

JUDICIAL ETHICS UPDATE

November 1984

This is the third annual Judicial Ethics Update from the Ethics Committee of the California Judges Association. The following is a summary of what we feel were items of the widest interest among the California Bench during the last year. The following is a summary of unofficial opinions (by the Chair) and informal opinions (letter responses sent to inquiring judges) and attached copy of a formal opinion which constitutes a revision of a former formal Opinion No. 27.

It should be noted that questions are often presented to the Ethics Committee which we are unable to answer as they are legal in nature. For example, questions regarding the propriety of a judge teaching subjects connected to the law. If such teaching constitutes “public employment,” then it may be prohibited by Article VI, Section 17 of the California Constitution even though ethically the Committee feels that judges properly should be allowed to teach (on their own time, of course).

I. Civic and Charitable Activities.

- A. Judges may be members of local citizens committees for various community betterment programs, but must be careful to avoid fundraising activities and to avoid groups who are frequently before the courts and might require disqualification.
- B. It is inappropriate for a judge to submit a ballot argument.
- C. A judge should not serve on the United Way Board of Directors as this is solely a fund-raising activity.

II. Political Activities.

- A. A judge of either the municipal or superior court may ethically wear his or her robe for judicial campaign photos. Attorney General’s Opinion CR78/19IL of August 15, 1978 takes the position that a municipal court judge may not do so because such judge is a “local” officer or employee and that the robe is a “uniform” under Government Code Section 3206. The Ethics Committee disagrees with that opinion, especially disagreeing that a municipal court judge is not an “officer or employee of the local agency.”
- B. Judges may not pay “assessments” to a political organization. All judges should read and be aware of the political contribution limits in Canon 7A(1)c.
- C. A judge may hold a fund-raising event for a judicial candidate.

- D. A judge should not be an associate member of a political party central committee.
- E. A judge may act as moderator of a board of supervisors candidates debate night.
- F. A judge should not serve on a public board that endorses political candidates.
- G. A judge may endorse a ballot measure regarding the choice of election versus appointment of the marshal of that court. A judge should not become part of a committee regarding that question if the judge would become a leader of a political organization or would be involved in fund-raising.

III. Conduct Outside the Courtroom.

- A. Judges may submit articles to newspapers or other print media on subjects of law and courts but must avoid commenting on pending or impending proceedings in any court.
- B. It is permissible for a judge to be a trustee of a local non-profit corporation that operates a primary private school. However, the judge must avoid all fund-raising activities.
- C. It is permissible for a judge to submit a statement to an administrative hearing officer regarding the importance of attorneys representing individuals before the court and the quality of services rendered by a legal services agency.
- D. A judge may send a letter to the State Bar regarding attorneys qualifications.
- E. A judge may be a guest on a radio/talk show. Judges are referred to Opinion 28 for assistance in any media appearance outside of the courtroom.
- F. It is inappropriate for a judge to serve on a committee investigating the conduct of a public official.
- G. A judge may serve on a committee of the State Bar.

IV. Conduct in the Courtroom.

- A. A judge whose clerk received a gift from an attorney appearing before the judge need not direct the clerk to return the gift but should discourage the attorney from conferring such a gift.

V. Education

- A. A judge may use his or her title when authoring a book on a legal subject.