

California Judges Association
OPINION NO. 12

(Originally issued: February 1962)

USE OF TITLE “JUDGE, RETIRED,” ON LETTERHEAD

AUTHORITY: Canons 6A, 6B and 6C

I. Background

A judge has requested an opinion on the propriety of using the title “Judge, retired” on the judge’s letterhead stationery. The judge is not going to resume membership in the State Bar, but hopes to be assigned by the Judicial Council from time to time to sit on the Superior Court.

A second question presented to the Committee on the same general subject was not asked by any particular judge, but was submitted to the Ethics Committee by the Board of the Conference of California Judges as a companion question. The question is whether or not it would be proper for a retired judge who practices law to refer to himself or herself as “Judge, retired” on his or her stationery.

II. Questions

1. Is it proper for a judge who is not going to resume membership on the State Bar to use the title “Judge, retired” on his or her stationery?

2. Is it proper for a retired judge who practices law to refer to himself or herself as “Judge, retired” on his or her stationery?

III. Answer

The answer to question 1 is yes, and the answer to question 2 is no.

IV. Discussion

It is the opinion of the Committee that, under the circumstances related in the first inquiry, it would be proper, and not in violation of any canon, for the judge to use the title “Judge, retired” on his or her stationery. However, the judge should not use such stationery in connection with the promotion of any business or charity.

The Committee is of the opinion that it would be improper for a retired judge who practices law to use the title “Judge, retired” on his or her stationery. A retired judge who returns to the practice of law becomes an active member of the State Bar and is governed by the Canons of Ethics applicable to the members of the Bar, as well as the Rules of Professional Responsibility governing attorneys. An opinion in accord with that of the Committee concerning the propriety of the use of the title “Judge” on letterheads by a lawyer has been rendered by the Committee on Professional Ethics and Grievances of the American Bar Association. The opinion of the American Bar Association Committee is numbered 119 and may be found in the Appendix to the American Bar Association Opinions of the Committee on Professional Ethics and Grievances (1957) at page 633, on Letterheads.

This opinion is advisory only. The Committee acts on specific questions submitted, and its opinion is based on facts as set forth in the question submitted.

COMMITTEE ON JUDICIAL ETHICS
February 1962