code _____

Telephone Number _____

E-mail address _____ Preferred Method of Communication: U.S. Mail E-Mail

II. JUDGE AGAINST WHOM COMPLAINT IS MADE

Full Name _____ County or City _____

Type of Judge (check one):
 Supreme Court Justice Court of Appeals Judge
 District District Magistrate Municipal
 Pro Tempore Other _____

III. COURT CASE INFORMATION

If the complaint involves a court case, please provide:

- Case Title: _____ Case Number: _____
- Your Relationship to the Case: _____ Plaintiff/Petitioner _____ Defendant/Respondent
_____ Other _____

IV. STATEMENT OF FACTS

In the following section, please provide all specific facts and circumstances which you believe constitute judicial misconduct or disability. Include names, dates and places which may assist the Commission in its evaluation and investigation of this complaint.

If additional space is required, attach and number additional pages.

V. ATTACHMENTS

Relevant documents: Please attach any relevant documents which you believe directly support your claim that the judge has engaged in judicial misconduct or has a disability. Highlight or otherwise identify those sections that you rely on to support your claim. Do not include documents which do not directly support your complaint, for example, a copy of your complete court case.

Keep a copy of all documents submitted for your records as they become the property of the Commission and will not be returned.

In filing this complaint, I understand that:

- **The Commission's rules provide that all proceedings of the Commission, including complaints filed with the Commission, shall be kept confidential unless formal proceedings are filed. The confidentiality rule does not apply to the complainant or the judge against whom a complaint is filed.**
- **The Commission may find it necessary to disclose my identity and the existence of this complaint to the involved judge. By filing this complaint, I expressly consent to any such disclosure.**

VI. SIGNATURE

I declare that to the best of my knowledge and belief, the above information is true, correct and complete and submitted of my own free will.

Date

Signature

**Kansas Commission
on Judicial Qualifications**



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