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FILED

2002 SC 30

2002 MAY -6 IN THE SUPREME COURT OF THE STATE OF KANSAS

CAROL G. GREEN, CLERK APPELLATE COURTS
RULES RELATING TO JUDICIAL CONDUCT

RULE 601A

CODE OF JUDICIAL CONDUCT
CANON 4H

Canon 4H is hereby amended, effective January 1, 2002:

H. Annual reporting of Compensation, Fees and Commissions, Ownership Interests, Expense Reimbursement, Positions, and Liabilities, and Reporting. A judge may receive compensation, fees and commissions, and reimbursement of expenses for the quasi-judicial and extra-judicial activities permitted by this Code, if the source of such payments does not give the appearance of influencing the judge in the performance of judicial duties or otherwise give the appearance of impropriety, subject to the following restrictions set out below. Ownership interests, positions, and liabilities are reportable as set out below.

- (1) Compensation. Compensation should not exceed a reasonable amount nor should it exceed what a person who is not a judge would receive for the same activity. Compensation means income received for the personal services of the judge in an amount in excess of \$100 from any single payor or \$1,000 or more from all payors during the reporting period. Reportable compensation means income received for the personal services of the judge in an amount in excess of \$500 from any single payor or in excess of \$3,000 from all payors during the reporting period; income received for the personal services of the judge's spouse in an amount in excess of \$3,000 from a single source during the reporting period; and income derived from business; royalties, including ownership of mineral rights; annuities; life insurance and contract payments.
- (2) Fees and Commissions. A judge shall report each client or customer who pays fees or commissions to a business or combination of businesses from which fees or commissions the judge or the judge's spouse received an aggregate in excess of \$3,000 during the reporting period. The phrase "client or customer" relates only to businesses or combination of businesses. The term "business" means any corporation, association, partnership, proprietorship, trust, joint venture, or a governmental agency unit, or a governmental subdivision, and every other business interest.

including ownership or use of land for income. The term "combination of businesses" means any two or more businesses owned or controlled directly by the same interests. The term "other business interest" means any endeavor which produces income, including appraisals, consulting, authorships, inventing or the sale of goods and services.

- (3) Ownership Interests. A judge shall report any corporation, partnership, proprietorship, trust, retirement plan, joint venture, and every other business interest, including land used for income, in which either the judge or the judge's spouse, dependent children, or dependent step children have owned a legal or equitable interest exceeding \$5,000 during the reporting period.
- (4) (2) Expense Reimbursement. Expense reimbursement should be limited to the actual cost of travel, food, and lodging reasonably incurred by the judge and, where appropriate to the occasion, by the judge's spouse. Any payment in excess of such an amount is compensation, except that travel expenses or subsistence allowances paid by the state or any political subdivision is are not compensation.
- (5) Positions. A judge shall report any business, organization, labor organization, educational or other institution or entity in which the judge now holds or has held a position of officer, director, associate, partner, proprietor, trustee, guardian, custodian, or similar fiduciary, representative, employee, or consultant at the time of filing this report or during the reporting period.
- (6) Liabilities. A judge shall report all of the judge's, the judge's spouse's, dependent children's, and dependent step children's liabilities to any creditor which exceeded \$10,000 at any time during the reporting period except for any liability owed to a spouse, parent, brother, sister, or child; any mortgage secured by real property which is a personal residence of the judge or the judge's spouse; any loan secured by a personal motor vehicle, household furniture, or appliances that does not exceed the purchase price of the item securing the liability; any revolving charge account, the balance of which did not exceed \$10,000 at the close of the reporting period; and political campaign funds.
- (7) (3) Public Reports. A judge shall report annually the date, place, and nature of any activity for which the judge received compensation as defined by Canon 4H(1), the name of the payor and the amount of compensation so received information listed in Canon 4D(5)(b), (h) and 4H(1) - (6) on a form provided by the Commission on Judicial Qualifications. The

judge's report for the preceding calendar year shall be filed as a public document in the office of the Clerk of the Appellate Courts on or before April 15 of each year.

By order of the Court, this 3rd day of May, 2002.



Kay McFarland
Chief Justice