



STATE OF KANSAS
BEFORE THE COMMISSION ON JUDICIAL QUALIFICATIONS

Inquiry Concerning
A Judge

Docket No. 1002

ORDER

Members of the Commission present included: Nancy Anstaett, Chair; William Swearer, Vice-Chair; Hon. J. Patrick Brazil; Hon. Theodore B. Ice; Christina Pannbacker; and Carolyn Tillotson. Hon. Jennifer L. Jones, recused.

FINDINGS OF FACT

There is no dispute regarding the facts set out below:

1. The Honorable Richard A. Shull, Respondent, is a Municipal Judge in Wichita, Kansas.
2. The Commission received an anonymous citizen complaint alleging that in court proceedings on October 22, 2007, the Respondent got mad, yelled, and used inappropriate language, including profanity.
3. The Respondent has no recollection of any such event occurring on October 22, 2007.
4. Respondent admits, however, that on October 23, 2007, he lost his temper and did use profanity in the courtroom. Respondent denies using the exact profanity that was set forth in the complaint.
5. A witness in the courtroom on October 23, 2007, concurs that the judge did yell and did use profanity in front of a courtroom full of people.
6. Respondent indicates he is embarrassed and ashamed of his actions and apologizes for losing his temper and expressing himself in an inappropriate manner.

CONCLUSIONS OF LAW

1. Canon 3B(4) of the Code of Judicial Conduct, Rule 601A, provides:

“B. Adjudicative Responsibilities.

.....

(4) A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers and others with whom the judge deals in an official capacity, and shall require similar conduct of lawyers, and of staff, court officials and others subject to the judge's direction and control.

2. The Commission has determined that Respondent violated Canon 3B(4) when he lost his temper and used profanity in a court proceeding.

IT IS THEREFORE ORDERED that the Honorable Richard A. Shull control his temper and cease and desist from using inappropriate language in court, in violation of the above-cited Canon.

This Order, if accepted, shall be made public pursuant to Rule 611(a). See 2007 Kan. Ct. R. Annot. 654.

The Secretary of the Commission on Judicial Qualifications is hereby instructed to mail a copy of 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) comply by accepting the Order by written acknowledgment directed to the Secretary of the Commission; or (b) refuse to accept the Order. Any agreement to comply or refusal to accept shall be served upon the Commission within twenty days from this date. In the event the Respondent shall not agree to comply by accepting this Order by written acknowledgment within said period, Respondent shall be deemed to have refused to accept this Order.

BY ORDER OF THE COMMISSION dated this 8th day of February, 2008.

COMMISSION ON JUDICIAL QUALIFICATIONS

By: Carol G. Green
Carol G. Green, Secretary

APPROVED & ACCEPTED

2-13-08
Date

Richard A. Shull
Richard A. Shull, Respondent