

JUDICIAL ETHICS UPDATE

December 1983

I. Civic and Charitable Activities.

- A. The Ethics Committee reaffirmed its opinion that a judge is prohibited from allowing his or her name to appear in the letterhead of a scholarship fund committee when such letterhead is to be used in soliciting members of the bar and corporations to donate money to that fund.
- B. Opinion 31 – “Legal Aid” Boards
A judge should not serve as a member of a board of directors of a legal aid society wherein attorneys appear in the court where the judge serves and which is funded by and subject to policies of the Legal Services Corporation.

II. Political Activities.

- A. There is no prohibition under the Code of Judicial Conduct which would prohibit a judge who is up for election being endorsed by a partisan political office holder.
- B. It is inappropriate for a judge to endorse a candidate for the State Bar Board of Governors, a public office.
- C. A judge may personally solicit funds for his own election campaign. The question of how to use or distribute unneeded funds creates a number of problems –

III. Business Activities.

- A. A judge may not retain a real estate and brokerage license in this state after becoming a judge. Canon 5C(1), and 5D, 2A and 2B.
- B. It is inappropriate for a judge to serve as executor of the estate of a former client even though the estate be small and there would be no significant fee.
- C. A judge may not serve as a director of a bank. Canon 5C(2).

IV. Conduct Outside of the Courtroom.

- A. After taking the oath of office, a judge must refrain from giving legal advice to former clients in the course of “winding down” a law practice.

- B. It is inappropriate for a judge to serve as an arbitrator or mediator on a Board of Inquiry considering exclusion of a member from a private club.
- C. A judge may properly respond to a probation department inquiry concerning a defendant of whom the judge has personal knowledge.
- D. A judge may properly be interviewed by TV, radio or other media about his hobbies, avocations, et cetera, even though identified as a judge.
- E. Opinion 28 (attached) – Radio/TV appearances
This opinion outlines a judge’s ethical restrictions when appearing on radio or television programs. Although the opinion concerns a specific fact situation, it should serve as a guide for most situations which may confront a judge in similar circumstances.
- F. Opinion 30 (attached) – National Guard
This opinion states that it is permissible for a judge or commissioner to be a member of the California Army National Guard and further discusses the judge’s role in legal matters which might arise therein.

V. Conduct Within the Courtroom.

- A. A judge who is the landlord to a lawyer who appears before the judge, is disqualified from hearing the action in which the lawyer appears.

VI. Educational Activities.

- A. Opinion 29 (attached) – Invitations to Retreats, Lunches, and Judicial Teaching
This opinion concerns the propriety of a judge accepting invitations from law firms to attend various functions wherein the judge would become involved as a teacher, speaker, panelist, et cetera.

Judicial Ethics Update

Opinions of the California Judges Association
Ethics Committee for the 1983 term
Hon. Robert K. Byers, Chairperson