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# Supreme Court of Kansas

Kansas Judicial Center

301 W. 10th

Topeka, Kansas 66612-1507

JUDICIAL ETHICS ADVISORY PANEL

HOWARD SCHWARTZ  
Judicial Administrator



## Judicial Ethics Opinion JE 92

November 2, 1999

**QUESTION:** May a retired judge serve as an executor of the estate of a person to whom he or she is not related?

**DISCUSSION:** Canon 4E(1), 1999 Kan. Ct. R. Annot. 479, provides in part that

“a judge shall not serve as executor... except for the estate... of a member of the judges’ family...”

However, retired judges are exempt from this provision. Under APPLICATION OF THE CODE OF JUDICIAL CONDUCT, 1999 Kan. Ct. R. Annot. 486, we find this provision:

“B. Retired Judge. A retired judge who accepts judicial assignments is not required to comply at any time with Sections 4E, 4F, 4G, and 4H.”

**ANSWER:** Even though a retired judge accepts judicial assignments, the judge is specifically exempted from Canon 4E, and may serve as an executor.

Robert H. Miller, Chairman

Adrian J. Allen

Fred S. Jackson