

# California Judges Association

Fox Plaza, Suite 416 • 1390 Market Street • San Francisco, California 94102 • (415) 552-7660

December 15, 1982

## EXECUTIVE BOARD 1982- 1983

Hon. Ronald M. George  
President  
Hon. Jay R. Ballantyne  
Vice President  
Hon. Steven R. McNelis  
Vice President  
Hon. Margaret J. Kemp  
Secretary-Treasurer  
Hon. William R. Bailey, Jr.  
Hon. George A. Brown  
Hon. Nancy M. Brown  
Hon. Ira A. Brown, Jr.  
Hon. Richard P. Byrne  
Hon. Brian D. Crahan  
Hon. George M. Dell  
Hon. Roderic Duncan  
Hon. Allen P. Fields  
Hon. James E. Kleaver  
Hon. Royce R. Lewellen  
Hon. Fred W. Marler, Jr.  
Hon. John C. Minney  
Hon. Jean Morony  
Hon. Paul E. Overton  
Hon. Eugene M. Premo  
Hon. Zalman J. Scherer  
Hon. G. Tom Thompson  
Hon. James K. Turner

Sue U. Malone  
Executive Director

Dear Judge:

Enclosed is the first edition of the Judicial Ethics Update, a report to the membership on formal opinions rendered by CJA's Judicial Ethics Committee since its inception in 1950, and informal opinions rendered by that committee since the fall of 1978. It is our intention that future issues of Judicial Ethics Update be sent to you on a semi-annual basis. The Update will aid in keeping you informed with respect to questions posed and opinions rendered in the area of judicial conduct.

We are most grateful to Howard Schwartz, immediate Past Chairman of the Judicial Ethics Committee, for researching and compiling this first edition; he was aided by Bob Byers, current Chairman of the committee.

Over the years the Judicial Ethics Committee has met and rendered a series of both formal and informal opinions, most of which were initiated at the request of individual judges. As of September, 1982, the committee had rendered 27 formal opinions. Of these, 15 were deemed to be not authoritative following the adoption in 1975 of the California Code of Judicial Conduct. The balance are authoritative and reference is made to them in this report.

The Judicial Ethics Committee is governed by rules under Article VI, Section 4 of the Association by-laws which provide for a 15-member committee whose purpose includes: considering requests from judges for construction of the California Code of Judicial Conduct; interpreting the Code; proposing amendments to the Code; and studying problems concerning judicial ethics. A vote of 10 out of 15 members of the committee is required in order to render an opinion (formal or informal), report, or recommendation. Except in correspondence directly with a judge requesting an opinion, reports of the committee do not include the name of the judge whose conduct may have been the subject of discussion.

Formal opinions are rendered only when it is determined by the committee that the opinions have such significance that the entire judiciary should be informed. These opinions are disseminated to the membership at the time rendered. Informal opinions, until now were rendered only to the judge requesting interpretation of the Code with respect to a specific fact situation. Immediate Past President Earl Cantos felt that judges would benefit from receiving a report of informal opinions and the Executive Board agreed. Thus evolved this first in a series of semi-annual reports on the opinions of the committee regarding questions which are of widespread and recurring concern.

Judicial Ethics Update has been categorized into the following major classifications:

- I. Civic and Charitable Activities
- II. Political Activities
- III. Business Activities
- IV. Conduct Outside of the Courtroom
- V. Conduct Within the Courtroom
- VI. Educational Activities
  - A. Judicial Education Activities
  - B. Legal Education Activities

Each opinion is immediately followed by the date rendered and a brief citation to the authority upon which the committee relied, or, if available, a brief resume of its reasoning. The notation "Advisory Only" appears on any opinion where fewer than a quorum of 10 committee members rendered the opinion.

We believe this Update will be a great service and interest to the membership as a quick reference source for opinions on questions that affect judges from time to time. We invite your comments with respect to the report's format in order to improve its relevance and value to you.

Sincerely,

Sue U. Malone  
Executive Director

SUM: gk

Attachment