

JUDICIAL ETHICS UPDATE

December 1987

This is the sixth annual Judicial Ethics Update from the Ethics Committee of the California Judges Association. This summary includes unofficial and informal opinions rendered since the last Update, in areas of current interest to California judges.

The Ethics Committee reminds the judges that questions which are legal in nature or propounded by non-judges are not answered.

I. Civic and Charitable Activities.

- A. A judge may not donate goods, imprinted with the judge's name, to be auctioned in a fundraiser for a non-judicial candidate. Canon 7A(1)(c).
- B. A retired judge who sits on assignment (regularly or occasionally) may not personally solicit funds for a charity. Compliance §C.
- C. A judge may not act as honorary chairperson of the anniversary dinner of a charitable organization where one of the purposes of the dinner is to raise funds. Canon 5B(2).
- D. A judge may not serve as "Host" of a fundraising dinner for a foundation sponsored by a local bar association. Canon 5B(2).
- E. It is not unethical for a judge to serve on a "Blue Ribbon" committee whose purpose is to study the administrative structure of a legal services organization and to make recommendations for administrative improvements. Canon 4.
- F. A judge may appear before a zoning board in regard to property owned by the judge and appear before a school board to comment on proposed cutbacks affecting the judge's children so long as the judge is not identified as a judge. Canon 4B.

II. Political Activities.

- A. It is inappropriate for a judge to be a guest of honor at a fundraising event for a partisan political organization. Canon 7A(1)(c); Canon 5B(2).
- B. It is not unethical to wear a robe and to appear on television to support a judicial candidate in a contested election. Canon 7A(1)(b); Opinion #36.
- C. A judge's name can be included on a letter soliciting funds for the campaign of another judge involved in a contested judicial election. Canon 7A(1)(c).

- D. There is no prohibition in the Canons against a judge's spouse endorsing a candidate for political office so long as neither the judge's name nor the judge's title is used. Canon 3C(2); Canon 2B.

III. Conduct Outside the Courtroom.

- A. It is not unethical for a recently appointed judge to send letters to clients informing them of the appointment and the association of another attorney on their cases. ----
- B. There is no ethical prohibition on the receipt of contingent fees or referred fees that were earned by a judge prior to going on the bench. Canon 6.
- C. There is no ethical prohibition for a new appointed judge who has been the head of a department in a District Attorney's Office to consult with the new department head and discuss administrative matters affecting the department so long as the consultation did not involve, even indirectly, pending cases. Canon 4A.
- D. It is unethical for a judge to appear on a television commercial to say good things about a particular project. Canon 2B.
- E. It is unethical for any sitting judge to play the role of a judge on commercially-sponsored television programs. Canon 2B.

IV. Conduct in the Courtroom.

- A. It is not unethical for a former Public Defender newly appointed to the bench to hear cases in which the Public Defender's Office represents the Defendant. However, the judge should not hear any matters in which the judge had any knowledge of the facts or legal issues in the particular cases. Canon 3C(1)(a), (b).
- B. There is no ethical prohibition against a judge presiding over a preliminary hearing involving a member of the judge's Board of Supervisors. The fact that the Board provides funds for the court is not a disqualifying financial interest. Canon 3C(3).
- C. A judge does not have such a financial interest in a party (a doctor), requiring recusal, when the judge only visited that doctor once and sent the bill to the judge's insurance carrier. Canon 3C(1)(c).

V. Education.

- A. It is not unethical to receive an honorarium for giving a lecture at a private law school. Judges are cautioned of the possible application of Article 6 Section 17 of the California Constitution which respect to accepting remuneration from a State institution. Canon 6.