



STATE OF KANSAS

BEFORE A HEARING PANEL FOR FORMAL JUDICIAL COMPLAINTS

Inquiry Concerning a Judge)
)
Frederick N. Stewart)

Docket No. 993

PREHEARING CONFERENCE ORDER

NOW, on this 12th day of September, 2008, comes on for hearing before a Hearing Panel of the Commission on Judicial Qualifications in the above-referenced docket a prehearing conference. The presiding officer is the Honorable Robert J. Fleming, Chair of the Hearing Panel. The Examiner, Edward G. Collister, Jr., appears on behalf of the Commission on Judicial Qualifications and attorney Michael D. Gibbens, Basehor, Kansas, appears for Respondent.

The following matters are considered and order entered.

1. On June 3, 2008, the Commission on Judicial Qualifications filed a Notice of Formal Proceedings against Hon. Frederick N. Stewart, a District Court Judge of the 1st Judicial District, Leavenworth, Kansas, alleging that Judge Stewart had violated the Canons of Judicial Conduct by violations arising out of his relationship with his administrative assistant and the discharge of his administrative duties with regard to her employment.
2. On July 15, 2008, a prehearing conference was scheduled for September 12, 2008.
3. On August 19, 2008, Respondent filed an Answer to the Notice of Formal Proceedings.
4. On August 28, 2008, Respondent transmitted to Chief Justice McFarland a letter in which he resigned his position as district court judge, effective October 1, 2008.

5. Our Supreme Court has, on prior occasions stated, "The aim of judicial discipline 'is the maintenance of the honor and dignity of the judiciary and the proper administration of justice rather than the punishment of the individual.'" *In re Robertson*, 280 Kan. 266, 273, 120 P.3d 790 (2005). See also *State ex rel. Commission on Judicial Qualifications v. Rome*, 229 Kan. 195, 206, 623 P.2d 1307 (1981).

6. In light of Judge Stewart's resignation from office and the above-cited aim of judicial discipline, this panel has determined to stay the proceeding until such time as Respondent should seek or accept judicial assignments or seek another judicial position within the State of Kansas.

Dated: September 12, 2008

FOR THE COMMISSION:


Hon. Robert J. Fleming, Chair

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above-captioned Order was provided to Michael D. Gibbens, Gibbens, Sutton & Sonntag, L.L.C., 15510 State Avenue, Suite 10, Basehor, Kansas 66007 and Edward G. Collister, Jr., Collister & Kampschroeder, 3311 Clinton Parkway Court, Lawrence, KS 66047, by hand-delivering same on the 12th day of September, 2008.


Carol G. Green, Secretary