

STATE OF KANSAS

## Office of the Attorney General

1st Floor, State Capitol Bldg. (913) 296-2215 Topeka, Kansas 66612

**Curt T. Schneider**  
Attorney General

May 22, 1978

ATTORNEY GENERAL OPINION NO. 78-177

Mr. Anthony Lopez  
Executive Director  
Kansas Civil Rights Commission  
535 Kansas Avenue  
Topeka, Kansas 66603

Re: Civil Rights--Hearing Examiners--Pro Tem

Synopsis: The Civil Rights Commission may contract with a local attorney to serve as a pro tem hearing examiner under House Bill 2889 signed in to law April 12, 1978.

\* \* \*

Dear Mr. Lopez:

You inquire whether a contract with a local attorney for legal services could include service as a pro tem hearing examiner under House Bill 2889 enacted by the Legislature and signed by the Governor on April 12, 1978 and effective July 1, 1978.

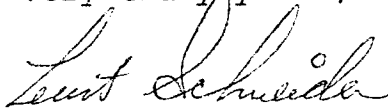
In pertinent part House Bill 2889 provides as follows:

"In addition, the Commission may employ pro tem hearing examiners when necessitated by the incapacity or disqualification of the full time hearing examiners. Such hearing examiner shall be admitted to practice law before the Supreme Court of Kansas. The appointment and compensation of legal counsel, except those members of the legal staff serving as hearing examiners, shall be approved by the Attorney General."

Mr. Lopez  
Page two  
May 22, 1978

In our view, nothing contained in this bill would prohibit the Civil Rights Commission from contracting with a local attorney to serve as a pro tem hearing examiner while providing other legal services to the commission so long as no conflict of interest develops. Therefore, under the existing contract with David Ryan, service as a pro tem hearing examiner may be included as legal services. Clearly, under House Bill 2889, the office of the Attorney General would not have to approve any arrangements in the contract concerning Mr. Ryan's service as a hearing examiner. I sincerely hope that this answers any questions you might have.

Very truly yours,

  
CURT T. SCHNEIDER  
Attorney General

CTS:WEM:sac