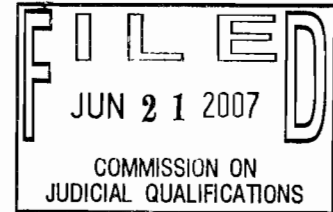




The Supreme Court of Kansas

KANSAS JUDICIAL CENTER
301 S.W. 10th Ave.
Topeka, Kansas 66612-1507



JUDICIAL ETHICS ADVISORY PANEL

Judicial Ethics Opinion JE 153

June 21, 2007

Questions: May a Chief District Judge assign a District Magistrate Judge to mediate domestic cases as a part of the judge's judicial duties in the judicial district they serve?

May the District Magistrate Judge ethically conduct the mediations?

Answers: K.S.A. 2006 Supp. 23-601 *et seq.* specifically provides in 23-602(a) that:

“The Court or hearing officer may order mediation of any contested issue of child custody, residency, visitation, parenting time, division of property or other issues, at any time, upon motion of a party or on the court's own motion.”

Mediation is defined by K.S.A. 2006 Supp. 23-601 and the considerations to be given in making the appointment are set forth in K.S.A. 2006 Supp. 23-602(b)(1) through (4).

We are of the opinion that given this statutory authority the Chief District Judge may properly appoint a District Magistrate Judge to perform the duties described by K.S.A. 2006 Supp. 23-601 *et seq.* and the District Magistrate Judge may ethically do so.

Comment: There have been substantial changes in the numbering and wording of the Canons upon which Judicial Ethics Opinion JE-41 and JE-54 were based and the current wording and definitions contained in Canon 4F and the Rules Relating to Mediation found at Rule 901 through 904 are currently applicable.



Adrian J. Allen, Chairman



Fred S. Jackson



Edward Larson