



State of Kansas

Office of Judicial Administration

Kansas Judicial Center
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Topeka, Kansas 66612

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JUDICIAL ETHICS ADVISORY PANEL

December 5, 1984

Judicial Ethics Opinion JE-11

Where a husband and wife have practiced law together for a number of years under a firm name containing the names of both parties, and the husband is elected as District Magistrate Judge:

Question: May the wife continue her practice and handle civil and criminal matters?

Answer: Yes. Although she may not appear in any such matters before her husband, nor would her husband be permitted to appoint his wife in any such matter. (Canon 3B(4) and Canon 2.)

Question: May the husband/magistrate judge continue to prepare tax returns?

Answer: No. We are of the opinion that the preparation of tax returns by a lawyer constitutes the practice of Law. (Canon 5F.)

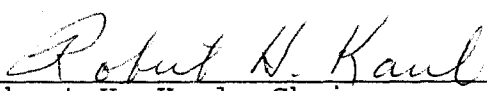
Question: May the husband advise those persons to whom he has provided legal services that he will no longer be available and suggest or recommend the services of his wife?

Answer: It is appropriate for the husband to advise his clients in pending cases that he is no longer available, but it is not appropriate for him to suggest or recommend the services of any particular lawyer. (Canon 2.)

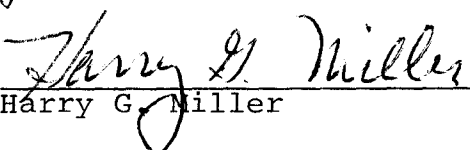
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Question: Is it appropriate for the firm to continue to use the firm's present letterhead during the interval prior to the time the husband takes office?

Answer: Yes.


Robert H. Kaul, Chairman


John W. Brookens


Harry G. Miller