

JUDICIAL ETHICS UPDATE

December 1988

This is the seventh annual Judicial Ethics Update from the Ethics Committee of the California Judges Association. This summary includes unofficial and informal opinions rendered since the last Update, in areas of current interest to California judges.

The Ethics Committee reminds the judges that questions which are legal in nature or propounded by non-judges are not answered.

I. Civic and Charitable Activities.

- A. It is permissible to serve on the board of a Neighborhood Watch program, a nonprofit group formed to educate citizens in crime prevention, with no fundraising and no likelihood of litigation. Opinion 31, Canon 4.
- B. A judge should discontinue membership in an organization that is regularly involved in promoting legislation or regularly takes a public position on issues that come before the court. Opinion 31.
- C. It is inappropriate for a Judge to give mock bail settings as a fundraiser for a charity. Canon 5B(2).
- D. A judge may not be a guest of honor, or “roasted” at a fundraising event of a civic or charitable organization if the “roast” is promoted as a reason to attend the event or contribute money. Canon 5B(2).
- E. A judge whose name has been used without authorization by a charitable organization for fundraising purposes should notify the organization and direct no further use of the judge’s name. Canon 5B(2).
- F. A judge may sign a public advertisement sponsored by a community group to discourage drinking drivers, if there is no fundraising connected to the advertisement. Canon 5B(2).

II. Political Activities.

- A. It is inappropriate for a judge to endorse a candidate for school board, but the judge has no obligation when the candidate is endorsed by the judge’s spouse, in the spouse’s own name. Canon 7A(1)(b).
- B. It is permissible for a judge to endorse a deputy D.A. or another attorney running for a judicial office, and the judge may appear in campaign literature wearing the judicial robe. However, the judge should not hear any matters in which the Deputy D.A. (or

- lawyer) does appear, and the judge should not endorse if the deputy D.A. is regularly engaged in proceedings before the judge. Canon 7A(1)(b), Opinion 36, Canon 5B, 3C.
- C. When campaigning for public office, a person who serves as a judge pro tem should make it clear that judicial duties are as a “judge pro tem” and not a “judge”. Compliance §B.
 - D. It is permissible for a court or its judges to take a public position on a ballot proposition which affects judicial funding and the administration of justice. Opinion 32.

III. Conduct Outside the Courtroom.

- A. A newly appointed judge may not allow his name to continue in use on the letter of his former law firm. Canon 5F.
- B. A judge may not judge a moot court competition where the issue in the competition is presently pending in the judge’s court. Canon 36.
- C. A judge may appear and speak to the city council on matters directly affecting the judge’s family, property, or municipal rights, but may not speak publicly on larger issues such as taking a position on Nicaragua or Iran, and the judge should not identify herself or himself as a judge. Canon 4B.
- D. A judge aware of criminal conduct such as perjury has the same duty as any other citizen, and should report significant violations of law not otherwise known to law enforcement or disciplinary authority. Canons 1, 2A, 3B(3).
- E. A judge may appear on a television program panel discussing child abuse, and may explain the sentencing procedures set by statute, but should avoid interpretive questions based on specific facts. The judge may be well advised to obtain the program format and questions in advance. Canon 3A(6), Opinion 28.
- F. A retired judge who continues to accept assignments may not render consulting services in litigation in exchange for office space from a law firm. Opinion 38, Canon 5F.
- G. A judge who wishes to run for political office and will take a leave of absence to do so may not practice law during the leave of absence. Constitution VI §17, Canon 5F.

IV. Conduct in the Courtroom.

- A. A judge who received a letter from the mayor protesting a bail setting should disclose the fact of the communication but is not disqualified unless the judge has a personal bias or prejudice. Canon 3C(1)(a).

- B. A judge handling an ongoing case may report a decision or ruling in the case, or give a copy of the ruling to the press, and may answer questions about procedural aspects of the case, but should not otherwise discuss the ruling. Canon 3A(6).
- C. A judge hearing criminal cases whose spouse is a deputy district attorney, need not obtain written waivers from the parties or disclose the relationship, except in cases on which the attorney spouse has in any way participated. Canon 3C(1) (d) (ii).