

IN THE SUPREME COURT OF THE STATE OF KANSAS

FILED

Administrative Order

September 4, 2024

2024-RL-078

DOUGLAS T. SHIMA  
CLERK OF APPELLATE COURTS

**RE: Rules Relating to Judicial Conduct**

The court amends the attached Supreme Court Rule 640, effective the date of this order.

Dated this 4th day of September 2024.

FOR THE COURT



MARLA LUCKERT  
Chief Justice

## Rule 640

### JUDGES ASSISTANCE COMMITTEE

- (a) **The Committee.** A Judges Assistance Committee is created to provide assistance to any Kansas judge who is experiencing mental health issues such as depression, stress, grief, and anxiety; addiction issues such as alcohol abuse, drug abuse, and gambling; age-related issues; or any other issue that may affect the judge's quality of life or ability to perform the judge's judicial duties.
- (b) **Definition of "Judge."** For purposes of this rule, "judge" means any Supreme Court justice, Court of Appeals judge, district judge, district magistrate judge, Municipal Court judge, or any retired judge or justice accepting judicial assignments.
- (c) **Membership.** The Committee will consist of seven judges appointed by the Supreme Court and must always include at least two active district judges and two active district magistrate judges. The other three members may be active or retired judges. The court will consider population and geographical representation in the appointment process.
- (d) **Terms.** Each Committee member is appointed for a term of four years.
- (1)      The court will appoint a new member to fill a vacancy on the Committee occurring during a term. A vacancy occurs when a member no longer meets the qualifications for the appointment. A new member appointed to fill a vacancy serves the unexpired term of the previous member.
- (2)      No member may serve more than three consecutive four-year terms, except that a member initially appointed to serve an unexpired term may serve three more consecutive four-year terms. A member may serve additional terms after a break in service on the Committee. ~~A vacancy occurs when the qualifications for the appointment of any member are no longer met.~~
- (e) **Chair and Meetings.** The Supreme Court will designate one member as chair of the Committee. The Committee will meet when the need arises and when called by the chair.
- (f) **Objectives.** The Committee's has the following objectives ~~are to:~~
- (1) identify a judge whose ability to perform the judge's duties is affected by mental health issues such as depression, stress, grief, and anxiety; addiction

issues such as alcohol abuse, drug abuse, and gambling; age-related issues; or any other issue that may affect the judge's quality of life or ability to perform the judge's judicial duties;

- (2) arrange intervention in a manner that a judge involved will recognize issues that may affect the judge's quality of life or ability to perform the judge's judicial duties, accept help from the Committee and medical professionals, and be treated and monitored for a period of time so that the judge may return to performing judicial duties when able;
  - (3) recommend avenues of treatment and provide a program of peer support; and
  - (4) act as an advocate of a judge and assist the judge in recognizing issues that may affect the judge's quality of life or ability to perform the judge's judicial duties, in obtaining effective treatment when possible, and in returning to the responsible performance of the judge's profession.
- (g) **Office of Judicial Administration.** The Office of Judicial Administration will assist the Committee in achieving its purpose and objectives ~~by~~ through the following actions:
- (1) helping judges and other persons contact the Committee;
  - (2) educating the public and the legal community about the nature of issues that may affect the judge's quality of life or ability to perform the judge's judicial duties and developing a program that will generate confidence to warrant early referrals and self-referrals to the Committee so that such issues may be avoided, limited, or reversed;
  - (3) compiling and creating reports required by the Supreme Court; and
  - (4) providing any other assistance requested by the Supreme Court or the Committee.
- (h) **Contact.** Rather than asking the Office of Judicial Administration for assistance in contacting the Committee, a judge or anyone on the judge's behalf may contact the Committee or one of its members directly.
- (i) **Designees.** The Committee may designate persons to assist the Committee in its work.

- (j) **Immunity.** The Committee members, Office of Judicial Administration staff assisting the Committee, designees, and all other participants are entitled to the immunities of Rule 612 and are relieved from the provisions of Rule 8.3 of the Kansas Rules of Professional Conduct, Rule 2.15(A) and (C) of the Kansas Code of Judicial Conduct, and Rule 210 as to work done for and information obtained in carrying out the Committee's work.
- (k) **Confidentiality.** All proceedings, information, meetings, reports, and records of the Committee or the Office of Judicial Administration pertaining to individual judges are privileged and must not be divulged except as follows:
  - (1) when a judge fails or refuses to address the issues of concern, the Committee, upon a vote of the majority, may refer the matter to the Commission on Judicial Conduct;
  - (2) when a judge has been referred to the Committee by the Commission on Judicial Conduct, the Committee will provide progress reports and recommendations to the Commission;
  - (3) when the Committee, upon a vote of the majority, seeks the assistance of the Kansas Lawyers Assistance Program;
  - (4) when the judge consents to the release of information; or
  - (5) by order of the Supreme Court.
- (l) **Annual Report.** The Committee must file an annual statistical report of its activities with the Supreme Court and the Commission on Judicial Conduct. The court may order additional reports.
- (m) **Internal Procedural Rules.** The Committee may adopt rules of procedure consistent with this rule.
- (n) **Expenses.** Members and designees of the Committee will be reimbursed their actual and necessary expenses, including the use of professional intervention assistance, incurred in the discharge of their official duties. Any psychological, medical, or rehabilitative programs undertaken will not be the financial responsibility of the Committee.
- (o) **Cooperation.** A judge's interaction with the Committee is voluntary. However, a judge's cooperation, or failure to cooperate, with the Committee may be considered by the Commission on Judicial Conduct and the Supreme Court in any disciplinary proceeding.