

JUDICIAL ETHICS UPDATE

November, 1990

This is the ninth Judicial Ethics Update from the Ethics Committee of the California Judges Association. The Update highlights areas of current interest from more than 185 informal responses rendered since October 1989 to judges' questions on the Code of Judicial Conduct.

The Ethics Committee, as a matter of policy, does not answer inquiries which it determines to be legal in nature. All opinions of the committee are advisory only. Judges may direct questions on the Code of Judicial Conduct to the Ethics Committee by writing or calling the CJA office or any Ethics Committee member.

I. Civic and Charitable Activities.

- A. It is permissible for a judge to appear with a police officer at a high school to talk about gangs and drugs to a gathering of teachers and parents. Canon 4A.
- B. A judge may solicit funds from a foundation to fund a study of the juvenile justice system in that judge's county as long as it is not a public solicitation. Canon 4C.
- C. It is inappropriate for a judge to write a letter to the Governor requesting funds or to appear at a press conference to publicize the needs for funds for a women's abuse center, the purpose of which was to educate children regarding abuse prevention in the school. Canon 5B(2).
- D. A judge may serve as a member of the board of directors of a law school but may not be publicly involved in fundraising. Canon 5B(2).
- E. A judge who serves on the board of directors of a charitable organization may participate in a board meeting with a potential donor as long as there is no direct or indirect solicitation of funds personally by the judge. Canons 2B, 5A, 5B; Opinion 41.

II. Political Activities.

- A. A judge and spouse may not host a "meet the candidate night" cocktail party at their home even though there would be no campaign fund solicitation or entry charge. Canons 7A(1)(b) & 7A(3).
- B. Commissioners are bound by all of the Canons of Judicial Conduct. A commissioner is not responsible for the conduct of his/her spouse regarding the spouse's contributions. Canons 7.5(c)(4) and Compliance Section.

- C. Judges may not endorse legislative bills unless the measure relates strictly to the administration of justice. Canon 4B.
- D. A judge residing at 301 Howard Street, Suite 1040, San Francisco, CA 94105 is a candidate for judicial office. (Whether or not government provided letterhead can be used is not an ethical question.) Canon 7.
- E. A judicial officer running for election/reelection may publish photographs of himself/herself in a judicial robe. Canon 7.
- F. An initiative campaign is an “organization” for purposes of Canon 7. Contributions to an initiative campaign fall within the \$500- and \$1,000-per year limitations. Canon 7.
- G. A judge may not publicly endorse a bond measure for improvements to the local high school. Canon 7A(3).

III. Conduct Outside the Courtroom.

- A. A judge who has interviewed for a job with a local law firm should decline to hear cases from that firm because of the appearance of partiality. The disqualification is remittable. Once the judge is no longer considered for employment, there would be no reason for disqualification or disclosure. Canons 2, 3C(1).
- B. It would be improper for a judge to perform a mock wedding when the couple was legally married in another state without first making that fact known to all in attendance. Canon 2A.
- C. Lecturing to a police narcotics team is permissible as long as the judge teaches law, procedure, or practice. A judge may not coach the officers on how to win. A judge should also consider whether this activity creates the appearance of partiality. Canons 2, 4.
- D. The writing of a character reference in support of a long-time student friend’s college application is inappropriate because it violates the rule against general character references. Canons 2, 4, Opinion 40.
- E. Where a member of the county board of supervisors is being prosecuted in a criminal action, a judge is required to recuse himself/herself only if he/she believes that he/she cannot be fair and impartial. Fear that the board of supervisors might retaliate in court funding is not a basis for recusal. Canon 3C(1).
- F. A judge who has a checking account at a credit union need not disqualify himself/herself when the credit union appears in a default matter. This is not the type of financial interest which requires disqualification. Canon 3C.

IV. Conduct in the Courtroom.

- A. A judge presiding over a trial and learning of a tax fraud by a litigant does not have a duty to report the crime or wrong by a litigant greater than any other citizen. However, if the judge is the only one in a position to report the fraud and does not do so, this may erode the public confidence in the integrity of the judiciary. Canon 2A.