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## CALIFORNIA CODE OF JUDICIAL ETHICS

ANNOTATED BY  
THE CALIFORNIA SUPREME COURT  
COMMITTEE ON JUDICIAL ETHICS OPINIONS

WITH PUBLIC DISCIPLINARY DECISIONS  
ISSUED BY  
THE CALIFORNIA COMMISSION ON JUDICIAL PERFORMANCE

The **CJEO Annotated California Code of Judicial Ethics: CJP Decisions** contains annotations prepared by the California Supreme Court Committee on Judicial Ethics Opinions (CJEO), which holds the copyright to this document. The annotations consist of historical notations about the effective and amendment dates of the canon provisions and advisory committee commentary in the official [California Code of Judicial Ethics](#), and summaries of decisions from the Commission on Judicial Performance (CJP) that are relevant to specific canon provisions and advisory committee commentary. These notations and annotations are marked as **Historical Notes** and **CJP Annotations**.

For convenience and to facilitate further research of CJP public disciplinary decisions, the subheadings used in the annotations in the **CJEO Annotated California Code of Judicial Ethics: CJP Decisions** mirror the categories of judicial misconduct used by the CJP in the Types of Misconduct section of the [Public Decisions Database](#) on the [CJP website](#). The canons are reproduced in full at the start of each section. Specific portions of the canon – along with interpretative Advisory Committee commentary, Historical Notes, and CJP Annotations follow. The CJP Annotations are listed in reverse chronological order, with the most recent decisions listed first.

CJEO also publishes a version of the California Code of Judicial Ethics annotated with all CJEO advisory opinions, which is available separately on the CJEO website, titled **CJEO Annotated California Code of Judicial Ethics: CJEO Opinions**.

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## PREFACE

Formal standards of judicial conduct have existed for more than 65 years. The original Canons of Judicial Ethics promulgated by the American Bar Association were modified and adopted in 1949 for application in California by the Conference of California Judges (now the California Judges Association).

In 1969, the American Bar Association determined that then current needs and problems warranted revision of the canons. In the revision process, a special American Bar Association committee, headed by former California Chief Justice Roger Traynor, sought and considered the views of the bench and bar and other interested persons. The American Bar Association Code of Judicial Conduct was adopted by the House of Delegates of the American Bar Association August 16, 1972.

Effective January 5, 1975, the California Judges Association adopted a new California Code of Judicial Conduct adapted from the American Bar Association 1972 Model Code. The California code was recast in gender-neutral form in 1986.

In 1990, the American Bar Association Model Code was further revised after a lengthy study. The California Judges Association again reviewed the model code and adopted a revised California Code of Judicial Conduct on October 5, 1992.

Proposition 190 (amending Cal. Const., art., § 18, subd. (m), operative March 1, 1995) created a new constitutional provision that states, “The Supreme Court shall make rules for the conduct of judges, both on and off the bench, and for judicial candidates in the conduct of their campaigns. These rules shall be referred to as the Code of Judicial Ethics.”

The Supreme Court formally adopted the 1992 Code of Judicial Conduct in March 1995, as a transitional measure pending further review.

The Supreme Court formally adopted the Code of Judicial Ethics effective January 15, 1996.

The Supreme Court has formally adopted amendments to the Code of Judicial Ethics on several occasions. The Advisory Committee Commentary is published by the Supreme Court Advisory Committee on the Code of Judicial Ethics.

➤ **Historical Note:**

*Preface amended effective January 21, 2015; previously amended effective January 1, 2013 and April 15, 1996; adopted effective January 15, 1996.*

## PREAMBLE

Our legal system is based on the principle that an independent, fair, and competent judiciary will interpret and apply the laws that govern us. The role of the judiciary is central to American concepts of justice and the rule of law. Intrinsic to this code are the precepts that judges, individually and collectively, must respect and honor the judicial office as a public trust and must strive to enhance and maintain confidence in our legal system. The judge is an arbiter of facts and law for the resolution of disputes and is a highly visible member of government under the rule of law.

The Code of Judicial Ethics (“code”) establishes standards for ethical conduct of judges on and off the bench and for candidates for judicial office.\* The code consists of broad declarations called canons, with subparts, and a terminology section. Following many canons is a commentary section prepared by the Supreme Court Advisory Committee on the Code of Judicial Ethics. The commentary, by explanation and example, provides guidance as to the purpose and meaning of the canons. The commentary does not constitute additional rules and should not be so construed. All members of the judiciary must comply with the code. Compliance is required to preserve the integrity\* of the bench and to ensure the confidence of the public.

The canons should be read together as a whole, and each provision should be construed in context and consistent with every other provision. They are to be applied in conformance with constitutional requirements, statutes, other court rules, and decisional law. Nothing in the code shall either impair the essential independence\* of judges in making judicial decisions or provide a separate basis for civil liability or criminal prosecution.

The code governs the conduct of judges and candidates for judicial office\* and is binding upon them. Whether disciplinary action is appropriate, and the degree of discipline to be imposed, requires a reasoned application of the text and consideration of such factors as the seriousness of the transgression, if there is a pattern of improper activity, and the effect of the improper activity on others or on the judicial system.

### ➤ **Historical Note:**

*Preamble amended effective January 21, 2015; previously amended effective January 1, 2013 and January 1, 2008; adopted effective January 15, 1996.*

## TERMINOLOGY

Terms explained below are noted with an asterisk (\*) in the canons where they appear. In addition, the canons in which these terms appear are cited after the explanation of each term below.

“Candidate for judicial office” is a person seeking election to or retention of a judicial office. A person becomes a candidate for judicial office as soon as he or she makes a public announcement of candidacy, declares or files as a candidate with the election authority, or authorizes solicitation or acceptance of contributions or support. See Preamble and Canons 3E(2)(b)(i), 3E(3)(a), 5, 5A, 5A (Commentary), 5B(1), 5B(2), 5B(3), 5B(4), 5B (Commentary), 5B(4) (Commentary), 5C, 5D, and 6E.

“Fiduciary” includes such relationships as executor, administrator, trustee, and guardian. See Canons 3E(5)(d), 4E(1), 4E(2), 4E(3), 4E (Commentary), 6B, and 6F (Commentary).

“Gender identity” means a person’s internal sense of being male, female, a combination of male and female, or neither male nor female. See Canons 2C, 2C (Commentary), 3B(5), 3B(6), 3C(1), and 3C(3).

“Gender expression” is the way people communicate or externally express their gender identity to others, through such means as pronouns used, clothing, appearance, and demeanor. See Canons 2C, 2C (Commentary), 3B(5), 3B(6), 3C(1), and 3C(3).

“Gift” means anything of value to the extent that consideration of equal or greater value is not received, and includes a rebate or discount in the price of anything of value unless the rebate or discount is made in the regular course of business to members of the public without regard to official status. See Canons 4D(5), 4D(5) (Commentary), 4D(6), 4D(6)(a), 4D(6)(b), 4D(6)(b) (Commentary), 4D(6)(d), 4D(6)(f), 4D(6)(i), 4D(6)(i) (Commentary), 4D(6) and 4D(7) (Commentary), 4H (Commentary), 5A (Commentary), 5B(4) (Commentary), 6D(2)(c), and 6D(7).

“Impartial,” “impartiality,” and “impartially” mean the absence of bias or prejudice in favor of, or against, particular parties or classes of parties, as well as the maintenance of an open mind in considering issues that may come before a judge. See Canons 1, 1 (Commentary), 2A, 2 and 2A (Commentary), 2B (Commentary), 2C (Commentary), 3, 3B(9) (Commentary), 3B(10) (Commentary), 3B(12), 3B(12) (Commentary), 3C(1), 3C(5), 3E(4)(b), 3E(4)(c), 4A(1), 4A (Commentary), 4C(3)(b) (Commentary), 4C(3)(c) (Commentary), 4D(1) (Commentary), 4D(6)(a) (Commentary), 4D(6)(b) (Commentary), 4D(6)(g) (Commentary), 4D(6)(i) (Commentary), 4H (Commentary), 5, 5A, 5A (Commentary), 5B (Commentary), 5B(4) (Commentary), 6D(2)(a), and 6D(3)(a)(vii).

“Impending proceeding” is a proceeding or matter that is imminent or expected to occur in the near future. The words “proceeding” and “matter” are used interchangeably, and are intended to have the same meaning. See Canons 2 and 2A (Commentary), 3B(7), 3B(7)(a), 3B(9), 3B(9) (Commentary), 4H (Commentary), and 6D(6). “Pending proceeding” is defined below.



“Impropriety” includes conduct that violates the law, court rules, or provisions of this code, as well as conduct that undermines a judge’s independence, integrity, or impartiality. See Canons 2, 2 and 2A (Commentary), 2B (Commentary), 2C (Commentary), 3B(9) (Commentary), 4D(1)(b) (Commentary), 4D(6)(g) (Commentary), 4D(6)(i) (Commentary), 4H, 5.

“Independence” means a judge’s freedom from influence or control other than as established by law. See Preamble, Canons 1, 1 (Commentary), 2C, 4C(2) (Commentary), 4D(6)(a) (Commentary), 4D(6)(g) (Commentary), 4D(6)(i) (Commentary), 4H(3) (Commentary), 5, 5A (Commentary), 5B (Commentary), and 6D(1).

“Integrity” means probity, fairness, honesty, uprightness, and soundness of character. See Preamble, Canons 1, 1 (Commentary), 2A, 2 and 2A (Commentary), 2B (Commentary), 2C (Commentary), 3B(9) (Commentary), 3C(1), 3C(5), 4D(6)(a) (Commentary), 4D(6)(b) (Commentary), 4D(6)(g) (Commentary), 4D(6)(i) (Commentary), 4H (Commentary), 5, 5A (Commentary), 5B (Commentary), and 6D(1).

“Knowingly,” “knowledge,” “known,” and “knows” mean actual knowledge of the fact in question. A person’s knowledge may be inferred from circumstances. See Canons 2B(2)(b), 2B(2)(e), 2C (Commentary), 3B(2) (Commentary), 3B(7)(a), 3B(7)(a) (Commentary), 3D(2), 3D(5), 3E(5)(f), 5B(1)(b), 6D(3)(a)(i), 6D(3)(a) (Commentary), 6D(4) (Commentary), and 6D(5)(a).

“Law” means constitutional provisions, statutes, court rules, and decisional law. See Canons 1 (Commentary), 2A, 2C (Commentary), 3A, 3B(2), 3B(7), 3B(7)(c), 3B(8), 3B(8) (Commentary), 3B(12) (Commentary), 3E(1), 4C(3)(c) (Commentary), 4F, and 4H.

“Law, the legal system, or the administration of justice.” When a judge engages in an activity that relates to the law, the legal system, or the administration of justice, the judge should also consider factors such as whether the activity upholds the integrity, impartiality, and independence of the judiciary (Canons 1 and 2A), whether the activity impairs public confidence in the judiciary (Canon 2), whether the judge is allowing the activity to take precedence over judicial duties (Canon 3A), and whether engaging in the activity would cause the judge to be disqualified (Canon 4A(4)). See Canons 4B (Commentary), 4C(1), 4C(1) (Commentary), 4C(2), 4C(2) (Commentary), 4C(3)(a), 4C(3)(b) (Commentary), 4C(3)(d)(ii), 4C(3)(d) (Commentary), 4D(6)(d), 4D(6)(e), 5A (Commentary), 5D, and 5D (Commentary).

“Member of the judge’s family” means a spouse, registered domestic partner, child, grandchild, parent, grandparent, or other relative or person with whom the judge maintains a close familial relationship. See Canons 2B(3)(c), 2B (Commentary), 4C(3)(d)(i), 4D(1) (Commentary), 4D(2), 4D(5) (Commentary), 4E(1), and 4G (Commentary).

“Member of the judge’s family residing in the judge’s household” means a spouse or registered domestic partner and those persons who reside in the judge’s household and who are relatives of the judge, including relatives by marriage or persons with whom the judge maintains a close

familial relationship. See Canons 4D(5), 4D(5) (Commentary), 4D(6), 4D(6)(b) (Commentary), 4D(6)(f) and 6D(2)(c).

“Nonpublic information” means information that, by law, is not available to the public. Nonpublic information may include, but is not limited to, information that is sealed by statute or court order, impounded, or communicated in camera, and information offered in grand jury proceedings, presentencing reports, dependency cases, or psychiatric reports. Nonpublic information also includes information from affidavits, jury results, or court rulings before it becomes public information. See Canons 3B(11) and 6D(8)(a).

“Pending proceeding” is a proceeding or matter that has commenced. A proceeding continues to be pending through any period during which an appeal may be filed and any appellate process until final disposition. The words “proceeding” and “matter” are used interchangeably, and are intended to have the same meaning. See Canons 2 and 2A (Commentary), 2B(3)(a), 3B(7), 3B(9), 3B(9) (Commentary), 3E(5)(a), 4H (Commentary), and 6D(6). “Impending proceeding” is defined above.

“Political organization” means a political party, political action committee, or other group, the principal purpose of which is to further the election or appointment of candidates to nonjudicial office. See Canon 5A.

“Registered domestic partner” means a person who has registered for domestic partnership pursuant to state law or who is recognized as a domestic partner pursuant to Family Code section 299.2. See Canons 3E(5)(d), 3E(5)(e), 3E(5)(i), 4D(6)(d), 4D(6)(f), 4D(6)(j), 4H(2), 5A (Commentary), 6D(3)(a)(v), and 6D(3)(a)(vi).

“Require.” Any canon prescribing that a judge “require” certain conduct of others means that a judge is to exercise reasonable direction and control over the conduct of those persons subject to the judge’s direction and control. See Canons 3B(3), 3B(4), 3B(6), 3B(8) (Commentary), 3B(9), 3C(3), 6D(1), 6D(2)(a), and 6D(6).

“Service organization” includes any organization commonly referred to as a “fraternal organization.” See Canons 3E(5)(d), 4C(2) (Commentary), 4C(3)(b), 4C(3)(b) (Commentary), 4C(3)(d) (Commentary), 4D(6)(j), and 6D(2)(b).

“Subordinate judicial officer.” A subordinate judicial officer is, for the purposes of this code, a person appointed pursuant to article VI, section 22 of the California Constitution, including, but not limited to, a commissioner, referee, and hearing officer. See Canons 3D(3), 4G (Commentary), and 6A.

“Temporary Judge” means an active or inactive member of the bar who, pursuant to article VI, section 21 of the California Constitution, serves or expects to serve as a judge once, sporadically, or regularly on a part-time basis under a separate court appointment for each period of service or for each case heard. See Canons 3E(5)(h), 4C(3)(d)(i), 4C(3)(d) (Commentary), 6A, and 6D.

“Third degree of relationship” includes the following persons: great-grandparent, grandparent,

parent, uncle, aunt, brother, sister, child, grandchild, great-grandchild, nephew, and niece. See Canons 3E(5)(e), 3E(5)(i), and 6D(3)(a)(v).

➤ **Historical Note:**

*Terminology amended effective October 10, 2018; previously amended effective January 21, 2016, January 1, 2015, January 1, 2013, January 1, 2008, and January 1, 2007; adopted effective January 15, 1996.*

## CANON 1

### A JUDGE SHALL UPHOLD THE INTEGRITY\* AND INDEPENDENCE\* OF THE JUDICIARY

An independent, impartial,\* and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining, and enforcing high standards of conduct, and shall personally observe those standards so that the integrity\* and independence\* of the judiciary is preserved. The provisions of this code are to be construed and applied to further that objective. A judicial decision or administrative act later determined to be incorrect legally is not itself a violation of this code.

### Commentary, Notes, and Annotations to Canon 1

#### *ADVISORY COMMITTEE COMMENTARY: Canon 1*

*Deference to the judgments and rulings of courts depends upon public confidence in the integrity\* and independence\* of judges. The integrity\* and independence\* of judges depend in turn upon their acting without fear or favor. Although judges should be independent, they must comply with the law\* and the provisions of this code. Public confidence in the impartiality\* of the judiciary is maintained by the adherence of each judge to this responsibility. Conversely, violations of this code diminish public confidence in the judiciary and thereby do injury to the system of government under law.*

*The basic function of an independent, impartial,\* and honorable judiciary is to maintain the utmost integrity\* in decisionmaking, and this code should be read and interpreted with that function in mind.*

#### ➤ **Historical Notes:**

*Commentary following canon 1 adopted effective January 15, 1996.*

*Canon 1 amended effective August 19, 2015; previously amended effective January 1, 2013; adopted effective January 15, 1996.*

#### ➤ **CJEO Editor's Note:**

The canon 1 duty to uphold the integrity and independence of the judiciary is a foundational principle that underlies the legal system and the more specific judicial ethics requirements in the canons that follow. As explained in the Advisory Committee commentary, the code should be considered in accordance with the “basic function of an independent, impartial, and honorable judiciary,” which is “to maintain the utmost integrity in decision-making.” CJP has not published a disciplinary decision relying solely on a violation of canon 1. For these reasons, CJEO has not annotated canon 1. Annotations of the CJP public disciplinary decisions can be found under canons 2 through 6.

## CANON 2

### **A JUDGE SHALL AVOID IMPROPRIETY\* AND THE APPEARANCE OF IMPROPRIETY\* IN ALL OF THE JUDGE'S ACTIVITIES**

#### **A. Promoting Public Confidence**

**A judge shall respect and comply with the law\* and shall act at all times in a manner that promotes public confidence in the integrity\* and impartiality\* of the judiciary. A judge shall not make statements, whether public or nonpublic, that commit the judge with respect to cases, controversies, or issues that are likely to come before the courts or that are inconsistent with the impartial performance of the adjudicative duties of judicial office.**

#### **B. Use of the Prestige of Judicial Office**

**(1) A judge shall not allow family, social, political, or other relationships to influence the judge's judicial conduct or judgment, nor shall a judge convey or permit others to convey the impression that any individual is in a special position to influence the judge.**

**2) A judge shall not lend the prestige of judicial office or use the judicial title in any manner, including any oral or written communication, to advance the pecuniary or personal interests of the judge or others. This canon does not prohibit the following:**

**(a) A judge may testify as a character witness, provided the judge does so only when subpoenaed.**

**(b) A judge may, without a subpoena, provide the Commission on Judicial Performance with a written communication containing (i) factual information regarding a matter pending before the commission or (ii) information related to the character of a judge who has a matter pending before the commission, provided that any such factual or character information is based on personal knowledge.\* In commission proceedings, a judge shall provide information responsive to a subpoena or when officially requested to do so by the commission.**

**(c) A judge may provide factual information in State Bar disciplinary proceedings and shall provide information responsive to a subpoena or when officially requested to do so by the State Bar.**

**(d) A judge may respond to judicial selection inquiries, provide recommendations (including a general character reference relating to the evaluation of persons being considered for a judgeship), and otherwise participate in the process of judicial selection.**

**(e) A judge may serve as a reference or provide a letter of recommendation only if based on the judge's personal knowledge\* of the individual. These written**

communications may include the judge's title and may be written on stationery that uses the judicial title.

**(3) Except as permitted in subdivision (c) or otherwise authorized by law\* or these canons:**

**(a) A judge shall not advance the pecuniary or personal interests of the judge or others by initiating communications with a sentencing judge or a representative of a probation department about a proceeding pending\* before the sentencing judge, but may provide information in response to an official request. "Sentencing judge" includes a judge who makes a disposition pursuant to Welfare and Institutions Code section 725.**

**(b) A judge, other than the judge who presided over the trial of or sentenced the person seeking parole, pardon, or commutation of sentence, shall not initiate communications with the Board of Parole Hearings regarding parole or the Office of the Governor regarding parole, pardon, or commutation of sentence, but may provide these entities with information for the record in response to an official request.**

**(c) A judge may initiate communications concerning a member of the judge's family\* with a representative of a probation department regarding sentencing, the Board of Parole Hearings regarding parole, or the Office of the Governor regarding parole, pardon, or commutation of sentence, provided the judge is not identified as a judge in the communication.**

### **C. Membership in Organizations**

**A judge shall not hold membership in any organization that practices invidious discrimination on the basis of race, sex, gender, gender identity,\* gender expression,\* religion, national origin, ethnicity, or sexual orientation.**

**This canon does not apply to membership in a religious organization.**

## Commentary, Notes, and Annotations to Canon 2

### Canon 2A

#### A. Promoting Public Confidence

**A judge shall respect and comply with the law\* and shall act at all times in a manner that promotes public confidence in the integrity\* and impartiality\* of the judiciary. A judge shall not make statements, whether public or nonpublic, that commit the judge with respect to cases, controversies, or issues that are likely to come before the courts or that are inconsistent with the impartial performance of the adjudicative duties of judicial office.**

*ADVISORY COMMITTEE COMMENTARY: Canons 2 and 2A*

*Public confidence in the judiciary is eroded by irresponsible or improper conduct by judges.*

*A judge must avoid all impropriety\* and appearance of impropriety.\* A judge must expect to be the subject of constant public scrutiny. A judge must therefore accept restrictions on the judge's conduct that might be viewed as burdensome by other members of the community and should do so freely and willingly.*

*A judge must exercise caution when engaging in any type of electronic communication, including communication by text or email, or when participating in online social networking sites or otherwise posting material on the Internet, given the accessibility, widespread transmission, and permanence of electronic communications and material posted on the Internet. The same canons that govern a judge's ability to socialize and communicate in person, on paper, or over the telephone apply to electronic communications, including use of the Internet and social networking sites. These canons include, but are not limited to, Canons 2B(2) (lending the prestige of judicial office), 3B(7) (ex parte communications), 3B(9) (public comment about pending\* or impending proceedings\*), 3E(2) (disclosure of information relevant to disqualification), and 4A (conducting extrajudicial activities to avoid casting doubt on the judge's capacity to act impartially,\* demeaning the judicial office, or frequent disqualification).*

*The prohibition against behaving with impropriety\* or the appearance of impropriety\* applies to both the professional and personal conduct of a judge.*

*The test for the appearance of impropriety\* is whether a person aware of the facts might reasonably entertain a doubt that the judge would be able to act with integrity,\* impartiality,\* and competence.*

*As to membership in organizations that practice invidious discrimination, see Commentary under Canon 2C.*

*As to judges making statements that commit the judge with respect to cases, controversies, or issues that are likely to come before the courts, see Canon 3B(9) and its commentary concerning comments about a pending proceeding,\* Canon 3E(3)(a) concerning the disqualification of a judge who makes statements that commit the judge to a particular result, and Canon 5B(1)(a) concerning statements made during an election campaign that commit the candidate to a particular result. In addition, Code of Civil Procedure section 170.2, subdivision (b), provides that, with certain exceptions, a judge is not disqualified on the ground that the judge has, in any capacity, expressed a view on a legal or factual issue presented in the proceeding before the judge.*

➤ **Historical Notes:**

*Commentary following canons and 2A amended effective October 10, 2018; previously amended effective January 1, 2013; adopted effective January 15, 1996.*

*Canon 2A amended effective January 1, 2013; adopted effective January 15, 1996.*

➤ **CJP Annotations: Canon 2A**

[Abuse of Contempt/Sanctions](#)

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**Abuse of Contempt/Sanctions**

A judge improperly threatened a deputy public defender with contempt after she objected to the judge's discussion with an unrepresented litigant. Com. on Jud. Performance, *In the Matter Concerning Richard A. Vlavianos* (2023) p. 9.

A judge ordered a witness incarcerated for contempt without providing notice or an opportunity to be heard after the witness appeared to make a rude hand gesture and ordered payment of monetary sanctions by counsel and of attorneys' fees and costs by a litigant without prior notice. Com. on Jud. Performance, *Public Admonishment of Judge Jaime R. Román* (2016) pp. 3-5.



A judge conducted multiple hearings in a post-trial contempt dispute about a comment that an attorney had made at a sidebar during trial without citing the attorney for contempt or issuing an order to show cause regarding contempt. Com. on Jud. Performance, [\*Public Admonishment of Judge Patrick E. Connolly\*](#) (2016) pp. 4-5.

A judge ordered counsel “to spend every waking moment between now and when we are next in court working on this case” and ordered her to stay in the courtroom for an extended period before conducting a contempt hearing based on a statement by counsel. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Morris D. Jacobson\*](#) (2012) p. 6.

After receiving a report that a member of the public was taking pictures in the courthouse, a judge ordered her to attend a hearing on whether she was creating a disturbance in the courthouse and remanded her for contempt. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge James R. Wagoner\*](#) (2011) pp. 1-2, 4.

A judge threatened an attorney with contempt to compel her to produce documents even though the documents were not relevant, and the judge had not ordered the documents produced. [\*Inquiry Concerning Judge Peter J. McBrien\*](#) (2010) 49 Cal.4th CJP Supp. 315, 328-334.

A judge issued unwarranted Orders to Show Cause regarding sanctions, including to defendants for failing to give notice of the initial status conference when they had no duty to do so, and leaving the OSCs in place during the pendency of the action. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Ronald M. Sohigian\*](#) (2007) p. 1.

A judge issued an order threatening excessive contempt sanctions against a plaintiff without providing a mechanism for a contempt hearing. Com. on Jud. Performance, [\*Public Admonishment of Judge James M. Brooks\*](#) (2006) p. 2.

A judge imposed sanctions on an attorney without prior notice or an opportunity to be heard. Com. on Jud. Performance, [\*Public Admonishment of Judge Ronald J. Maciel\*](#) (2006) p. 3.

A judge held an attorney in contempt and remanded him while the attorney was attempting to present his argument regarding sentencing. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Ruffo Espinosa, Jr.\*](#) (2006) p. 8.

A judge had a litigant removed from the courtroom and then found the litigant in direct criminal contempt without citing her for contempt or returning her to the courtroom. Com. on Jud. Performance, [\*Public Admonishment of Judge Lisa Guy-Schall\*](#) (1999) p. 2.

A judge ordered a tardy juror into custody without following proper contempt procedures. Com. on Jud. Performance, [Decision and Order Imposing Public Censure on Judge Fred L. Heene, Jr.](#) (1999) p. 6.

A judge ordered an insurance company's president to appear in court where the judge threatened the insurance company's counsel with contempt for bringing a motion to stay and inappropriately used his contempt powers to embarrass counsel. [Inquiry Concerning Judge James Randal Ross](#) (1998) 48 Cal.4th CJP Supp. 19, 25-29.

A judge cited an attorney for contempt based on failure to appear even though the attorney had another attorney appear on his behalf and after the cited attorney filed a peremptory challenge, the judge dismissed the contempt charge but set a hearing on sanctions against the attorney. Com. on Jud. Performance, [Public Admonishment of Judge Stephen Drew](#) (1996) pp. 2-3.

A judge did not follow proper contempt procedures when he jailed an attorney without conducting a hearing or providing a written order of contempt. Com. on Jud. Performance, [Public Reproof of Judge Kenneth E. Vassie](#) (1995) p. 2.

A judge summoned a litigant who made a misconduct allegation to the commission and threatened that litigant with contempt. [Robert H. Furey, Jr., a Judge of the Justice Court v. Commission on Judicial Performance](#) (1987) 43 Cal.3d 1297, 1317.

A judge ordered the immediate incarceration of public defenders during preliminary hearings purportedly pursuant to her direct contempt powers. [Cannon v. Commission on Judicial Qualifications](#) (1975) 14 Cal.3d 678, 695-698.

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### **Administrative Malfeasance/Improper Comments, Treatment of Colleagues and Staff**

A judge engaged in a continued pattern of being absent from the bench and leaving the courthouse early without authorization or documentation, and further manipulated her calendar for her personal benefit. The judge also made disparaging remarks about a judicial colleague, and was dishonest and disrespectful to her supervising judge. Com. on Jud. Performance, [Public Admonishment of Spear](#) (2023) pp. 2-11.

A judge improperly threatened a deputy public defender with contempt after she objected to the judge's discussion with an unrepresented litigant. Com. on Jud. Performance, [In the Matter Concerning Richard A. Vlavianos](#) (2023) p. 9.

A judge engaged in a pattern of delay in deciding around 200 appellate matters over a ten-year period and failed to give calendar preference to juvenile and criminal cases, resulting in known prejudice in several cases. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Justice Vance W. Raye\*](#) (2022) pp. 4, 6-7.

A judge yelled at court staff and engaged in a display of impatient and frustrated behavior in the clerk's office, in an adjoining internal court hallway, and in chambers, and discourteously raised her voice to another judge in chambers. Com. on Jud. Performance, [\*Public Admonishment of Judge Barbara L. Roberts\*](#) (2021) pp. 24-26.

An appellate justice engaged in numerous instances of sexual misconduct toward women at the court, including a fellow justice, research attorneys, and other judicial staff, by, among other things, engaging in unwanted touching, making disparaging statements, and engaging in undignified conduct while intoxicated in some cases at the courthouse. Com. on Jud. Performance, [\*Decision and Order Removing Justice Jeffrey W. Johnson from Office\*](#) (2020) pp. 25, 36, 39-40, 41-42, 44-51, 80, 84-85.

A judge used crude and inappropriate language when speaking to a court administrator about a prior case against another judge involving a sex-for-leniency scheme. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Morris D. Jacobson\*](#) (2019) pp. 4-5.

A judge made comments in the presence of, and about, his court reporter that constituted gender bias and sexual harassment. Com. on Jud. Performance, [\*Decision and Order Removing Judge John T. Laettner from Office\*](#) (2019) pp. 39-41.

A judge used a court credit card on numerous occasions in a manner that was not permitted by the Judicial Council, including for personal purposes. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Elizabeth W. Johnson\*](#) (2018) pp. 3-6.

A commissioner allowed court staff to make offensive and inappropriate comments relating to race, gender, and sexual conduct in the courtroom when court was not in session and the commissioner made profane and derogatory comments about a court interpreter to other court staff and in the presence of the interpreter. Com. on Jud. Performance, [\*Public Admonishment of Commissioner Mark Kliszewski\*](#) (2017) pp. 1-2.

A judge made statements impugning the integrity of a court commissioner and participated in intemperate email exchanges with his supervising judge and court executive officer. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure on Judge John A. Trice\*](#) (2016) pp. 12-13, 18, 21.

A judge attempted to convince his courtroom clerk to have a close personal relationship with him by, among other things, creating an unsigned crude letter accusing his clerk of having an affair with a court bailiff, sending her hundreds of text messages of a personal nature, and giving her approximately \$26,000 in gifts, including an automobile and a Disneyland trip package. [\*Inquiry Concerning Judge Valeriano Saucedo\*](#) (2015) 62 Cal.4th CJP Supp. 1, 42.

A judge became irritated and aggressive with a member of court administration regarding the reassignment of another judge's courtroom clerk. Com. on Jud. Performance, [\*Public Admonishment of Judge John L. Fielder\*](#) (2015) p. 2.

A judge had in an intimate relationship with his court clerk, including, among other things, engaging in sexual activity in chambers, sending her notes of a sexual nature during court proceedings, and misleading his supervising and presiding judges and the court executive officer about the nature of his relationship with her. Com. on Jud. Performance, [\*Decision and Order Imposing Censure on Judge Cory Woodward\*](#) (2014) pp. 3-6.

A judge submitted numerous signed salary affidavits stating that he did not have any matters pending and undecided for more than 90 days when in fact, he had several older matters under submission. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge John D. Kirihara\*](#) (2012) pp. 2-3.

A judge took his clerk for an extended lunch, which caused the court to be closed during business hours. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Anthony C. Edwards\*](#) (2010) p. 9.

A supervising judge failed to adequately supervise a subordinate judicial officer who had numerous cases under submission for more than 90 days and failed to promptly respond to complaints against that subordinate judicial officer. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Robert A. Schnider\*](#) (2009) p. 2.

A judge routinely left the courthouse for the day after his morning calendar without authorization and did not inform his supervising judges of his absences. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure on Judge Christopher J. Sheldon\*](#) (2009) p. 3.

A judge failed to cooperate with his presiding judge's repeated inquiries regarding the status of submitted cases and directives to resolve all pending matters. [\*Inquiry Concerning Judge Robert G. Spitzer\*](#) (2007) 49 Cal.4th CJP Supp 254, 263-264.

A judge delayed taking a verdict in a murder case because he was at a baseball game, refused to allow another judge who was available to take the verdict, and did not return from the game to take the verdict himself. Com. on Jud.

Performance, [\*Decision and Order Imposing Public Admonishment on Judge Paul E. Zellerbach\*](#) (2006) p. 2.

A judge threatened to banish an interpreter from a public courtroom for making complaints against the judge and played a practical joke on a court reporter causing her to be handcuffed. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure and Barring Judge Arthur S. Block from Receiving Assignments\*](#) (2002) pp. 4-5.

A judge failed to cooperate with the presiding judge in the administration of court business, including lying about the seriousness of the judge's medical condition and falsely obtaining extensive sick leaves. [\*Inquiry Concerning Judge Patrick B. Murphy\*](#) (2001) 48 Cal.4th CJP Supp. 179, 189-192.

A judge used court employees to, among other things, access DMV records for purposes not related to court business, perform secretarial functions for non-court purposes, and deliver his application for a federal judgeship, and had a court employee pick up his daughter from school during work hours. Com. on Jud. Performance, [\*Decision and Order of Public Censure of Judge D. Ronald Hyde\*](#) (1996) pp. 2-4.

A judge engaged in intemperate criticism of a fellow judge in open court. [\*In re L. Eugene Rasmussen, a Judge of the Justice Court, on Censure\*](#) (1987) 43 Cal.3d 536, 538.

A judge made derogatory statements from the bench and in chambers impugning the character of his judicial colleagues, including insinuating that one of his colleagues had accepted a bribe and calling another judge a "coward." [\*Mario P. Gonzalez, a Judge of the Municipal Court v. Commission on Judicial Performance\*](#) (1983) 33 Cal.3d 359, 371.

A judge engaged in a pattern of misconduct directed at court staff, including throwing files at staff and berating other staff in open court. [\*Inquiry Concerning Judge Bruce Van Voorhis\*](#) (2003) 48 Cal.4th CJP Supp 257, 292.

A judge made public comments disparaging fellow judges and attorneys in open court, in documents filed in court, in newspapers, and on television. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure on Judge Jose Angel Velasquez\*](#) (1997) p. 3.

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## Alcohol or Drug Related Criminal Conduct

A judge drove with a blood alcohol content of twice the legal limit, and was convicted of driving under the influence of alcohol. Com. on Jud. Performance, [\*Public Admonishment of Judge Lillian Vega Jacobs\*](#) (2023) pp. 1-2.

A judge drove under the influence of alcohol, caused an accident, attempted to leave the scene of the accident, misled police officers about the cause of the accident, and underreported to law enforcement the amount of alcohol he had consumed. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure on Judge Michael J. Mulvihill\*](#) (2022) pp. 2-4.

A judge was convicted of driving under the influence of alcohol. Com. on Jud. Performance, [\*Public Admonishment of Judge Joseph Scott\*](#) (2014) p. 1.

A judge was charged with driving under the influence of alcohol and plead nolo contendere to reckless driving. Com. on Jud. Performance, [\*Public Admonishment of Judge Melissa N. Widdifield\*](#) (2010) p. 1.

A judge caused a traffic collision while driving under the influence of alcohol. Com. on Jud. Performance, [\*Public Admonishment of Judge John T. Doyle\*](#) (2010) p. 1.

A judge was convicted of alcohol-related reckless driving charges. Com. on Jud. Performance, [\*Public Admonishment of Judge Lisa Guy-Schall\*](#) (2008) p. 1.

A judge was convicted of two offenses of driving under the influence of alcohol. [\*Inquiry Concerning Judge Diana R. Hall\*](#) (2006) 49 Cal.4th CJP Supp 146, 153.

A judge drove under the influence of alcohol, hit a wall and left the scene, subsequently lied to the police about the circumstances of the accident, and repeatedly invoked her judicial office to avoid arrest. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure on Judge Elaine M. Rushing\*](#) (2006) pp. 3-6.

A judge was arrested and convicted on a charge of driving under the influence of alcohol, and he repeatedly attempted to use his status as a judge to receive preferential treatment. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure on Judge Bernard J. Schwartz\*](#) (2006) pp. 3-6.

A judge was convicted of driving under the influence of alcohol and failed to report his arrest and conviction to the commission. Com. on Jud. Performance, [\*Public Admonishment of Judge Donald R. Alvarez\*](#) (2005) pp. 1-2.



A judge pled guilty to driving under the influence of alcohol and failed to report his arrest and conviction to the commission. Com. on Jud. Performance, [\*Public Admonishment of Judge Gary P. Ryan\*](#) (2000) p. 2.

A judge arrived at the courthouse in an intoxicated state and was twice convicted of driving under the influence of alcohol. [\*Inquiry Concerning Former Judge Bradley\*](#) (1999) 48 Cal.4th CJP Supp. 84, 93-95.

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### **Bias/Appearance of Bias Toward a Particular Class**

A judge made remarks to a plaintiff that indicated bias and prejudice, including bias on the basis of race, ethnicity, or national origin. The case was a defamation suit brought by a deputy district attorney on the grounds that a senior DA had repeatedly referred to the plaintiff, who was of Middle Eastern descent, as a terrorist. The judge's commentary insinuated that the plaintiff was hypersensitive, a "snowflake," and needed to "litigate like a grown up. Com. on Jud. Performance, [\*Public Admonishment of Derek W. Hunt\*](#) (2023) pp. 1-4.

A judge exhibited rude and discourteous demeanor to a deputy district attorney and a deputy public defender, indicated a preference for defendants who agreed to plea deals, and appeared to disfavor indigent defendants who requested an attorney. Com. on Jud. Performance, [\*In the Matter Concerning Judge Richard A. Vlavianos\*](#) (2023) pp. 8-11, 13.

A judge told an African American defendant to stop "shucking and jiving," made offensive sexualized statements in the workplace, and engaged in a pattern of conduct that conveyed the appearance of bias against prosecutors. Com. on Jud. Performance, [\*Public Censure of Judge Jeffrey G. Bennett\*](#) (2020) p. 2-3, 4-5, 7-20.

A judge used crude and inappropriate language when speaking to a court administrator about a prior case against another judge involving a sex-for-lenency scheme. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Morris D. Jacobson\*](#) (2019) pp. 4-5.

A judge engaged in a pattern of conduct that constituted gender bias towards women, including, among other things, telling a female deputy public defender that her parents "hadn't spanked [her] enough" and telling a court reporter that she was "hot." Com. on Jud. Performance, [\*Decision and Order Removing Judge John T. Laettner from Office\*](#) (2019) pp. 18-29, 31-43.

A judge made stereotypical remarks in the courthouse about gay men. Com. on Jud. Performance, [\*Public Censure and Bar of Former Judge Steven C. Bailey\*](#) (2019) p. 23.

A judge made statements during a hearing that gave the appearance of gender bias, including suggesting that the female target welcomed the attention. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Former Judge Timothy J. Stafford\*](#) (2018) p. 6.

A commissioner posted and re-posted information on his public Facebook page that reflected, among other things, bias against groups (e.g., Muslims and immigrants) and lack of respect for the federal justice system, and failed to delete the posts even though he represented that he had done so. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure on Former Commissioner Joseph J. Gianquinto\*](#) (2018) p. 21.

A commissioner allowed court staff to make offensive and inappropriate comments relating to race, gender, and sexual conduct in the courtroom when court was not in session. Com. on Jud. Performance, [\*Public Admonishment of Commissioner Mark Kliszewski\*](#) (2017) p. 1.

Among other things, a judge used nicknames in court, such as Shorty and Bun Head, when referring to attorneys and interns and commented on the physical appearance of attorneys, such as “the pretty brown one.” [\*Inquiry Concerning Judge Gary G. Kreep\*](#) (2017) 3 Cal.5th CJP Supp 1, 30-33.

During a hearing, a judge made remarks that perpetuated racist stereotypes about Hispanic and Middle Eastern men. Com. on Jud. Performance, [\*Public Admonishment of Judge Nancy Pollard\*](#) (2011) pp. 1-3.

A judge referred to the Ku Klux Klan in open court in a case involving an African American defendant. Com. on Jud. Performance, [\*Public Admonishment of Judge Harvey Giss\*](#) (2011) p. 1.

A judge made racist comments from the bench such as “. . . a lady that, in her own country - I put a question mark; I know it’s Syria, Iraq, Iran, Lebanon -probably a very nice lady, probably doesn’t know how much she owns, I don’t think.” Com. on Jud. Performance, [\*Public Admonishment of Judge James M. Brooks\*](#) (2006) p. 2.

A judge gave unsolicited advice to an attorney in the presence of that attorney’s client that the attorney should lose his accent. [\*Inquiry Concerning Judge Bruce Van Voorhis\*](#) (2003) 48 Cal.4th CJP Supp 257, 276-277.

A judge referred to two female juveniles as “bitches,” and stated in another case that a male defendant who appeared to charge toward the judge did not have a “Chinaman’s chance” of reaching him. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge James L. Stevens, Jr.\*](#) (1998) pp. 2-3.



A judge displayed a crucifix on the courtroom wall, endorsed one side of the abortion debate, and publicly announced a sentencing policy in certain cases that created the appearance of prejudice. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure on Judge Jose Angel Velasquez\*](#) (1997) pp. 9-10.

A judge referred to an African American defendant as “good boy” in open court. Com. on Jud. Performance, [\*Public Admonishment of Judge Richard S. Flier\*](#) (1995) p. 1.

A judge stated on the record to an Asian American deputy public defender: “Do you have something to add to those papers which isn’t in there, some brilliant case you found somewhere in the Upper Tokyo Reports or somewhere that nobody knows about, tell me about it.” Com. on Jud. Performance, [\*Public Reprimand of Judge Richard A. Haugner\*](#) (1994) p. 1.

A judge made numerous racist remarks, including telling a defendant of Mexican descent who was convicted of assaulting his wife that his behavior may be tolerated in Mexico but not in America. [\*Mario P. Gonzalez, a Judge of the Municipal Court v. Commission on Judicial Performance\*](#) (1983) 33 Cal.3d 359, 376.

A judge repeatedly used racial epithets and made racially stereotypical remarks to counsel and court personnel. [\*In re Charles S. Stevens, a Judge of the Superior Court, on Censure\*](#) (1982) 31 Cal.3d 403, 404.

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### **Bias/Appearance of Bias Not Directed Toward a Particular Class**

A commissioner in a family law matter failed to adequately review the moving papers, did not ask questions regarding the substantive issues in the case, was impatient, argumentative, discourteous, and demeaning to both parents, and made comments that indicated bias and prejudice. Com. on Jud. Performance, [\*Public Admonishment of Commissioner Wendy M. Harris\*](#) (2023) pp. 1-7.

A judge advanced a hearing on a dispositive motion without notice and ruled without appearing to consider all the briefs, stating that he was proceeding whether they “like[d] it or not” and would stop reading the opposition when he got “bored,” and in a separate proceeding, awarded less than one percent of requested attorney fees and costs, without explanation. Com. on Jud. Performance, [\*Public Admonishment of Judge Derek W. Hunt\*](#) (2022) pp. 2, 5.

In multiple dependency cases, a judge treated parents, attorneys, and a social worker in a harsh and discourteous manner and abused her authority by becoming embroiled in one case. Com. on Jud. Performance, [\*Public Admonishment of Judge Barbara L. Roberts\*](#) (2021) p. 1.

A judge disparaged the district attorney and his office's handling of cases. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Robert L. Tamietti\*](#) (2020) p. 11.

In a family law matter, a judge stated, among other things, that he was "picking sides," that he wished "good luck to [the child] because it ain't going to turn out well for her," that the father's attorney was "not professional," and that the parties were "churning fees." Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Matthew J. Gary\*](#) (2020) pp. 18-21.

A judge inferred that an attorney appearing before him complained about the judge to the commission, made numerous offensive sexualized statements in the workplace, and improperly commented on the filing of peremptory challenges. Com. on Jud. Performance, [\*Public Censure of Judge Jeffrey G. Bennett\*](#) (2020) pp. 3-7.

A judge stated to an attorney in court who appeared pro per that "the party who represents himself has a fool for a client," and told a litigant in a family law case that "You can't down a couple of 40s before you go pick them up before a visit because that's not good." Com. on Jud. Performance, [\*Decision and Order Imposing Severe Public Censure on Judge Ariadne J. Symons\*](#) (2019) pp. 8, 11.

A judge responded to a blanket challenge from the city attorney's office by telling deputy public defenders and public defender interns to watch out for similar blanket challenges against them. [\*Inquiry Concerning Judge Gary G. Kreep\*](#) (2017) 3 Cal.5th CJP Supp 1, 45-48.

A judge knowingly made a false statement on Facebook about the personal life of a deputy district attorney who was running for judicial office and was Facebook friends with three attorneys who regularly appeared before him. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Jeff Ferguson\*](#) (2017) p. 4.

A judge mistreated potential jurors, including by condescendingly telling an individual to act like an adult and by ordering one individual to wait in the hallway for an hour before recalling her regarding her complaint against the judge's clerk. [\*Inquiry Concerning Judge Edmund W. Clarke, Jr.\*](#) (2016) 1 Cal.5th CJP Supp 1, 15-17.

A judge ordered payment of monetary sanctions and attorneys' fees and costs in two cases without prior notice. Com. on Jud. Performance, [\*Public Admonishment of Judge Jaime R. Román\*](#) (2016) pp. 4-6.

A judge conducted multiple hearings in a post-trial contempt dispute about a comment that an attorney had made at a sidebar during trial and contacted a judge

in another court for information. Com. on Jud. Performance, [Public Admonishment of Judge Patrick E. Connolly](#) (2016) pp. 4-5.

A judge made statements impugning the integrity of a court commissioner who has been his former spouse's attorney and participated in intemperate email exchanges with his supervising judge and court executive officer. Com. on Jud. Performance, [Decision and Order Imposing Public Censure on Judge John A. Trice](#) (2016) pp. 12-13, 18, 21.

A judge attempted to influence another judge's handling of a bench warrant. Com. on Jud. Performance, [Decision and Order Imposing Public Admonishment on Judge Daniel J. Healy](#) (2014) p. 4.

A judge made remarks while sentencing a defendant who was convicted of rape suggesting that he was not impartial toward sexual assault victims. Com. on Jud. Performance, [Decision and Order Imposing Public Admonishment on Judge Derek G. Johnson](#) (2012) pp. 5-6.

A commissioner made discourteous and denigrating remarks to litigants, attorneys, and related parties, attempted to engage in humor at the expense of litigants, repeatedly brought up in open court complaints about him that litigants had filed, and commented on internet postings by litigants about his handling of cases. Com. on Jud. Performance, [Decision and Order Imposing Public Admonishment on Commissioner Alan Friedenthal](#) (2012) pp. 8-9, 11.

A judge made disparaging remarks about the district attorney's office, including that the office was "not doing their job properly." Com. on Jud. Performance, [Decision and Order Imposing Public Admonishment of Former Judge Paul E. Zellerbach](#) (2011) p. 3.

A judge made statements suggesting that she had prejudged the facts of a case before hearing all the testimony. Com. on Jud. Performance, [Public Admonishment of Judge Nancy Pollard](#) (2011) p. 4.

A judge engaged in a pattern of misconduct that included making demeaning remarks to litigants, court staff, and attorneys. Com. on Jud. Performance, [Decision and Order Imposing Public Censure on Judge DeAnn M. Salcido](#) (2010) pp. 3, 15.

A judge ordered a restraining order against a plaintiff without complying with any of the procedural requirements for the issuance of the order and without affording notice or an opportunity to be heard. [Inquiry Concerning Judge Joseph W. O'Flaherty](#) (2010) 50 Cal.4th CJP Supp 1, 11-13.

A judge presided over the arraignment of a family friend, hugged the friend in open court after the proceedings, and, in another matter, commented in a crowded

courtroom that a certain misdemeanor was “just another example of the DA overcharging.” Com. on Jud. Performance, [Decision and Order Imposing Public Admonishment on Judge Anthony C. Edwards](#) (2010) p. 8.

During a hearing to approve a class action settlement, a judge made sarcastic and improper remarks to the plaintiffs’ attorneys regarding attorneys’ fees and ordered the plaintiff’s award and fees to be paid in \$10 gift cards from the defendant clothing store. Com. on Jud. Performance, [Decision and Order Imposing Public Censure and Bar of Former Judge Brett Carroll Klein](#) (2010) p. 5.

A judge threatened a mistrial if the proceedings were not concluded on time, demanded that a party produce an irrelevant document and informed the party’s employer of a possible violation of law revealed by the document, made disrespectful comments to an attorney, and abruptly ended the trial because it had exceeded the anticipated time without permitting a party to complete his case. [Inquiry Concerning Judge Peter J. McBrien](#) (2010) 49 Cal.4th CJP Supp. 315, 326-328, 336-338, 339.

A judge made comments on the record that suggested bias, including suggesting that indigent defendants received inferior legal services and stating that a domestic violence case was “a crazy waste of time.” Com. on Jud. Performance, [Public Admonishment of Judge Christine K. Moruza](#) (2008) pp. 2-3, 6.

A judge utilized a hand lettered “overruled” sign, allowed derision of the plaintiff and the proceedings in general, and used a “soccer-style” card system with counsel. Com. on Jud. Performance, [Decision and Order Imposing Public Admonishment on Judge James M. Brooks](#) (2008) pp. 2-4, 7-8.

A judge failed to decide cases in a timely manner, including failing to issue critical orders in two cases, and engaged in an ex parte communication to determine the availability of witnesses. [Inquiry Concerning Judge Robert G. Spitzer](#) (2007) 49 Cal.4th CJP Supp 254, 268, 270-271, 273, 275, 278.

A judge publicly indicated that he was attempting to ensure the presence of officers to testify for the prosecution. Com. on Jud. Performance, [Public Admonishment of Judge James M. Petrucelli](#) (2007) p. 6.

A judge berated and belittled attorneys, litigants, witnesses, and a potential juror, including, among other things, stating that an attorney had asked “a silly question.” Com. on Jud. Performance, [Decision and Order Imposing Public Censure and Bar on Former Judge Susanne S. Shaw](#) (2006) pp. 8, 10, 13, 24-25.

A judge negatively commented on the charging decision in a criminal matter. Com. on Jud. Performance, [Decision and Order Imposing Public Admonishment on Judge Bruce Clayton Mills](#) (2006) pp. 5-6.

A judge denied a defendant the right to be heard regarding sentencing by, among other things, cutting counsel off during argument and ordering counsel remanded for contempt during the hearing. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Ruffo Espinosa, Jr.\*](#) (2006) p. 1-8.

A judge added new criminal charges against a defendant and summarily incarcerated him based on the faulty new charges, and accused another unrepresented defendant of lying until he admitted the alleged facts. [\*Inquiry Concerning Judge Kevin A. Ross\*](#) (2005) 49 Cal.4th CJP Supp 79, 99-101, 110-111.

A judge failed to follow an appellate court's remand order. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Brett Carroll Klein\*](#) (2004) p. 4.

A judge repeatedly made oral and written statements displaying hostility toward an attorney caused in part by the judge's reaction to the material in the attorney's fee request that criticized the court's handling of fee requests. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Former Judge Robert M. Letteau\*](#) (2004) p. 7.

A judge failed to provide a letter that he had written to a defendant to the prosecutor or defense attorney, acted as an advocate for a friend in her probation matter, and called another judge during court proceedings to ask him to "back him up" on a bail increase order after recusing himself. [\*Inquiry Concerning Judge D. Ronald Hyde\*](#) (2003) 48 Cal.4th CJP Supp. 329, 345, 347, 3351.

Among other things, a judge attacked an inexperienced prosecutor's legal training, professional competence, and motives, lost his composure and made comments in the presence of the jury for the purpose of venting his anger or frustration, and told the foreperson of a jury that questions to the court should be reviewed for proper grammar. [\*Inquiry Concerning Judge Bruce Van Voorhis\*](#) (2003) 48 Cal.4th CJP Supp 257, 273-274, 281, 294.

A judge told two deputy district attorneys who were in court on unrelated matters that she did not want the district attorney's office to undercut her offer to the defendants at an arraignment and commented that another defendant's physical appearance would make him vulnerable to unwanted sexual activity in jail. [\*Inquiry Concerning Judge Susanne S. Shaw\*](#) (2000) 48 Cal.4th CJP Supp. 125, 130-132.

A judge conducted a trial in an informal manner without regard for the rules of evidence, posed unanswerable questions to a 15-year-old witness to intimidate her, and publicly labeled an attorney as unethical and dishonest. [\*Inquiry Concerning Judge Howard R. Broadman\*](#) (1999) 48 Cal.4th CJP Supp. 67, 72, 76-78, 80-82.

A judge appointed an attorney who was a friend and another who was a tenant in the judge's office building in criminal cases, failed to disclose his relationships with those attorneys, and bypassed certain procedures in approving the attorneys' fees. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge John P. Shook\*](#) (1998) pp. 2-4.

A judge engaged in ex parte communications with an attorney about a case pending before him in which the attorney was appearing. Com. on Jud. Performance, [\*Public Admonishment of Judge Gregory M. Caskey\*](#) (1998) p. 3.

A judge obtained the parties' waiver of future complaints to the commission and threatened retaliation if a complaint was filed. [\*Inquiry Concerning Judge James Randal Ross\*](#) (1998) 48 Cal.4th CJP Supp. 19, 38-41.

A judge referred to two female juveniles as "bitches," and stated in another case that a male defendant who appeared to charge toward the judge did not have a "Chinaman's chance" of reaching him. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge James L. Stevens, Jr.\*](#) (1998) pp. 2-3.

A judge engaged in ex parte communications with appointed defense counsel about, among other things, filing a peremptory challenge against another judge to whom the case had been assigned. Com. on Jud. Performance, [\*Public Admonishment of Judge Ronald J. Maciel\*](#) (1997) p. 2.

A judge refused to appoint counsel for an indignant criminal defendant and ordered him to work so that he could retain private counsel, retaliated against counsel who filed peremptory challenges against him, and exhibited animosity toward the public defender's office. Com. on Jud. Performance, [\*Public Admonishment of Judge Stephen Drew\*](#) (1996) pp. 2-4.

After a judge presided over a jury trial involving a movie, the judge attended the premier of the movie and the reception that followed at the invitation of the movie's producer, who was the plaintiff in the trial. Com. on Jud. Performance, [\*Public Admonishment of Judge Judith C. Chirlin\*](#) (1995) p. 1.

A judge engaged in several favorable commercial transactions with a former litigant in whose favor the judge had rendered a large judgment and participated in other transactions involving other attorneys appearing before the judge. [\*Adams v. Commission on Judicial Performance\*](#) (1995) 10 Cal.4th 866, 885-896.



A judge announced in court that he always believed an officer's version of facts when there was a discrepancy with a defendant's version. [\*Robert H. Furey, Jr., a Judge of the Justice Court v. Commission on Judicial Performance\*](#) (1987) 43 Cal.3d 1297, 1310-1311.

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### **Comment on a Pending Case**

A judge discussed details of two pending cases on a public affairs television program. [\*Inquiry Concerning Judge Kevin A. Ross\*](#) (2005) 49 Cal.4th CJP Supp 79, 121-127.

A judge made statements to friends purporting to convey the outcome of a case on appeal in which the friends were involved and in which no decision had been issued by the appellate court. Com. on Jud. Performance, [\*Public Admonishment of Judge Bernard E. Revak\*](#) (2000) p. 4.

The judge commented publicly on two criminal cases that were pending either in his court or in the Court of Appeal. [\*Broadman v. Commission on Judicial Performance\*](#) (1998) 18 Cal.4th 1079, 1099-1105.

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### **Decisional Delay/False Salary Affidavits**

A judge engaged in a pattern of delay in deciding around 200 appellate matters over a ten-year period and failed to give calendar preference to juvenile and criminal cases. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Justice Vance W. Raye\*](#) (2022) pp. 4, 6.

A judge delayed in issuing decisions in several matters until well after the 90-day deadline and filed salary affidavits falsely stating that he did not have any matters under submission for more than 90 days. [\*Com. on Jud. Performance, Decision and Order Imposing Public Admonishment on Judge Brian Lamb\*](#) (2019) pp. 1-5.

A judge failed to resentence a criminal defendant for over three years after being directed to do so by the Court of Appeal. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Jose I. Sandoval\*](#) (2019) p. 4.

A judge signed several salary affidavits falsely stating that he did not have any matters pending for over 90 days. Com. on Jud. Performance, [\*Public Admonishment of Judge Christopher G. Wilson\*](#) (2016) pp. 1-3.

A judge submitted numerous salary affidavits falsely declaring that he did not have any case pending for more than 90 days. Com. on Jud. Performance, [\*Public Admonishment of Judge Dale A. Reinholtsen\*](#) (2015) pp. 1-3.

A judge signed numerous salary affidavits stating that he had no matters pending and undecided for more than 90 days even though he had several older matters under submission. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge John D. Kirihara\*](#) (2012) pp. 1-3.

A judge submitted a salary affidavit falsely stating that he did not have cases under submission for more than 90 days. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Anthony C. Edwards\*](#) (2010) pp. 6-7.

A commissioner failed to rule in a timely manner on numerous matters, failed to complete salary affidavits attesting to whether she had any cases pending for over 90 days, and failed to complete any of the cases that she took home to finish after her retirement. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure and Bar on Former Commissioner Ann Dobbbs\*](#) (2009) pp. 6-7.

A judge failed to timely process signed orders, signed salary affidavits falsely stating that he had no cases pending for more than 90 days, failed to decide cases in a timely manner, and failed to issue critical orders in two cases. [\*Inquiry Concerning Judge Robert G. Spitzer\*](#) (2007) 49 Cal.4th CJP Supp 254, 264- 271.

A judge failed to timely decide numerous matters within 90 days of submission, signed salary affidavits falsely attesting that he did not have any matters submitted for more than 90 days, and failed to timely rule on approximately 200 fee waiver applications. [\*Inquiry Concerning Judge Robert B. Freedman\*](#) (2007) 49 Cal.4th CJP Supp. 223, 240-241, 243-247.

A judge failed to rule on an attorney's fee request for a year due to the judge's annoyance with the attorney. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Former Judge Robert M. Letteau\*](#) (2004) pp. 7-8.

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### **Demeanor/Decorum**

A judge engaged in a pattern of discourteous, gratuitous, and impolite behavior to self-represented litigants by referring to them as “dirty,” like “two pigs in the trough,” raising his voice as litigants attempted to answer questions, likening a matter to “The Jerry Springer Show,” and insisting that responses to “yes” or “no” questions include the honorific “Your Honor.” Com. on Jud. Performance, [\*Public Admonishment of Judge Thomas J. Griego\*](#) (2024) pp. 2-15.



A judge, in two separate trials over a two-year period, was demeaning to counsel, openly questioned counsel's strategies at multiple stages of the trial, examined witnesses on his own, and made objections during counsel's questioning, suggesting both bias and prejudice. Com. on Jud. Performance, [\*Public Admonishment of Judge Daniel J. Healy\*](#) (2024) pp. 8, 16.

A commissioner in a family law matter was impatient, argumentative, discourteous, and demeaning to both parents, and dismissed the deputy district attorneys and the investigator from the hearings without letting them speak or inquiring whether they had any relevant information. Com. on Jud. Performance, [\*Public Admonishment of Commissioner Wendy M. Harris\*](#) (2023) pp. 1-7.

A judge was impatient and abrasive and improperly threatened a deputy public defender with contempt, and made personal and unnecessary comments about a deputy district attorney. Com. on Jud. Performance, [\*In the Matter Concerning Judge Richard A. Vlavianos\*](#) (2023) pp. 8-10.

A judge made discourteous remarks towards a litigant in court, including calling her a "smart aleck." Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure on Judge Michael J. Mulvihill\*](#) (2022) p. 5.

A judge advanced a hearing on a dispositive motion without notice and ruled without appearing to consider all the briefs, stating that he was proceeding whether they "like[d] it or not" and would stop reading the opposition when he got "bored," and in a separate proceeding, awarded less than one percent of requested attorney fees and costs, without explanation. Com. on Jud. Performance, [\*Public Admonishment of Judge Derek W. Hunt\*](#) (2022) pp. 2, 5.

A judge displayed unwarranted irritation toward, and made disrespectful and sarcastic comments to, two criminal defense attorneys who were permitted to appear by telephone at an arraignment that took place the day after the governor issued a stay-at-home order related to Covid-19 and in another matter, stated to an acquitted defendant that he had been given "a gift from God." Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Patrick E. Connolly\*](#) (2021) pp. 7-8.

A judge treated litigants, attorneys, and a social worker in a harsh and discourteous manner in multiple cases, yelled at court staff and engaged in a display of impatient and frustrated behavior in several areas of the courthouse, and discourteously raised her voice to another judge in chambers. Com. on Jud. Performance, [\*Public Admonishment of Judge Barbara L. Roberts\*](#) (2021) pp. 3, 4, 8, 9, 11, 17, 18, 20, 22, 24, 26.

A judge stated during a chambers conference with the district attorney, a deputy district attorney, probation employees, a bailiff and court clerk, that, among other

things, he thought the district attorney's office was "unprofessional and superfluous." Com. on Jud. Performance, [Decision and Order Imposing Severe Public Admonishment on Former Judge David A. Mason](#) (2020) p. 11.

Among other things, a judge interrogated a witness in a civil jury trial in a hostile manner, mishandled the witness's assertion of her Fifth Amendment privilege against self-incrimination, and questioned the parties and counsel in a quiet title action in an injudicious manner. Com. on Jud. Performance, [Decision and Order Imposing Public Admonishment on Judge Frank Roesch](#) (2020) pp. 12, 27.

A judge disparaged the district attorney and his office's handling of cases. Com. on Jud. Performance, [Decision and Order Imposing Public Admonishment on Judge Robert L. Tamietti](#) (2020) p. 13.

An appellate justice engaged in a pattern of sexual misconduct toward women that he encountered at the courts where he worked and at professional functions, including a fellow justice, research attorneys, other judicial staff and junior attorneys, by, among other things, engaging in unwanted touching of several women, making disparaging statements against women at the court, engaging in undignified conduct while intoxicated in some cases while at the courthouse, and making overly personal sexual remarks. Com. on Jud. Performance, [Decision and Order Removing Justice Jeffrey W. Johnson from Office](#) (2020) pp. 7-18.

Among other things, a judge told an African American defendant to stop "shucking and jiving," made numerous undignified and offensive sexualized statements in the workplace, and stated in court that his bailiff "doesn't know what the hell he's talking about." Com. on Jud. Performance, [Public Censure of Judge Jeffrey G. Bennett](#) (2020) pp. 2-5, 7-20.

A judge stated to an attorney in court who appeared pro per that "the party who represents himself has a fool for a client," and told a litigant in a family law case that "You can't down a couple of 40s before you go pick them up before a visit because that's not good." Com. on Jud. Performance, [Decision and Order Imposing Severe Public Censure on Judge Ariadne J. Symons](#) (2019) pp. 8, 11.

Among other things, a judge remanded and delayed sentencing of defendants in three misdemeanor probation cases and referenced her personal experience when discussing the ability of defendants to pay fines. Com. on Jud. Performance, [Decision and Order Imposing Public Admonishment on Judge Carol Williams Elswick](#) (2018) pp. 19, 12, 15.

A judge made undignified statements during a hearing that caused the matter to be reversed by the Court of Appeal. Com. on Jud. Performance, [Decision and Order Imposing Public Admonishment on Former Judge Timothy J. Stafford](#) (2018) p. 6.

A commissioner allowed court staff to make offensive and inappropriate comments relating to race, gender, and sexual conduct in the courtroom when court was not in session and the commissioner made profane and derogatory comments about a court interpreter to other court staff and in the presence of the interpreter. Com. on Jud. Performance, [\*Public Admonishment of Commissioner Mark Kliszewski\*](#) (2017) pp. 1-2.

Among other things, a judge used nicknames in court, such as Shorty and Bun Head, when referring to attorneys and interns, commented on the physical appearance of attorneys, such as “the pretty brown one.” [\*Inquiry Concerning Judge Gary G. Kreep\*](#) (2017) 3 Cal.5th CJP Supp 1, 30-33.

A judge mistreated potential jurors, including by condescendingly telling an individual to act like an adult and by ordering one individual to wait in the hallway for an hour before recalling her regarding her complaint against the judge’s clerk. [\*Inquiry Concerning Judge Edmund W. Clarke, Jr.\*](#) (2016) 1 Cal.5th CJP Supp 1, 15-17.

A judge made statements impugning the integrity of a court commissioner and participated in intemperate email exchanges with his supervising judge and court executive officer. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure on Judge John A. Trice\*](#) (2016) pp. 12-13, 18, 21.

A judge treated women in the court inappropriately, despite being warned against that behavior. Com. On Jud. Performance, [\*Public Admonishment of Judge Joseph E. Bergeron\*](#) (2016) p. 1-2.

A judge became irritated and aggressive with a member of court administration regarding the reassignment of another judge’s courtroom clerk. Com. On Jud. Performance, [\*Public Admonishment of Judge John L. Fielder\*](#) (2015) p. 2.

A judge attempted to influence another judge’s handling of an arrest warrant in a family law case. Com. On Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Daniel J. Healy\*](#) (2014) p. 4.

A judge engaged in an intimate relationship with his court clerk and, among other things, actively resisted any attempt to reassign her, including misleading his supervising and presiding judges and the court executive officer about the nature of the judge’s relationship with the clerk. Com. On Jud. Performance, [\*Decision and Order Imposing Censure on Judge Cory Woodward\*](#) (2014) pp. 4-6.

A judge ordered counsel “to spend every waking moment between now and when we are next in court working on this case” and ordered her to stay in the courtroom for an extended period before conducting a contempt hearing based on a statement by counsel. Com. On Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Morris D. Jacobson\*](#) (2012) p. 6.

A commissioner made discourteous and denigrating remarks to litigants, attorneys, and related parties, attempted to engage in humor at the expense of litigants, repeatedly brought up in court complaints about him that litigants had filed with the court, and commented on internet postings by litigants about his handling of cases. Com. On Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Commissioner Alan Friedenthal\*](#) (2012) pp. 8-9, 11.

A judge made disparaging Remarks about the district attorney’s office, including that the office was “not doing their job properly.” Com. On Jud. Performance, [\*Decision and Order Imposing Public Admonishment of Former Judge Paul E. Zellerbach\*](#) (2011) pp. 1-3.

A judge interrogated an unrepresented defendant about preparation of a motion, accused him of lying when he denied having had help preparing the motion, and revoked his pro per status. Com. On Jud. Performance, [\*Public Admonishment of Judge Joan Comparet-Cassani\*](#) (2011) p. 8.

A judge referred to a tall, thin female attorney with short hair as a “Q-tip,” and told a female attorney that a male attorney was “incompetent and just stood in court . . . and picking his nose.” Com. On Jud. Performance, [\*Public Admonishment of Judge John B. Gibson\*](#) (2010) pp. 1-2.

A judge promoted herself for a potential television show, and on other occasions, engaged in a pattern of misconduct that included making demeaning remarks to litigants, court staff, and attorneys. Com. On Jud. Performance, [\*Decision and Order Imposing Public Censure on Judge DeAnn M. Salcido\*](#) (2010) pp. 3, 15, 18-19.

A judge presided over the arraignment of a family friend, hugged the friend in open court after the proceedings, and, in another matter, commented in a crowded courtroom that a certain misdemeanor was “just another example of the DA overcharging.” Com. On Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Anthony C. Edwards\*](#) (2010) p. 8.

During a hearing to approve a class action settlement, a judge made sarcastic and improper remarks to the plaintiffs’ attorneys regarding attorneys’ fees and ordered the named plaintiff’s award and the fees to be paid in \$10 gift cards from the defendant clothing store. Com. On Jud. Performance, [\*Decision and Order Imposing Public Censure and Bar of Former Judge Brett Carroll Klein\*](#) (2010) p. 5.

A judge made disrespectful and inappropriate comments to an attorney, including telling her not to “think out loud” when voicing an objection and that “this is not a law school class” when she attempted to explain her witness’s illness, and abruptly ended the trial because it had exceeded the anticipated time without

permitting one party to complete its case. [\*Inquiry Concerning Judge Peter J. McBrien\*](#) (2010) 49 Cal.4th CJP Supp. 315, 338-339.

A judge made inappropriate remarks on the record, including suggesting that indigent defendants received inferior legal services and stating that one case was “a crazy waste of time” and that pursuing it amounted to “stupidity.” Com. On Jud. Performance, [\*Public Admonishment of Judge Christine K. Moruza\*](#) (2008) pp. 1-6.

A judge advanced criminal trial dates without adequate notice or counsel’s consent and improperly relieved the public defender. Com. On Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge James J. McBride\*](#) (2008) pp. 2-6.

A judge made frequent sarcastic and demeaning remarks to attorneys and litigants in court, including that: “These are the kinds of lawsuits that make people mad when they get on jury service.” Com. On Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge John M. Watson\*](#) (2008) p. 4.

Judge utilized a hand lettered “overruled” sign, allowed derision of the plaintiff and the proceedings in general, and used a “soccer-style” card system with counsel. Com. On Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge James M. Brooks\*](#) (2008) pp. 2-8.

A judge engaged in a pattern of making discourteous and sarcastic comments to attorneys and litigants appearing before him. Com. On Jud. Performance, [\*Public Admonishment of Judge James M. Petrucelli\*](#) (2007) pp. 5-6.

A judge issued unwarranted Orders to Show Cause and left the OSCs in place during the pendency of the action. Com. On Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Ronald M. Sohigian\*](#) (2007) p. 1.

Among other things, a judge increased sentences and showed irritation when defendants asked him respectful questions about their sentences, expressed his dissatisfaction with attorneys by not recalling bench warrants for the arrest of their clients, made disparaging remarks regarding attorneys, and used inappropriate humor about incarceration. [\*Inquiry Concerning Judge José A. Velasquez\*](#) (2007) 49 Cal.4th CJP Supp 175, 183.

A judge berated and belittled attorneys, litigants, witnesses, and a potential juror, including stating that an attorney had asked “a silly question.” Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure and Bar on Former Judge Susanne S. Shaw\*](#) (2006) pp. 8, 10, 13, 24, 25.

A judge made sarcastic and demeaning remarks to a defendant who failed to appear for his deposition and made racist comments in open court. Com. on Jud. Performance, [\*Public Admonishment of Judge James M. Brooks\*](#) (2006) pp. 1-2.

A judge engaged in a several ex parte communications, including with a criminal defendant about her plea and the possibility of diversion, and negatively commented on the charging decision in another matter. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Bruce Clayton Mills\*](#) (2006) pp. 1-3; 5-6.

A judge imposed sanctions on an attorney without prior notice or an opportunity to be heard. Com. on Jud. Performance, [\*Public Admonishment of Judge Ronald J. Maciel\*](#) (2006) p. 3.

A judge denied a defendant a right to be heard regarding sentencing by, among other things, cutting counsel off during his argument, ordering counsel remanded for contempt during the sentencing hearing, and mischaracterizing the record leading up to the contempt. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Ruffo Espinosa, Jr.\*](#) (2006) p. 9.

A judge accused an unrepresented defendant of lying until he admitted the alleged facts and accused another defendant of being a pathological liar. [\*Inquiry Concerning Judge Kevin A. Ross\*](#) (2005) 49 Cal.4th CJP Supp 79, 110-118.

A judge interfered with a district attorney's attempt to obtain a transcript of proceedings after the judge lied and misrepresented facts to the deputy district attorney during the proceedings. Com. on Jud. Performance, [\*Decision and Order Imposing Censure and Bar on Judge William R. Danser\*](#) (2005) p. 34.

Among other things, a judge thanked counsel in a sidebar for not dismissing a female juror because she was nice to look at, pressed an attorney who regularly appeared before him for a lunch date, and helped to find dates for an attorney who regularly appeared in his court. [\*Inquiry Concerning Judge John D. Harris\*](#) (2005) 49 Cal.4th CJP Supp. 61, 69-74.

A judge repeatedly made oral and written statements displaying hostility toward an attorney caused in part by the judge's reaction to the material in the attorney's fee request that criticized the court's handling of fee requests. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Former Judge Robert M. Letteau\*](#) (2004) p. 7.

Among other things, a judge criticized an attorney's performance in court during trial and in the presence of the jury in a condescending manner, attacked an inexperienced prosecutor's legal training, professional competence, and motives, and lost his composure and making comments in the presence of the jury for the



purpose of venting his anger or frustration. [\*Inquiry Concerning Judge Bruce Van Voorhis\*](#) (2003) 48 Cal.4th CJP Supp 257, 266-67, 277, 281, 292.

A judge wrote “relax” on the hand of a female attorney during her oral argument, attempted to fasten a button on the front of that female attorney’s jacket, and engaged in unwelcome kissing of that female attorney in chambers. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure and Barring Judge Arthur S. Block from Receiving Assignments\*](#) (2002) pp. 2-3.

A judge suggested to a defendant at arraignment that he would be sexually assaulted while in jail and made demeaning personalized remarks to a deputy district attorney who refused to reduce charges. [\*Inquiry Concerning Judge Susanne S. Shaw\*](#) (2000) 48 Cal.4th CJP Supp. 125, 130-133.

A judge acted in a demeaning manner toward a prospective juror, court administrative staff, and an expert witness. Com. on Jud. Performance, [\*Public Admonishment of Judge Robert C. Coates\*](#) (2000) pp. 3-6.

A judge engaged in a pattern of inappropriate conduct in the workplace towards female court employees, including a municipal court supervisor. [\*Inquiry Concerning Judge John B. Gibson\*](#) (2000) 48 Cal.4th CJP Supp 112, 114-122.

A judge conducted a trial in an informal manner without regard for the rules of evidence, posed unanswerable questions to a 15-year-old witness to intimidate her, and publicly labeled an attorney as unethical and dishonest. [\*Inquiry Concerning Judge Howard R. Broadman\*](#) (1999) 48 Cal.4th CJP Supp. 67, 67, 72, 76-78, 80-82.

A judge asked attorneys to handle routine matters on the judge’s misdemeanor pretrial calendar and allowed his clerk to routinely stamp his signature on plea forms falsely indicating that defendant had been advised of, and waived, his or her constitutional rights. [\*Inquiry Concerning Judge Christopher J. Sheldon\*](#) (1998) 48 Cal.4th CJP Supp. 46, 52.

A judge engaged in ex parte communications with an attorney about a case pending before him in which the attorney was appearing. Com. on Jud. Performance, [\*Public Admonishment of Judge Gregory M. Caskey\*](#) (1998) pp. 2-3.

A judge told an offensive joke from the bench during a child molestation case. [\*Inquiry Concerning Judge James Randal Ross\*](#) (1998) 48 Cal.4th CJP Supp. 19, 32-33.

A judge referred to two female juveniles as “bitches,” and stated in another case that a male defendant who appeared to charge toward the judge did not have a “Chinaman’s chance” of reaching him. Com. on Jud. Performance, [\*Decision and\*](#)

[Order Imposing Public Admonishment on Judge James L. Stevens, Jr.](#) (1998) pp. 2-3.

A judge refused to allow a traffic court defendant to cross-examine the arresting officer and retaliated against an individual who had reported the judge to the commission. [Robert H. Furey, Jr., a Judge of the Justice Court v. Commission on Judicial Performance](#) (1987) 43 Cal.3d 1297, 1305-1317.

A judge publicly branded a coach at a youth sports event as a "pervert" based on the judge's knowledge that the coach had once been convicted of child molestation, initiated probation revocation proceedings on a probationer based on personal reasons other than the faithful discharge of his duties, and engaged in intemperate, open-court criticism of a fellow judge. [In re L. Eugene Rasmussen, a Judge of the Justice Court, on Censure](#) (1987) 43 Cal.3d 536, 537-538.

A judge made insulting and derogatory statements from the bench and in chambers impugning the character and competence of his judicial colleagues, including insinuating that one of his colleagues had accepted a bribe and calling another judge a "coward" to his face. [Mario P. Gonzalez, a Judge of the Municipal Court v. Commission on Judicial Performance](#) (1983) 33 Cal.3d 359, 371.

A judge engaged in a pattern of misconduct, including showing a lack of judicial temperament in general and ordering the immediate incarceration of public defenders purportedly pursuant to her direct contempt powers. [Cannon v. Commission on Judicial Qualifications](#) (1975) 14 Cal.3d 678, 707.

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### **Disqualification/Disclosure/Post-Disqualification Conduct**

A judge disclosed that she made *ex parte* comments, but modified her self-report with factually inaccurate statements relating to the timing the comments were made, in an attempt to minimize her misconduct. Com. on Jud. Performance, [Decision and Order Imposing Public Admonishment on Judge Emily J. Cole](#), (2024) pp. 6-7.

A judge failed to properly disclose his long-standing relationship with an attorney who regularly appeared before him in numerous cases even after being disciplined for identical conduct. Com. on Jud. Performance, [Decision and Order Imposing Severe Public Admonishment on Former Judge David A. Mason](#) (2020) pp. 7, 11.

A judge appeared to retaliate against a deputy district attorney in connection with that attorney's peremptory challenge against the judge, and chose a successor judge rather than notifying the presiding judge of the peremptory challenge.



Com. on Jud. Performance, [Decision and Order Imposing Public Admonishment on Judge Robert L. Tamietti](#) (2020) p. 6.

A judge inferred on the record that he believed that the district attorney's office had a practice of filing peremptory challenges against him. Com. on Jud. Performance, [Public Censure of Judge Jeffrey G. Bennett](#) (2020) p. 6-7.

A judge appeared to retaliate against a public defender for the filing of a peremptory challenge against the judge. Com. on Jud. Performance, [Decision and Order Removing Judge John T. Laettner from Office](#) (2019) p. 63.

A judge failed to disclose his son's commissioned employment at a monitoring company to which the judge referred criminal defendants, but did not violate the code when he failed to disclose his connections to the owner of the monitoring company, and failed to disclose his close relationship with a lawyer whom the judge appointed as a special master in one of the judge's cases. Com. on Jud. Performance, [Public Censure and Bar of Former Judge Steven C. Bailey](#) (2019) p. 9, 13-16.

A judge made repeated remarks about the judge's battles with the public defender's office the day after the public defender had filed a peremptory challenge against the judge and improperly discussed the peremptory challenge with a supervisor in the public defender's office. Com. on Jud. Performance, [Decision and Order Imposing Public Admonishment on Judge Carol Williams Elswick](#) (2018) pp. 9-12.

A judge appointed a former law firm colleague as a public defender and then failed to disqualify herself or disclose the relationship in cases involving that colleague. Com. on Jud. Performance, [Decision and Order Imposing Public Admonishment on Judge Elizabeth W. Johnson](#) (2018) pp. 5-6.

A judge responded to a blanket challenge from the city attorney's office by telling deputy public defenders and public defender interns to "watch out" for similar blanket challenges against them. [Inquiry Concerning Judge Gary G. Kreep](#) (2017) 3 Cal.5th CJP Supp 1, 45-48.

A judge ordered the own recognizance release from jail of a social acquaintance based on the request of a friend without notice or a hearing. [Inquiry Concerning Judge James M. Petrucelli](#) (2015) 61 Cal.4th CJP Supp. 1, 2.

A judge failed to disclose his economic interest in, and monthly payments from, an indigent defense contract on his Statements of Economic Interests for four years and to disqualify himself in matters involving his former partners in the indigent defense contract. Com. on Jud. Performance, [Decision and Order Imposing Public Censure and Bar of Former Judge Marc A. Garcia](#) (2015) pp. 7-8.

A judge assigned cases of an attorney with whom he was engaged in a sexual relationship to other judges after disqualifying himself. Com. on Jud. Performance, [\*Decision and Order Imposing Censure on Judge Scott Steiner\*](#) (2014) pp. 4-5.

A judge failed to disclose on the record when he actively considered a run for district attorney. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment of Former Judge Paul E. Zellerbach\*](#) (2011) pp. 3-4.

After disqualifying himself based on a personal relationship with a family friend, a judge presided over the felony arraignment of that family friend and hugged the friend in open court after the proceedings. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Anthony C. Edwards\*](#) (2010) pp. 2-4.

A judge communicated with a litigant's employer about a possible violation of law revealed by a document that had been produced during the case and failed to disclose his contact with the employer and to disqualify himself. [\*Inquiry Concerning Judge Peter J. McBrien\*](#) (2010) 49 Cal.4th CJP Supp. 315, 336-338.

A judge presided over an unlawful detainer trial when he had previously been the defendant in a separate case brought by the tenants of his apartment units involving the same issues. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge John M. Watson\*](#) (2008) p. 14.

A judge improperly questioned a prosecutor who filed a disqualification motion against her. [\*Inquiry Concerning Judge Diana R. Hall\*](#) (2006) 49 Cal.4th CJP Supp 146, 165-167.

A judge failed to disqualify himself or to disclose his relationship with an attorney appearing before him for whom the judge had attempted to arrange dates. [\*Inquiry Concerning Judge John D. Harris\*](#) (2005) 49 Cal.4th CJP Supp. 61, 75.

A judge called another judge during court proceedings in another matter to ask him to "back him up" on a bail increase order after the judge had recused himself. [\*Inquiry Concerning Judge D. Ronald Hyde\*](#) (2003) 48 Cal.4th CJP Supp. 329, 346-347, 350-352.

A judge failed to disqualify himself from vehicle code violation matters involving friends and took actions in other cases after he was disqualified. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure and Barring Judge James R. Simpson from Receiving Assignments\*](#) (2002) pp. 2-4, 7.

A judge failed to disqualify himself from matters in which he had previously been involved as a fiduciary. Com. on Jud. Performance, [\*Decision and Order\*](#)

[\*Imposing Public Censure and Barring Former Judge William H. Sullivan from Receiving Assignments\*](#) (2002) pp. 12-13.

A judge exceeded the extent of the explanation necessary to disqualify himself and publicly labeled an attorney as unethical and dishonest. [\*Inquiry Concerning Judge Howard R. Broadman\*](#) (1999) 48 Cal.4th CJP Supp. 67, 79-82.

A judge appointed an attorney who was a friend and another who was a tenant in the judge's office building in criminal cases and failed to disclose his relationships with those attorneys. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge John P. Shook\*](#) (1998) pp. 2-4.

A judge improperly handled peremptory challenges, displayed bias against attorneys who filed peremptory challenges against him and appeared to retaliate against those attorneys. Com. on Jud. Performance, [\*Public Admonishment of Judge Stephen Drew\*](#) (1996) pp. 2-4.

A judge failed to disqualify himself or make an adequate disclosure on the record of his relationship with attorneys from several law firms appearing before him. [\*Adams v. Commission on Judicial Performance\*](#) (1995) 10 Cal.4th 866, 901-904.

A judge gave unsolicited advice to a judicial officer who was assigned to a case from which the judge had been disqualified. [\*Robert H. Furey, Jr., a Judge of the Justice Court v. Commission on Judicial Performance\*](#) (1987) 43 Cal.3d 1297, 1315-1316.

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## **Ex Parte Communications**

A judge texted a deputy district attorney, before the close of trial, about whether the deputy district attorney appearing before the judge should call a rebuttal witness. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Emily J. Cole\*](#), (2024) p. 6.

A judge wrote an impertinent email missive to the appellate justice who had vacated the judge's decision, which also constituted improper ex parte communication. Com. on Jud. Performance, [\*Public Admonishment of Derek W. Hunt\*](#) (2023), pp. 6-7.

A judge engaged in improper ex parte communications in two parole re-entry court matters by directing jail employees to call the judge immediately on his personal cell phone should certain defendants be brought into custody, giving the appearance that he would order the release of the defendants without proper court proceedings. The judge also took part in improper ex parte communications with court staff regarding a represented criminal defendant. Com. on Jud.

Performance, [\*In the Matter Concerning Judge Richard A. Vlavianos\*](#) (2023) pp. 10-11, 13.

A judge engaged in ex parte communications with the district attorney's office and appeared to be attempting to influence the office's charging decision. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Robert L. Tamietti\*](#) (2020) pp. 3-5.

A judge engaged in ex parte communications with the assistant district attorney in chambers and told the deputy public defender that she was not included in the conversation because the judge was mad at her. Com. on Jud. Performance, [\*Decision and Order Removing Judge John T. Laettner from Office\*](#) (2019) pp. 16-17.

A judge engaged in ex parte communications with a deputy district attorney in a case before her. Com. on Jud. Performance, [\*Decision and Order Imposing Severe Public Censure on Judge Ariadne J. Symons\*](#) (2019) p. 8.

A judge modified a contempt sentence based on an ex parte communication and without providing notice or an opportunity to be heard and, in a separate matter, engaged in an improper ex parte communication with the deputy district attorney while the jury was deliberating. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure and Bar on Former Judge Bruce Clayton Mills\*](#) (2018) pp. 11-12, 17-18.

A judge responded to a blanket challenge from the city attorney's office by engaging in ex parte communications with deputy public defenders and public defender interns and telling them to watch out for similar blanket challenges against them. [\*Inquiry Concerning Judge Gary G. Kreep\*](#) (2017) 3 Cal.5th CJP Supp 1, 45-48.

A judge engaged in ex parte communications and failed to disclose the substance of those communications to the opposing counsel. Com. on Jud. Performance, [\*Public Admonishment of Judge Patrick E. Connolly\*](#) (2016) pp. 4-5.

A judge engaged in ex parte communications in his chambers with a deputy district attorney about her case that was pending before him and solicited the deputy district attorney's opinion on the trial performance of the public defender. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Stuart Scott\*](#) (2016) p. 4.

A commissioner conducted an independent ex parte investigation of litigants appearing in a case before him. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Commissioner Alan Friedenthal\*](#) (2012) pp. 10-11.

A judge engaged in ex parte communications in separate cases regarding the availability of witnesses and the district attorney's charging decision. [\*Inquiry Concerning Judge Robert G. Spitzer\*](#) (2007) 49 Cal.4th CJP Supp 254, 273-280.

A judge engaged in ex parte communications with a criminal defendant about her plea and the possibility of diversion, and then with the defendant's attorney in chambers. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Bruce Clayton Mills\*](#) (2006) p. 3.

A judge invited a crime victim into his chambers without counsel present and told her to call him if there was anything he could do to help her. [\*Inquiry Concerning Judge John D. Harris\*](#) (2005) 49 Cal.4th CJP Supp. 61, 69-70.

After disqualifying himself, a judge called another judge during the court proceedings to ask him to "back him up" on a bail increase order. [\*Inquiry Concerning Judge D. Ronald Hyde\*](#) (2003) 48 Cal.4th CJP Supp. 329, 350-352.

A judge relied on ex parte communications from two attorney friends to release several defendants from jail. [\*Inquiry Concerning Former Judge Luis A. Cardenas\*](#) (2000) 48 Cal.4th CJP Supp. 167, 172-175.

A judge spoke to two deputy district attorneys who were in court on unrelated matters about a pending case, stating that she did not want the district attorney's office to undercut her offer to the defendants at arraignment. [\*Inquiry Concerning Judge Susanne S. Shaw\*](#) (2000) 48 Cal.4th CJP Supp. 125, 130-132. A judge engaged in numerous improper ex parte communications with three codefendants, including one with whom the judge was having a sexual relationship. [\*Inquiry Concerning Judge George W. Trammell III\*](#) (1999) 48 Cal.4th CJP Supp 56, 64.

A judge engaged in ex parte communications with an attorney about a case then pending before him in which the attorney was appearing. Com. on Jud. Performance, [\*Public Admonishment of Judge Gregory M. Caskey\*](#) (1998) p. 3.

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### **Failure to Cooperate/Lack of Candor with Regulatory Authorities**

A judge made misrepresentations on her self-report to the Commission on Judicial Performance, by implying that her acknowledged *ex parte* communications occurred later, thereby suggesting that the communication was not improper. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Emily J. Cole\*](#), (2024) pp. 6-7.

A judge falsely stated to the commission that she was making timely payments on a business loan. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Elizabeth W. Johnson\*](#) (2018) pp. 2-3.

A judge failed to disclose his economic interest in, and monthly payments from, an indigent defense contract on his Statements of Economic Interests for four years. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure and Bar of Former Judge Marc A. Garcia\*](#) (2015) p. 7.

A judge failed to cooperate with the commission's preliminary investigation. [\*Inquiry Concerning Judge Robert G. Spitzer\*](#) (2007) 49 Cal.4th CJP Supp 254, 280-281.

A judge failed to disclose information on his Statements of Economic Interests, which were signed under penalty of perjury. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure and Barring Former Judge William H. Sullivan from Receiving Assignments\*](#) (2002) pp. 14-15.

A judge made false statements about his qualifications on a judicial data questionnaire and about his background, education, and/or military service to the commission. [\*Inquiry Concerning Judge Patrick Couwenberg\*](#) (2001) 48 Cal.4th CJP Supp. 205, 220-223.

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### **Failure to Ensure Rights**

A judge indicated he would dismiss a civil case for improper reasons unrelated to the merits. The judge also denied a motion to set aside a default judgment without notice to opposing counsel in violation of the law and the litigant's due process rights. Com. on Jud. Performance, [\*Public Admonishment of Derek W. Hunt\*](#) (2023), pp. 1-6, 8-11.

A commissioner in a family law matter failed to adequately review the moving papers, did not ask questions regarding the substantive issues in the case, and was impatient, argumentative, discourteous, and demeaning to both parents. The commissioner further failed to accord the parents the full right to be heard, and dismissed the deputy district attorneys and the investigator from the hearings without letting them speak or inquiring whether they had any relevant information. Com. on Jud. Performance, [\*Public Admonishment of Commissioner Wendy M. Harris\*](#) (2023) pp. 1-7.

A judge failed to fully advise criminal defendants of their rights, which had the effect of coercing them to agree to treatment court, made statements indicating preference for defendants who "took care of" their cases, which had the effect of coercing defendants to agree to plea deals, appeared to disfavor defendants who wanted an attorney but could not afford one, and interfered with an unrepresented criminal defendant's right to counsel by discussing his case with him even though the defendant had requested counsel. Com. on Jud. Performance, [\*In the Matter Concerning Judge Richard A. Vlavianos\*](#) (2023) pp. 8-10.



A judge advanced a hearing on a dispositive motion without notice and ruled without appearing to consider all the briefs, stating that he was proceeding whether they “like[d] it or not” and would stop reading the opposition when he got “bored,” and in a separate proceeding, awarded less than one percent of requested attorney fees and costs, without explanation. Com. on Jud. Performance, [Public Admonishment of Judge Derek W. Hunt](#) (2022) pp. 2, 5.

A judge directed his clerk to create minute orders stating that bail was exonerated and reset without giving the defendant or her counsel the opportunity to be heard. Com. on Jud. Performance, [Decision and Order Removing Judge John T. Laettner from Office](#) (2019) p. 14.

A judge failed to resentence a criminal defendant for over three years after being directed to do so by the Court of Appeal. Com. on Jud. Performance, [Decision and Order Imposing Public Admonishment on Judge Jose I. Sandoval](#) (2019) p. 4.

A judge remanded defendants in several matters and delayed setting revocation hearings until after the defendants served a predetermined sentence of jail time. Com. on Jud. Performance, [Decision and Order Imposing Public Admonishment on Judge Carol Williams Elswick](#) (2018) p. 9.

A judge revoked a criminal defendant’s pro per status based on the judge’s belief that the defendant was lying about the independent preparation of a brief. Com. on Jud. Performance, [Public Admonishment of Judge Joan Comparet-Cassani](#) (2011) pp. 7-8.

A judge abruptly ended a trial because it had exceeded the anticipated time without permitting one party to complete his case. [Inquiry Concerning Judge Peter J. McBrien](#) (2010) 49 Cal.4th CJP Supp. 315, 326.

A judge advanced criminal trial dates without adequate notice or counsel’s consent and, in other cases, improperly relieved the public defender. Com. on Jud. Performance, [Decision and Order Imposing Public Admonishment on Judge James J. McBride](#) (2008) pp. 1-2.

A judge presided over an unlawful detainer trial when he had previously been the defendant in a case brought by the tenants of his apartment units involving the same issue. Com. on Jud. Performance, [Decision and Order Imposing Public Admonishment on Judge John M. Watson](#) (2008) pp. 2, 14.

A judge incarcerated defendants without respect for their constitutional rights, increased sentences and showed irritation when defendants asked him respectful questions about their sentences, interfered with defendants’ exercise of the right to trial by jury, and coerced defendants into diversion. [Inquiry Concerning Judge José A. Velasquez](#) (2007) 49 Cal.4th CJP Supp 175, 193, 200, 204-205.

A judge summarily placed a defendant in custody when he did not cooperate with her judicial assistant, denied bail, and scheduled a hearing for nearly one month later, effectively revoking his probation without a hearing. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Pamela L. Iles\*](#) (2006) pp. 2-4.

A judge denied a defendant a full right to be heard through counsel regarding sentencing by, among other things, cutting counsel off during his argument and ordering counsel remanded for contempt during the sentencing hearing. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Ruffo Espinosa, Jr.\*](#) (2006) p. 8.

A judge added new criminal charges against a defendant and summarily incarcerated him, accused an unrepresented defendant of lying until he admitted the alleged facts, and accused another defendant of being a pathological liar. [\*Inquiry Concerning Judge Kevin A. Ross\*](#) (2005) 49 Cal.4th CJP Supp 79, 99-100, 111, 117.

A judge issued bench warrants without legal authority to do so, refused to hear a defendant's explanation for his late arrival at trial, and told criminal defendants at hearings that they would not receive a more lenient offer later in the proceedings. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Stephen P. Gildner\*](#) (2005) pp. 5-8.

A judge had a practice of finding that defendants had waived their right to have a speedy preliminary hearing and their right to have a trial within the time limit prescribed by law, without properly obtaining the defendants' waiver of those rights. Com. on Jud. Performance, [\*Public Admonishment of Judge James L. Roeder\*](#) (2003) p. 6.

A judge violated the due process rights of several parents in separate juvenile court proceedings by failing to give them a full right to be heard before changing custodial arrangements or removing children from a home. Com. on Jud. Performance, [\*Private Admonishment of Former Judge Eugene R. Bishop\*](#) (2002) pp. 3-7.

A judge remanded defendants without advising them of their rights and without a hearing, failed to allow an unrepresented defendant to cross-examine the police officer in a traffic violation case, ordered a defendant to sell his car that he was driving when he received a ticket for driving with an expired license, and remanded a juror who arrived late to trial. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure on Judge Fred L. Heene, Jr.\*](#) (1999) pp. 2-8.

A judge conducted a trial in an informal manner without regard for the rules of evidence and posed unanswerable questions to a 15-year-old witness to intimidate



her. [\*Inquiry Concerning Judge Howard R. Broadman\*](#) (1999) 48 Cal.4th CJP Supp. 67, 72-79.

A judge obtained waivers of future complaints to the commission. [\*Inquiry Concerning Judge James Randal Ross\*](#) (1998) 48 Cal.4th CJP Supp. 19, 38-39.

A judge denied an indigent defendant his right to appointed counsel after using improper criteria for considering the defendant's indigency and instead ordered him to work so that he could retain private counsel. Com. on Jud. Performance, [\*Public Admonishment of Judge Stephen Drew\*](#) (1996) p. 2.

A judge refused to exercise his discretion to consider traffic school as a possible disposition in traffic matters, telling litigants that traffic school was a "joke." Com. on Jud. Performance, [\*Public Reproval of Judge Kenneth E. Vassie\*](#) (1995) p. 3.

A judge maintained a policy of issuing no-bail warrants for defendants who failed to appear on misdemeanors even though they had a right to bail. Com. on Jud. Performance, [\*Public Reproval of Judge Michael A. Kanner\*](#) (1994) pp. 1-2.

A judge summoned a litigant who made a misconduct allegation to the commission and threatened that litigant with contempt. [\*Robert H. Furey, Jr., a Judge of the Justice Court v. Commission on Judicial Performance\*](#) (1987) 43 Cal.3d 1297, 1312.

A judge initiated probation revocation proceedings for a probationer based on personal reasons rather than on the faithful discharge of his duties. [\*In re L. Eugene Rasmussen, a Judge of the Justice Court, on Censure\*](#) (1987) 43 Cal.3d 536, 537-538.

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### **Gifts/Loans/Favors/Ticket-Fixing**

As part of a pattern of behavior to convince his courtroom clerk to have a close personal relationship with him, a judge gave the clerk approximately \$26,000 in gifts, including an automobile and a Disneyland trip package. [\*Inquiry Concerning Judge Valeriano Saucedo\*](#) (2015) 62 Cal.4th CJP Supp. 1, 42.

A judge, who did not adjudicate traffic tickets as part of his judicial duties, arranged for traffic citations to be transferred to his department and engaged in a pattern of handling traffic tickets for family, friends, and one juror and providing unusually lenient dispositions. [\*Inquiry Concerning Judge Richard W. Stanford, Jr.\*](#) (2012) 53 Cal.4th CJP Supp 1, 20-21.

A judge engaged in ticket-fixing as favors to family, friends, and acquaintances and afforded preferential treatment to defendants in four cases of driving under the influence of alcohol. Com. on Jud. Performance, [\*Decision and Order Imposing Censure and Bar on Judge William R. Danser\*](#) (2005) pp. 27, 31.

A judge provided preferential treatment to the judge's relatives and friends in handling traffic cases, including meeting with a relative in his chambers and giving her advice about a speeding ticket and diverting traffic cases to himself that involved his friends and friends of relatives, giving them more convenient procedural treatment, dismissing the citation, or excusing statutory fines. [\*Inquiry Concerning Former Judge David E. Wasilenko\*](#) (2005) 49 Cal.4th CJP Supp 26, 51-52.

A judge presided over numerous vehicle code violation matters involving friends, gave favorable treatment to friends, and tried to influence other judicial officers and police in their handling of matters concerning the judge's friends. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure and Barring Judge James R. Simpson from Receiving Assignments\*](#) (2002) pp. 3-4, 6-9.

A judge dismissed numerous traffic tickets involving his friends and the son of a bailiff, none of which would have regularly come before his court, and on multiple occasions, the judge attempted to improperly influence other judicial officers in their handling of cases involving his friends or acquaintances. [\*Inquiry Concerning Judge Michael E. Platt\*](#) (2002) 48 Cal.4th CJP Supp. 227, 242-246.

At the request of his attorney friends, a judge agreed to release several defendants from jail on their own recognizance. [\*Inquiry Concerning Former Judge Luis A. Cardenas\*](#) (2000) 48 Cal.4th CJP Supp. 167, 172-175.

A judge appointed attorneys with whom he had personal relationships to represent criminal defendants, and allowed an attorney appointed by the judge to pay for lunch for the judge and his staff, including taking a limousine to a restaurant. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge John P. Shook\*](#) (1998) pp. 2-4.

At the request of a friend, a judge utilized the court's computer to obtain and disclose confidential information from computerized records of the Department of Motor Vehicles. Com. on Jud. Performance, [\*Public Admonishment of Judge Thomas A. Smith\*](#) (1996) p. 2.

A judge engaged in several favorable commercial transactions with a former litigant, in whose favor the judge had rendered a large judgment and whose interests remained pending before the judge while the case was on appeal and attended dinners hosted by an attorney, including one to celebrate the judge's favorable and sizeable ruling in the attorney's case. [\*Adams v. Commission on Judicial Performance\*](#) (1995) 10 Cal.4th 866, 885-899.

On two occasions, a judge ordered the release from custody of the stepdaughter of the judge's friend even after another judge had denied release or a bail reduction. Com. on Jud. Performance, [\*Public Reproval of Judge Calvin P. Schmidt\*](#) (1989) p. 1.

A judge who met with an assemblywoman in the judge's home about two traffic tickets received by the assemblywoman's daughter subsequently made rulings on the citations in chambers without receiving any input from the prosecutor. Com. on Jud. Performance, [\*Public Reproval of Judge Bruce A. Clark\*](#) (1989) p. 2.

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### **Improper Business, Financial, or Fiduciary Activities**

A judge failed to make payments on a business loan, falsely stating to the commission that she was making timely payments, and used a court credit card on numerous occasions in an impermissible manner, including for personal purposes. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Elizabeth W. Johnson\*](#) (2018) pp. 3-6.

During his campaign for judicial office, a judge made campaign expenditures from his personal credit card and bank account, and, after he became a judge, he paid a former client out of his attorney-client trust account from his former law practice. [\*Inquiry Concerning Judge Gary G. Kreep\*](#) (2017) 3 Cal.5th CJP Supp 1, 22, 25.

As part of a pattern of behavior to convince his courtroom clerk to have a close personal relationship with him, a judge gave the clerk approximately \$26,000 in gifts, including cash, an automobile, and a Disneyland trip package. [\*Inquiry Concerning Judge Valeriano Saucedo\*](#) (2015) 62 Cal.4th CJP Supp. 1, 42.

A judge took financial control over his elderly neighbors' assets, including making a loan to himself. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure and Bar of Former Judge Paul D. Seeman\*](#) (2013) p. 6.

A judge acted as a private arbitrator during filming of a pilot television program for a possible reality series. [\*Inquiry Concerning Judge Kevin A. Ross\*](#) (2005) 49 Cal.4th CJP Supp 79, 128-129.

A judge participated in a fraudulent investment scheme, including, among other things, providing assurances to investors when he suspected the investment might not be legitimate, discouraging investors from complaining to government authorities, and directing staff to put calls from the investment company through to him on the bench or in chambers. Com. on Jud. Performance, [\*Censure and Stipulated Retirement of Judge James I. Aaron\*](#) (2002) pp. 3, 5, 7.

A judge violated his fiduciary duties to his former clients when he loaned himself client trust funds without permission and misused them for his own benefit. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure and Barring Former Judge William H. Sullivan from Receiving Assignments\*](#) (2002) p. 13.

A judge appointed attorneys with whom he had financial relationships to represent criminal defendants, sometimes allowing an attorney to bring fee invoices directly to the judge's chambers for approval. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge John P. Shook\*](#) (1998) pp. 2-3.

A judge engaged in several favorable commercial transactions with a former litigant in whose favor the judge had rendered a large judgment and whose interests remained pending before the judge. [\*Adams v. Commission on Judicial Performance\*](#) (1995) 10 Cal.4th 866, 885-894.

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### **Improper Political Activities**

Among other things, a judge used his judicial title to raise campaign funds and to promote his exploratory campaign and actual campaign for Attorney General, illegally solicited and accepted campaign contributions, and failed to supervise his campaign staff to prevent the impermissible use of his judicial title. Com. on Jud. Performance, [\*Public Censure and Bar of Former Judge Steven C. Bailey\*](#) (2019) p. 6, 28, 37.

A commissioner posted and re-posted material on social media that reflected, among other things, anti-immigration sentiment, anti-gay marriage sentiment, strong opposition to presidential candidate Hillary Clinton, and strong praise for presidential candidate Donald Trump. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure on Former Commissioner Joseph J. Gianquinto\*](#) (2018) p. 19.

During his campaign for judicial office, a judge failed to disclose thousands of dollars in accrued campaign expenses on two required campaign statements, failed to file amended statements to include the omitted expenses before he took the bench, and made campaign expenditures from his personal credit card and bank account. [\*Inquiry Concerning Judge Gary G. Kreep\*](#) (2017) 3 Cal.5th CJP Supp 1, 21-22.

A judge knowingly made a false statement on Facebook about the personal life of a deputy district attorney who was running for judicial office. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Jeff Ferguson\*](#) (2017) p. 3.

A judge failed to make campaign funding disclosure requirements and failed to timely file campaign contribution statements. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Charles R. Brehmer\*](#) (2012) p. 4.

A judge failed to disclose on the record when he actively considered a run for district attorney or when he made the decision to do so and after he was elected as district attorney but when he was still a judge, allowed his judicial title to be used to advance his efforts to retire the debt from his campaign. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment of Former Judge Paul E. Zellerbach\*](#) (2011) pp. 3-6.

A judge illegally commingled campaign funds with personal funds and filed four sworn campaign statements containing false information. [\*Inquiry Concerning Judge Diana R. Hall\*](#) (2006) 49 Cal.4th CJP Supp 146, 162-163.

A judge failed to disclose a campaign finance loan from a family member. Com. on Jud. Performance, [\*Public Admonishment of Judge Stephen E. Benson\*](#) (2006) p. 4.

During his campaign for reelection, a judge made false and misleading statements in response to questions posed by a reporter, threatened to bring legal action to dissuade the publication of facts concerning him that he knew to be true, and engaged in improper campaign activities in and around the courthouse. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure and Barring Judge Vincent J. McGraw from Receiving Assignments\*](#) (2003) pp. 3-7.

A judge gave his clerk money and asked her to donate the money in her name to the campaign of a candidate for nonjudicial office. Com. on Jud. Performance, [\*Public Admonishment of Judge Harvey H. Hiber\*](#) (1998) p. 2.

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### **Miscellaneous Off-Bench Conduct**

A judge drove under the influence of alcohol, caused an accident, attempted to leave the scene of the accident, misled police officers about the cause of the accident, and underreported to law enforcement the amount of alcohol he had consumed. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure on Judge Michael J. Mulvihill\*](#) (2022) pp. 2-4.

A judge engaged in inappropriate conduct on Facebook and Twitter including posting commentary or “likes” relating to, among other things, the newly elected Los Angeles County District Attorney, controversial political issues, and various groups’ exercise of constitutional rights. Com. on Jud. Performance, [\*Decision\*](#)

[and Order Imposing Public Admonishment on Judge Michael O’Gara](#) (2021) pp. 3, 12.

An appellate justice engaged in a pattern of sexual misconduct toward women that he encountered at the court and at professional functions, including a fellow justice, research attorneys, and other judicial staff, by, among other things, engaging in unwanted touching, making disparaging statements, engaging in undignified conduct while intoxicated in some cases while at the courthouse, and making overly personal sexual remarks. Com. on Jud. Performance, [Decision and Order Removing Justice Jeffrey W. Johnson from Office](#) (2020) pp. 25, 36, 39-40, 41-42, 44-51, 80, 84-85.

A judge knowingly engaged in conduct designed to have a traffic citation against her dismissed, failed to notify the court that her husband had a matter pending in the court, and sought information and assistance with her citation from a court clerk in a non-public area of the courthouse. Com. on Jud. Performance, [Decision and Order Imposing Severe Public Censure on Judge Ariadne J. Symons](#) (2019) p. 5.

A commissioner posted and re-posted material on social media that reflected, among other things, anti-immigration sentiment, anti-gay marriage sentiment, strong opposition to presidential candidate Hillary Clinton, and strong praise for presidential candidate Donald Trump. Com. on Jud. Performance, [Decision and Order Imposing Public Censure on Former Commissioner Joseph J. Gianquinto](#) (2018) p. 19.

A judge stole business card holders from a restaurant while attending a judges’ dinner hosted by a legal entity. Com. on Jud. Performance, [Decision and Order Imposing Public Censure on Judge Michael S. Williams](#) (2017) p. 3.

A judge made statements impugning the integrity of a court commissioner and, in another matter, participated in intemperate email exchanges with his supervising judge and court executive officer. Com. on Jud. Performance, [Decision and Order Imposing Public Censure on Judge John A. Trice](#) (2016) pp. 12-13, 18, 21.

A judge attempted to convince his courtroom clerk to have a close personal relationship with him by, among other things, creating an unsigned crude letter accusing his clerk of having an affair with a court bailiff, sending her hundreds of text messages of a personal nature, and giving her approximately \$26,000 in gifts, including an automobile and a Disneyland trip package. [Inquiry Concerning Judge Valeriano Saucedo](#) (2015) 62 Cal.4th CJP Supp. 1, 42.

A judge ordered the own recognizance release from jail of a social acquaintance based on the request of a friend without notice or a hearing and later assisted the acquaintance in retaining counsel. [Inquiry Concerning Judge James M. Petrucelli](#) (2015) 61 Cal.4th CJP Supp. 1, 13, 19.



A judge had an intimate relationship with his court clerk, including, among other things, engaging in sexual activity in chambers and misleading his supervising and presiding judges and the court executive officer about the nature of his relationship with her. Com. on Jud. Performance, [\*Decision and Order Imposing Censure on Judge Cory Woodward\*](#) (2014) pp. 3-6.

A judge took financial control over his elderly neighbors' assets, including making a loan to himself, made false statements on a DMV document about the purchase price of a car, and caused court personnel to access the DMV records to obtain license plate information for a purpose unrelated to his judicial duties. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure and Bar of Former Judge Paul D. Seeman\*](#) (2013) pp. 6-7.

A judge made false and misleading statements to a court administrator in support of her travel reimbursement claim. [\*Inquiry Concerning Judge Kelly A. MacEachern\*](#) (2008) 49 Cal.4th CJP Supp. 289, 303-304.

In organizing annual missionary trips to Africa and auction events to raise money for those trips, a judge solicited donations from fellow judicial officers, law enforcement officers, attorneys, and local businesspeople, solicited attendance at the auction, acted as auctioneer, and used his judicial secretary to create documents relating to the auctions and the trips to Africa on court letterhead. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Former Judge Robert D. Quall\*](#) (2008) p. 7.

While presiding over a jury trial in which his close friend represented a party, a judge escorted a secretary who was employed by that friend to a holiday party. Com. on Jud. Performance, [\*Public Admonishment of Former Judge Vincent P. DiFiglia\*](#) (2007) p. 2.

A judge delayed taking a verdict in a murder case because he was at a baseball game, refused to allow another judge who was available to take the verdict, and did not return from the game to take the verdict himself. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Paul E. Zellerbach\*](#) (2006) p. 2.

While driving under the influence of alcohol, a judge hit a wall and left the scene, subsequently lied to the police about the circumstances of the accident, and repeatedly invoked her judicial office to avoid arrest. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure on Judge Elaine M. Rushing\*](#) (2006) pp. 3-6.

A judge discussed the details of a pending juvenile case on a public affairs television program. [\*Inquiry Concerning Judge Kevin A. Ross\*](#) (2005) 49 Cal.4th CJP Supp 79, 123.

A judge participated in a fraudulent investment scheme, including, among other things, providing assurances to investors when he suspected the investment might not be legitimate and discouraging investors from complaining to government authorities, and avoided his financial obligations over a substantial period. Com. on Jud. Performance, [\*Censure and Stipulated Retirement of Judge James I. Aaron\*](#) (2002) pp. 3, 5, 7.

A judge loaned himself client trust funds without permission and misused them for his own benefit. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure and Barring Former Judge William H. Sullivan from Receiving Assignments\*](#) (2002) p. 13.

A judge made false statements about his qualifications on a judicial data questionnaire and about his background, education, and/or military service to attorneys in the courthouse, to a newspaper reporter, and to the commission. [\*Inquiry Concerning Judge Patrick Couwenberg\*](#) (2001) 48 Cal.4th CJP Supp. 205, 220-223.

While on sick leave from the court, a judge, among other things, engaged in teaching activities, sat for depositions in a federal matter, and failed to cooperate with the presiding judge, including lying about the seriousness of his medical condition and falsely obtained extensive sick leaves. [\*Inquiry Concerning Judge Patrick B. Murphy\*](#) (2001) 48 Cal.4th CJP Supp 179, 199-201.

A judge was arrested on multiple occasions for driving under the influence of alcohol and violated a protective order issued in favor of his family. [\*Inquiry Concerning Former Judge Bradley\*](#) (1999) 48 Cal.4th CJP Supp. 84, 93-95.

A judge had a sexual relationship with one of three codefendants in a case before him. [\*Inquiry Concerning Judge George W. Trammell III\*](#) (1999) 48 Cal.4th CJP Supp 56, 64.

A judge deflated the right front tire of a van belonging to a disabled person that was parked in the judge's reserved parking spot at the courthouse. Com. on Jud. Performance, [\*Public Reproval of Judge James M. Slater\*](#) (1993) p. 1.

A judge made racist and insulting statements in chambers. [\*Mario P. Gonzalez, a Judge of the Municipal Court v. Commission on Judicial Performance\*](#) (1983) 33 Cal.3d 359, 371-377.

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## Misuse of Court Resources

A judge had his judicial secretary prepare personal documents, including letters on judicial stationary with a judicial title. Com. on Jud. Performance, [\*Public Admonishment of Judge Robert C. Coates\*](#) (2009) pp. 2-4.

A judge had his judicial secretary create documents on court letterhead relating to annual missionary trips to Africa and auction fundraising events organized by the judge. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Former Judge Robert D. Quall\*](#) (2008) p. 7.

A judge used court staff, court resources, and court facilities for his personal real estate business. Com. on Jud. Performance, [\*Public Admonishment of Judge John M. Watson\*](#) (2006) p. 2.

A judge used court secretaries and other court resources to send out numerous documents using his judicial title, including letters to his bank regarding a line of credit and a letter to the city treasurer complaining about a parking ticket. Com. on Jud. Performance, [\*Public Admonishment of Judge Robert C. Coates\*](#) (2000) pp. 2-3.

A judge promoted and sold his book through the courthouse and bailiff to jurors and attorneys. [\*Inquiry Concerning Judge James Randal Ross\*](#) (1998) 48 Cal.4th CJP Supp. 19, 31-32.

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## Non-Performance of Judicial Functions/Attendance/Sleeping

A judge was absent from the courthouse, without approval or authorization, for at least 155 days – 87 days beyond those allowed for annual leave – and was not present a single Friday for 18 of those 24 months. Com. on Jud. Performance, [\*Decision and Order Imposing Severe Public Censure Pursuant to Stipulation on Judge Howard J. Shore\*](#) (2023) pp. 2-4.

A judge frequently arrived late to hear matters in her courtroom. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Elizabeth W. Johnson\*](#) (2018) pp. 3-6.

A judge took his clerk for an extended lunch, which caused the court to be closed during business hours. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Anthony C. Edwards\*](#) (2010) p. 9.

A judge routinely left the courthouse for the day without authorization after his morning calendar concluded and did not inform his supervising judges of his

absences. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure on Judge Christopher J. Sheldon\*](#) (2009) p. 3.

A judge kept his chambers and courtroom in a chronic state of disorganization that led to gross neglect of court records and the failure to timely process signed orders. [\*Inquiry Concerning Judge Robert G. Spitzer\*](#) (2007) 49 Cal.4th CJP Supp 254, 261-263.

A judge delayed taking a verdict in a murder case because he was at a baseball game, refused to allow another judge who was available to take the verdict, and did not return from the game to take the verdict himself. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Paul E. Zellerbach\*](#) (2006) p. 2.

A judge failed to cooperate with the presiding judge in the administration of court business, including lying about the seriousness of his medical condition and falsely obtained extensive sick leaves. [\*Inquiry Concerning Judge Patrick B. Murphy\*](#) (2001) 48 Cal.4th CJP Supp 179, 200-201.

A judge refused to hear at least two motions on the merits. [\*Mario P. Gonzalez, a Judge of the Municipal Court v. Commission on Judicial Performance\*](#) (1983) 33 Cal.3d 359, 370-371.

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### **Non-Substance Abuse Criminal Conduct**

A judge took financial control over his elderly neighbors' assets, eventually pleading no contest to one charge of felony elder abuse. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure and Bar of Former Judge Paul D. Seeman\*](#) (2013) p. 6.

A judge pled guilty to felony possession of child pornography. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure and Bar against Former Judge Ronald C. Kline\*](#) (2006) p. 3.

A judge was convicted of a misdemeanor for cutting tree limbs growing on public land adjacent to his residence. Com. on Jud. Performance, [\*Public Admonishment of Judge Peter J. McBrien\*](#) (2002) p. 1.

After a defendant escaped a bailiff's custody, a judge issued an order that aided the defendant's escape and later pled no contest to the misdemeanor of aiding and abetting a person's escape after remand. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure and Bar on Former Judge Alfonso D. Hermo\*](#) (2001) pp. 2-3.

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### **Off-Bench Abuse of Office/Misuse of Court Information**

Using court stationery and her judicial title, a judge wrote two letters to the police chief regarding misconduct allegations that had been made against detectives in a case before her. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Judith L. Meyer\*](#) (2022) p. 5.

A judge knowingly engaged in conduct designed to have a traffic citation against her dismissed, failed to notify the court that her husband had a matter pending, and sought information and assistance with her citation from a court clerk in a non-public area of the courthouse. Com. on Jud. Performance, [\*Decision and Order Imposing Severe Public Censure on Judge Ariadne J. Symons\*](#) (2019) p. 5.

A judge made statements impugning the integrity of a court commissioner and, in another matter, participated in intemperate email exchanges with his supervising judge and court executive officer. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure on Judge John A. Trice\*](#) (2016) pp. 12-13, 18, 21.

A judge engaged in sexual activity in chambers with women and contacted the district attorney's office regarding the employment application of a woman with whom he was involved in a sexual relationship. Com. on Jud. Performance, [\*Decision and Order Imposing Censure on Judge Scott Steiner\*](#) (2014) p. 5.

A judge took financial control over his elderly neighbors' assets, including making a loan to himself, made false statements on a DMV document, and caused court personnel to access the DMV records to obtain information for a purpose unrelated to his judicial duties. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure and Bar of Former Judge Paul D. Seeman\*](#) (2013) pp. 6-7.

A judge communicated the desired disposition of his son's criminal case to a pro tem judge and showed supporting documents to the courtroom clerk in an area not accessible to the public. [\*Inquiry Concerning Judge Bruce Clayton Mills\*](#) (2013) 57 Cal.4th CJP Supp. 1, 11-12.

A judge attempted to influence a commissioner to waive a civil assessment on the judge's wife's traffic citation and to bypass standard procedures in the setting of a

trial date for that citation. Com. on Jud. Performance, [Decision and Order Imposing Public Censure on Judge Salvador Sarmiento](#) (2012) p. 6.

A judge allowed his judicial title to be used in efforts to retire the debt from his campaign for district attorney. Com. on Jud. Performance, [Decision and Order Imposing Public Admonishment of Former Judge Paul E. Zellerbach](#) (2011) pp. 3-6.

A judge had his judicial secretary prepare personal documents, including letters on judicial stationary with a judicial title. Com. on Jud. Performance, [Public Admonishment of Judge Robert C. Coates](#) (2009) pp. 2-4.

In organizing annual missionary trips to Africa and auction events to raise money for those trips, a judge solicited donations from fellow judicial officers, law enforcement officers, attorneys, and local businesspeople, solicited attendance at the auction, acted as auctioneer, and used his judicial secretary to create documents relating to the auctions and the trips to Africa on court letterhead. Com. on Jud. Performance, [Decision and Order Imposing Public Admonishment on Former Judge Robert D. Quall](#) (2008) p. 7.

While driving under the influence of alcohol, a judge hit a wall and left the scene, subsequently lied to the police about the circumstances of the accident, and repeatedly invoked her judicial office to avoid arrest. Com. on Jud. Performance, [Decision and Order Imposing Public Censure on Judge Elaine M. Rushing](#) (2006) pp. 3-6.

A judge repeatedly attempted to use his status as a judge to receive preferential treatment in connection with his arrest for driving under the influence of alcohol. Com. on Jud. Performance, [Decision and Order Imposing Public Censure on Judge Bernard J. Schwartz](#) (2006) p. 6.

A judge used court staff, court resources, and court facilities for his personal real estate business. Com. on Jud. Performance, [Public Admonishment of Judge John M. Watson](#) (2006) p. 2.

A judge discussed details of two pending cases on a public affairs television program. [Inquiry Concerning Judge Kevin A. Ross](#) (2005) 49 Cal.4th CJP Supp 79, 121-127.

A judge used his position to influence the police department dismiss traffic tickets issued to family and friends. Com. on Jud. Performance, [Decision and Order Imposing Censure and Bar on Judge William R. Danser](#) (2005) p. 27.

A judge used his judicial position to obtain confidential restricted DMV records that pertained to a matter of personal interest to him. [Inquiry Concerning Judge D. Ronald Hyde](#) (2003) 48 Cal.4th CJP Supp. 329, 337-338.

During his campaign for reelection, a judge made false and misleading statements regarding whether he accessed pornographic websites on his court computer and engaged in improper campaign activities in and around the courthouse. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure and Barring Judge Vincent J. McGraw from Receiving Assignments\*](#) (2003) pp. 5, 7.

A judge improperly interfered with the traffic violation case of a friend's daughter. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure and Barring Judge Arthur S. Block from Receiving Assignments\*](#) (2002) pp. 5-6.

A judge attempted to improperly influence other judicial officers in their handling of cases involving his friends or acquaintances. [\*Inquiry Concerning Judge Michael E. Platt\*](#) (2002) 48 Cal.4th CJP Supp. 227, 242.

A judge tried to influence other judicial officers and police in their handling of matters relating to the judge's friends. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure and Barring Judge James R. Simpson from Receiving Assignments\*](#) (2002) pp. 3-4, 6-9.

A judge participated in a fraudulent investment scheme, including, among other things, providing assurances to investors when he suspected the investment might not be legitimate and discouraging investors from complaining to government authorities, and avoided his financial obligations over a substantial period. Com. on Jud. Performance, [\*Censure and Stipulated Retirement of Judge James I. Aaron\*](#) (2002) pp. 3, 5, 7, 11.

A judge violated his fiduciary duties to his former clients and acted with impropriety when he loaned himself client trust funds without permission and misused them for his own benefit. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure and Barring Former Judge William H. Sullivan from Receiving Assignments\*](#) (2002) p. 13.

A judge made statements to friends purporting to convey the outcome of a case on appeal in which the friends were involved and in which no decision had been issued by the appellate court. Com. on Jud. Performance, [\*Public Admonishment of Judge Bernard E. Revak\*](#) (2000) p. 4.

A judge used court secretaries and other court resources to send out numerous documents using his judicial title, including letters to his bank regarding a line of credit and a letter to the city treasurer complaining about a parking ticket. Com. on Jud. Performance, [\*Public Admonishment of Judge Robert C. Coates\*](#) (2000) pp. 2-3.

A judge engaged in a sexual relationship with one of three codefendants in a case before him. [\*Inquiry Concerning Judge George W. Trammell III\*](#) (1999) 48 Cal.4th CJP Supp 56, 64.

A judge appointed attorneys with whom he had personal relationships to represent criminal defendants, and allowed an attorney appointed by the judge to pay for lunch for the judge and his staff, including taking a limousine to a restaurant. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge John P. Shook\*](#) (1998) pp. 2-4.

A judge promoted and sold his book through the courthouse and bailiff to jurors and attorneys. [\*Inquiry Concerning Judge James Randal Ross\*](#) (1998) 48 Cal.4th CJP Supp. 19, 31-32.

A judge invoked her judicial position to convince law enforcement agencies to release her friend on the friend's own recognizance. Com. on Jud. Performance, [\*Public Admonishment of Judge Elvira S. Austin\*](#) (1997) p. 2.

A judge publicly branded a coach at a youth sports event as a "pervert" based on the judge's knowledge that the coach had once been convicted of child molestation. [\*In re L. Eugene Rasmussen, a Judge of the Justice Court, on Censure\*](#) (1987) 43 Cal.3d 536, 537-538.

A judge made racist and insulting statements in chambers. [\*Mario P. Gonzalez, a Judge of the Municipal Court v. Commission on Judicial Performance\*](#) (1983) 33 Cal.3d 359, 371-377.

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### **On-Bench Abuse of Authority in Performance of Judicial Duties**

A commissioner in a family law matter failed to adequately review the moving papers, did not ask questions regarding the substantive issues in the case, and was impatient, argumentative, discourteous, and demeaning to both parents. The commissioner further failed to accord the parents the full right to be heard, and dismissed the deputy district attorneys and the investigator from the hearings without letting them speak or inquiring whether they had any relevant information. Com. on Jud. Performance, [\*Public Admonishment of Commissioner Wendy M. Harris\*](#) (2023) pp. 1-7.

A judge was rude, accusatory, and abrasive toward a deputy district attorney and a deputy public defender, improperly threatened the deputy public defender with contempt, failed to fully advise criminal defendants of their rights, effectively coerced defendants into agreeing to treatment court and guilty pleas, and interfered with an unrepresented criminal defendant's right to counsel by discussing his case with him after he requested counsel. Com. on Jud.

Performance, [\*In the Matter Concerning Judge Richard A. Vlavianos\*](#) (2023) pp. 8-10.

In multiple dependency cases, a judge treated parents, attorneys, and a social worker in a harsh and discourteous manner. Com. on Jud. Performance, [\*Public Admonishment of Judge Barbara L. Roberts\*](#) (2021) p. 1.

A judge modified a contempt sentence based on an ex parte communication and without providing notice or an opportunity to be heard. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure and Bar on Former Judge Bruce Clayton Mills\*](#) (2018) pp. 11-13.

Among other things, a judge used nicknames in court, such as Shorty and Bun Head, when referring to attorneys and interns, commented on the physical appearance of attorneys, such as “the pretty brown one,” and commented on an attorney’s pregnancy. [\*Inquiry Concerning Judge Gary G. Kreep\*](#) (2017) 3 Cal.5th CJP Supp 1, 30-33.

A judge ordered a witness incarcerated for contempt without providing notice or an opportunity to be heard after the witness appeared to make a rude hand gesture and ordered payment of monetary sanctions by counsel and of attorneys’ fees and costs by a litigant without prior notice. Com. on Jud. Performance, [\*Public Admonishment of Judge Jaime R. Román\*](#) (2016) pp. 3-5.

A judge conducted multiple hearings in a post-trial contempt dispute about a comment that an attorney had made at a sidebar during trial without following the proper procedures. Com. on Jud. Performance, [\*Public Admonishment of Judge Patrick E. Connolly\*](#) (2016) pp. 4-5.

A judge ordered the own recognizance release from jail of a social acquaintance based on the request of a friend without notice or a hearing. [\*Inquiry Concerning Judge James M. Petrucelli\*](#) (2015) 61 Cal.4th CJP Supp. 1, 2.

A judge abused his authority by summoning an attorney to chambers and suggesting that a declaration in support of a motion should not be filed as presented. Com. on Jud. Performance, [\*Public Admonishment of Judge John L. Fielder\*](#) (2015) pp. 2-3.

A judge reassigned cases of an attorney with whom he was engaged in a sexual relationship to other judges after disqualifying himself. Com. on Jud. Performance, [\*Decision and Order Imposing Censure on Judge Scott Steiner\*](#) (2014) p. 5.

A judge ordered counsel “to spend every waking moment between now and when we are next in court working on this case” and ordered her to stay in the courtroom for an extended period before conducting a contempt hearing based on



a statement by counsel. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Morris D. Jacobson\*](#) (2012) p. 6.

A commissioner made discourteous remarks to litigants, attorneys, and related parties, attempted to engage in humor at the expense of litigants, repeatedly brought up complaints about him on the record, and commented on internet postings by litigants about his handling of cases. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Commissioner Alan Friedenthal\*](#) (2012) pp. 8-9, 11.

A judge revoked a criminal defendant's pro per status based on the judge's belief that the defendant was lying about the independent preparation of a brief. Com. on Jud. Performance, [\*Public Admonishment of Judge Joan Comparet-Cassani\*](#) (2011) pp. 7-8.

After receiving a report that a member of the public was taking pictures in the courthouse, a judge ordered her to attend a hearing on whether she was creating a disturbance in the courthouse and remanded her for contempt. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge James R. Wagoner\*](#) (2011) pp. 1-2, 4.

During a hearing, a judge made remarks that perpetuated racist stereotypes about Hispanic and Middle Eastern men and made statements suggesting that she had prejudged the facts of a case before hearing all the testimony. Com. on Jud. Performance, [\*Public Admonishment of Judge Nancy Pollard\*](#) (2011) pp. 1-4.

A judge engaged in a pattern of misconduct that included making demeaning remarks to litigants, court staff, and attorneys. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure on Judge DeAnn M. Salcido\*](#) (2010) pp. 3, 15, 18-19.

A judge ordered a restraining order against a plaintiff without complying with procedural requirements and without affording notice or an opportunity to be heard. [\*Inquiry Concerning Judge Joseph W. O'Flaherty\*](#) (2010) 50 Cal.4th CJP Supp 1, 11-13.

A judge presided over the arraignment of a family friend, hugged the friend in open court after the proceedings, and, in another matter, commented in a crowded courtroom that a certain misdemeanor was "just another example of the DA overcharging." Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Anthony C. Edwards\*](#) (2010) p. 8.

During a hearing to approve a class action settlement, a judge made sarcastic remarks to the plaintiffs' attorneys regarding attorneys' fees and ordered the plaintiff's award and fees to be paid in \$10 gift cards from the defendant clothing



store. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure and Bar of Former Judge Brett Carroll Klein\*](#) (2010) p. 5.

A judge threatened a mistrial in a case if it was not concluded on time, made disrespectful comments to an attorney, including telling her not to “think out loud” when voicing an objection, and abruptly ended the trial because it had exceeded the anticipated time without permitting one party to complete its case. [\*Inquiry Concerning Judge Peter J. McBrien\*](#) (2010) 49 Cal.4th CJP Supp. 315, 326-328, 336-339.

A judge made comments on the record that suggested bias, including suggesting that indigent defendants received inferior legal services and stating that a domestic violence case was “a crazy waste of time.” Com. on Jud. Performance, [\*Public Admonishment of Judge Christine K. Moruza\*](#) (2008) pp. 2-3, 6.

A judge advanced criminal trial dates without adequate notice or counsel’s consent and, in other cases, improperly relieved the public defender. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge James J. McBride\*](#) (2008) pp. 1-2.

A judge approved a plea agreement deferring sentencing of a defendant if he left California and did not return. Com. on Jud. Performance, [\*Public Admonishment of Judge Pamela L. Iles\*](#) (2007) pp. 1-2.

Among other things, a judge increased sentences and showed irritation when defendants asked him respectful questions about their sentences, expressed his dissatisfaction with attorneys by not recalling bench warrants for their clients, made disparaging remarks regarding attorneys, and used inappropriate humor about incarceration at the expense of defendants. [\*Inquiry Concerning Judge José A. Velasquez\*](#) (2007) 49 Cal.4th CJP Supp 175, 183.

A judge berated and belittled attorneys, litigants, witnesses, and a potential juror. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure and Bar on Former Judge Susanne S. Shaw\*](#) (2006) pp. 8, 10, 13, 24-25.

A judge improperly added new criminal charges against a defendant and summarily incarcerated the defendant based on the faulty new charges, accused an unrepresented defendant of lying until he admitted the alleged facts, and accused another defendant of being a pathological liar. [\*Inquiry Concerning Judge Kevin A. Ross\*](#) (2005) 49 Cal.4th CJP Supp 79, 99-101, 110-118.

A judge engaged in ticket-fixing as favors to family, friends, and acquaintances and afforded preferential treatment to defendants in several cases of driving under the influence of alcohol. Com. on Jud. Performance, [\*Decision and Order Imposing Censure and Bar on Judge William R. Danser\*](#) (2005) pp. 27, 31.

A judge issued bench warrants without legal authority to do so, refused to hear a defendant's explanation for his late arrival at trial, and told criminal defendants that they would not receive more lenient offers. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Stephen P. Gildner\*](#) (2005) pp. 5-8.

A judge failed to follow an appellate court's remand order. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Brett Carroll Klein\*](#) (2004) p. 4.

A judge instructed prospective jurors in one criminal case to lie during voir dire if they harbored racial bias and, in another case, invited prospective jurors to violate their oath by telling them that they could invent an excuse to get off the jury. [\*Inquiry Concerning Judge Joseph W. O'Flaherty\*](#) (2004) 49 Cal.4th CJP Supp. 1, 13-14.

A judge made misleading statements to litigants regarding the date of an order declining jurisdiction in a family law matter. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Francisca P. Tisher\*](#) (2004) p. 3.

Among other things, a judge criticized an attorney's performance in court during trial and in the presence of the jury in a condescending manner, attacked an inexperienced prosecutor's legal training, professional competence, and motives, lost his composure and making comments in the presence of the jury for the purpose of venting his anger or frustration, and told the foreperson of a jury that questions to the court should be reviewed for proper grammar. [\*Inquiry Concerning Judge Bruce Van Voorhis\*](#) (2003) 48 Cal.4th CJP Supp 257, 266-67, 277, 281, 292, 294.

A judge threatened to banish an interpreter from a public courtroom for making complaints against the judge, wrote "relax" on the hand of a female attorney during her oral argument, and attempted to fasten a button on the front of that female attorney's jacket. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure and Barring Judge Arthur S. Block from Receiving Assignments\*](#) (2002) pp. 2-3.

A judge remanded defendants based on his "smell test" of their clothes and hair. Com. on Jud. Performance, [\*Censure and Stipulated Retirement of Judge James I. Aaron\*](#) (2002) p. 11.

After a defendant escaped a bailiff's custody, a judge issued an order that aided the defendant's escape. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure and Bar on Former Judge Alfonso D. Hermo\*](#) (2001) pp. 2-3.

At the request of his attorney friends, a judge agreed to release several defendants from jail on their own recognizance. [\*Inquiry Concerning Former Judge Luis A. Cardenas\*](#) (2000) 48 Cal.4th CJP Supp. 167, 172-175.

A judge remanded defendants without advising them of their rights and without a hearing, failed to allow an unrepresented defendant to cross-examine the police officer in a traffic violation case, ordered a defendant to sell his car that he was driving when he received a citation, and remanded a juror who arrived late to trial. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure on Judge Fred L. Heene, Jr.\*](#) (1999) pp. 2-8.

A judge allowed his sexual relationship with one of three codefendants to influence his actions in the case. [\*Inquiry Concerning Judge George W. Trammell III\*](#) (1999) 48 Cal.4th CJP Supp 56, 64.

A judge told an inappropriate and offensive joke from the bench during a child molestation case and abused his judicial authority by, among other things, obtaining waivers of future complaints against the judge to the commission. [\*Inquiry Concerning Judge James Randal Ross\*](#) (1998) 48 Cal.4th CJP Supp. 19, 32-33, 38-41.

A judge-initiated probation revocation proceedings for a probationer based on personal reasons, communicated the likely sentence to a defendant in the absence of counsel, and engaged in intemperate, open-court criticism of a fellow judge. [\*In re L. Eugene Rasmussen, a Judge of the Justice Court, on Censure\*](#) (1987) 43 Cal.3d 536, 537-538.

A judge refused to hear a bail motion after a public defender objected to the judge's direct questioning of his client, conducted proceedings in the absence of counsel, and conditioned the release of an improperly incarcerated defendant on a stipulation to the validity of his arrest. [\*Mario P. Gonzalez, a Judge of the Municipal Court v. Commission on Judicial Performance\*](#) (1983) 33 Cal.3d 359, 371.

A judge engaged in a pattern of misconduct, including showing a general lack of judicial temperament and ordering the immediate incarceration of public defenders purportedly pursuant to her direct contempt powers. [\*Cannon v. Commission on Judicial Qualifications\*](#) (1975) 14 Cal.3d 678, 707.

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## Sexual Harassment/Inappropriate Workplace Gender Comments

An appellate justice engaged in a pattern of sexual misconduct toward women that he encountered at the courts where he worked and at professional functions, including a fellow justice, research attorneys, other judicial staff and junior attorneys, by, among other things, engaging in unwanted touching of several women, making disparaging statements against women at the court, engaging in undignified conduct while intoxicated in some cases while at the courthouse, and making overly personal sexual remarks. Com. on Jud. Performance, [\*Decision and Order Removing Justice Jeffrey W. Johnson from Office\*](#) (2020) pp. 7-18.

A judge engaged in a pattern of offensive conduct toward women, including stating that an attorney's parents "hadn't spanked [her] enough" and telling a court reporter that she was "hot." Com. on Jud. Performance, [\*Decision and Order Removing Judge John T. Laettner from Office\*](#) (2019) pp. 26-27, 39-40.

A commissioner made profane comments about a court interpreter to other court staff and sometimes in the presence of the interpreter. Com. on Jud. Performance, [\*Public Admonishment of Commissioner Mark Kliszewski\*](#) (2017) pp.1-2.

A judge engaged in a pattern of misconduct including commenting on the physical appearance of attorneys such as "the pretty brown one" and on an attorney's pregnancy. [\*Inquiry Concerning Judge Gary G. Kreep\*](#) (2017) 3 Cal.5th CJP Supp 1, 30-33.

Among other things, a judge thanked counsel in a sidebar for not dismissing a female juror because she was nice to look at, pressed an attorney who regularly appeared before him for a lunch date, and helped to find dates for an attorney who regularly appeared in his court. [\*Inquiry Concerning Judge John D. Harris\*](#) (2005) 49 Cal.4th CJP Supp. 61, 69-74.

A judge told a story to a court executive in the presence of court staff that included sexual language. [\*Inquiry Concerning Judge D. Ronald Hyde\*](#) (2003) 48 Cal.4th CJP Supp. 329, 340-341

A judge wrote "relax" on the hand of a female attorney during her oral argument, attempted to fasten a button on the front of that female attorney's jacket, and engaged in unwelcome kissing of that female attorney in chambers. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure and Barring Judge Arthur S. Block from Receiving Assignments\*](#) (2002) pp. 2-3.

A judge engaged in a pattern of inappropriate conduct in the workplace toward female employees including the touching of his bailiff's breasts, making a sexually suggestive comment to a deputy sheriff, and making a crude and derogatory reference about a female deputy district attorney. [\*Inquiry Concerning Judge W. Jackson Willoughby\*](#) (2000) 48 Cal.4th CJP Supp. 145, 164.

A judge engaged in a pattern of inappropriate conduct in the workplace towards female court employees, including a municipal court supervisor. [\*Inquiry Concerning Judge John B. Gibson\*](#) (2000) 48 Cal.4th CJP Supp 112, 114-122.

A judge engaged in a pattern of sexual harassment and unwelcome advances towards his clerk over an eight-month period, including buying her expensive gifts, kissing her on the mouth, and passing her notes of a sexual nature from the bench. Com. on Jud. Performance, [\*Public Admonishment of Judge Harvey H. Hiber\*](#) (1998) pp. 1-2.

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### Canon 2B(1)

#### B. Use of the Prestige of Judicial Office

(1) A judge shall not allow family, social, political, or other relationships to influence the judge's judicial conduct or judgment, nor shall a judge convey or permit others to convey the impression that any individual is in a special position to influence the judge.

➤ CJP Annotations: Canon 2B(1)

[Abuse of Contempt/Sanctions](#)

[Administrative Malfeasance/Improper Comments, Treatment of Colleagues and Staff](#)

[Bias/Appearance of Bias Not Directed Toward a Particular Class](#)

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[On-Bench Abuse of Authority in Performance of Judicial Duties](#)

[Sexual Harassment/Inappropriate Workplace Gender Comments](#)

#### Abuse of Contempt/Sanctions

A judge improperly threatened a deputy public defender with contempt after she objected to the judge's questioning of a criminal defendant after the defendant had requested counsel. [\*In the Matter Concerning Judge Richard A. Vlavianos\*](#) (2023) pp. 9-10.

A judge approved a series of confiscated gun sales involving his bailiff and friend, conveying the impression that the bailiff had an "inside track" for obtaining release of the guns. [\*Marion E. Gubler, a Judge of the Municipal Court v. Commission on Judicial Performance\*](#) (1984) 37 Cal.3d 27, 58-59.

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### **Administrative Malfeasance/Improper Comments, Treatment of Colleagues and Staff**

A judge became aggressive with a court administrator regarding the reassignment of another judge's courtroom clerk and, on a different occasion, suggested to an attorney that a declaration in support of a motion should be revised before filing. Com. on Jud. Performance, [\*Public Admonishment of Judge John L. Fielder\*](#) (2015) pp. 2-3.

A judge threatened to banish an interpreter from a public courtroom for making complaints against the judge. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure and Barring Judge Arthur S. Block from Receiving Assignments\*](#) (2002) p. 5.

A judge frequently approached the district attorney to dismiss matters involving his friends or their family members. [\*Mario P. Gonzalez, a Judge of the Municipal Court v. Commission on Judicial Performance\*](#) (1983) 33 Cal.3d 359, 369.

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### **Bias/Appearance of Bias Not Directed Toward a Particular Class**

A judge accused an alleged domestic violence victim of being "less than cooperative" based solely on the statements of the defendant's attorney who, the judge stated in open court, he trusted "more than anybody else" in the courtroom. Com. on Jud. Performance, [\*Public Admonishment of Judge Timothy S. Healy\*](#) (2024) pp. 5-9.

A judge engaged in conduct designed to have a traffic citation against her dismissed, failed to notify the court that her husband had a matter pending and sought information and assistance with her citation from a court clerk in a non-public area of the courthouse. Com. on Jud. Performance, [\*Decision and Order Imposing Severe Public Censure on Judge Ariadne J. Symons\*](#) (2019) p. 5.

A judge ordered a defendant to pay restitution to the monitoring company that employed the judge's son based on a letter from his son on the company letterhead. Com. on Jud. Performance, [\*Public Censure and Bar of Former Judge Steven C. Bailey\*](#) (2019) p. 10.

A judge solicited the advice of attorneys in the courtroom who were not involved in a case. [\*Inquiry Concerning Judge Gary G. Kreep\*](#) (2017) 3 Cal.5th CJP Supp 1, 54-55

A judge was Facebook friends with three attorneys who regularly appeared before him. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Jeff Ferguson\*](#) (2017) pp. 3-4.

A judge ordered the own recognizance release from jail of a social acquaintance based on the request of a friend without notice or a hearing. [\*Inquiry Concerning Judge James M. Petrucelli\*](#) (2015) 61 Cal.4th CJP Supp. 1, 16-19.

A judge appointed attorneys with whom he had personal relationships to represent criminal defendants, allowing the attorneys to bring attorneys' fees bills directly to the judge's chambers for approval and recommending the attorneys to an attorney appointment panel without disclosing his relationship. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge John P. Shook\*](#) (1998) pp. 2-4.

A judge advocated for a defendant and his family, who were acquaintances of the judge, including by investigating the propriety of an own-recognizance release for the defendant. [\*Judge Glenda Kraft Doan, a Judge of the Municipal Court, v. Commission on Judicial Performance\*](#) (1995) 11 Cal.4th 294, 318-319.

A judge asked the attorney representing a car dealer who had previously appeared before the judge and received a sizeable judgment to intervene in a transaction with the car dealer for a rental car. [\*Adams v. Commission on Judicial Performance\*](#) (1995) 10 Cal.4th 866, 895.

A judge took actions to help friends and political supporters, including by improperly assuming jurisdiction and not notifying the district attorney in a traffic matter. [\*William D. Spruance, a Judge of the Municipal Court v. Commission on Judicial Qualifications\*](#) (1975) 13 Cal.3d 778, 798.

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### **Decisional Delay/False Salary Affidavits**

A judge failed to arraign a friend, continued the friend's case numerous times, and dismissed the case without explanation. [\*Bernard P. McCullough v. Commission on Judicial Performance\*](#) (1989) 49 Cal.3d 186, 194.

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## **Demeanor/Decorum**

A judge became aggressive with a court administrator regarding the reassignment of another judge's courtroom clerk and, on a different occasion, suggested to an attorney that a declaration in support of a motion should be revised before filing. Com. on Jud. Performance, [\*Public Admonishment of Judge John L. Fielder\*](#) (2015) pp. 2-3.

A judge threatened to banish an interpreter from a public courtroom for making complaints against the judge and unwelcomely kissed a female attorney in chambers. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure and Barring Judge Arthur S. Block from Receiving Assignments\*](#) (2002) pp. 3, 5.

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## **Disqualification/Disclosure/Post-Disqualification Conduct**

A judge appointed attorneys with whom he had personal relationships to represent criminal defendants, sometimes recommending the attorneys to an attorney appointment panel without disclosing his relationship. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge John P. Shook\*](#) (1998) pp. 2-4.

A judge advocated for a defendant and his family, who were acquaintances of the judge, including by investigating the propriety of an own-recognition release for the defendant, and failed to disqualify herself or disclose her relationship with the defendant and his family when she presided over his bail review hearing. [\*Judge Glenda Kraft Doan, a Judge of the Municipal Court, v. Commission on Judicial Performance\*](#) (1995) 11 Cal.4th 294, 318-319.

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## **Ex Parte Communications**

A judge engaged in ex parte communications with one of three codefendants with whom the judge was involved in a sexual relationship. [\*Inquiry Concerning Judge George W. Trammell III\*](#) (1999) 48 Cal.4th CJP Supp 56, 64.

A judge engaged in ex parte communications with a defendant and his family, who were acquaintances of the judge, regarding the defendant's case. [\*Judge Glenda Kraft Doan, a Judge of the Municipal Court, v. Commission on Judicial Performance\*](#) (1995) 11 Cal.4th 294, 318-319.

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## Gifts/Loans/Favors/Ticket-Fixing

A judge, who did not adjudicate traffic tickets as part of his judicial duties, arranged for traffic citations issued to friends and family to be transferred to his department and provided lenient dispositions in those cases. [\*Inquiry Concerning Judge Richard W. Stanford, Jr.\*](#) (2012) 53 Cal.4th CJP Supp 1, 20-21.

A judge engaged in a pattern of misconduct regarding traffic citation cases, including transferring traffic cases of friends and family to his court to give them preferential treatment and making efforts to have the police department dismiss traffic tickets. Com. on Jud. Performance, [\*Decision and Order Imposing Censure and Bar on Judge William R. Danser\*](#) (2005) pp. 27-29, 31-34.

A judge provided preferential treatment to the judge's relatives and friends in traffic cases. [\*Inquiry Concerning Former Judge David E. Wasilenko\*](#) (2005) 49 Cal.4th CJP Supp 26, 51-55.

A judge presided over traffic matters involving friends, gave favorable treatment to friends, and tried to influence other judicial officers and police in their handling of matters concerning the judge's friends. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure and Barring Judge James R. Simpson from Receiving Assignments\*](#) (2002) pp. 3-4, 6-9.

A judge dismissed numerous traffic tickets involving his friends and the son of a bailiff, none of which would have regularly come before his court, and attempted to influence other judicial officers in their handling of cases involving his friends or acquaintances. [\*Inquiry Concerning Judge Michael E. Platt\*](#) (2002) 48 Cal.4th CJP Supp. 227, 242.

A judge appointed attorneys with whom he had personal relationships to represent criminal defendants, allowing the attorneys to bring attorneys' fees bills directly to the judge's chambers for approval and recommending the attorneys to an attorney appointment panel. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge John P. Shook\*](#) (1998) pp. 2-4.

At the request of a friend, a judge utilized the court's computer to obtain and disclose confidential information from computerized records of the Department of Motor Vehicles. Com. on Jud. Performance, [\*Public Admonishment of Judge Thomas A. Smith\*](#) (1996) p. 2.

A judge advocated for a defendant and his family, who were acquaintances of the judge, including by investigating the propriety of an own-recognition release for the defendant. [\*Judge Glenda Kraft Doan, a Judge of the Municipal Court, v. Commission on Judicial Performance\*](#) (1995) 11 Cal.4th 294, 318-319.

A judge asked the attorney representing a car dealer who had previously appeared before the judge and received a sizeable judgment to intervene in a transaction with the car dealer for a rental car. [\*Adams v. Commission on Judicial Performance\*](#) (1995) 10 Cal.4th 866, 895.

At the request of a judicial colleague, a judge gave lenient and favorable treatment to the colleague's family member. Com. on Jud. Performance, [\*Public Admonishment of Judge B.J. Bjork\*](#) (1995) p. 1.

A judge who met with an assemblywoman in the judge's home about two traffic tickets received by the assemblywoman's daughter subsequently made rulings on the tickets in chambers without receiving any input from the prosecutor. Com. on Jud. Performance, [\*Public Reproval of Judge Bruce A. Clark\*](#) (1989) p. 2.

A judge failed to arraign a friend, continued the friend's case numerous times, and dismissed the case without explanation. [\*Bernard P. McCullough v. Commission on Judicial Performance\*](#) (1989) 49 Cal.3d 186, 194.

A judge approved a series of confiscated gun sales involving his bailiff and friend, conveying the impression that the bailiff had an "inside track" for obtaining release of the guns. [\*Marion E. Gubler, a Judge of the Municipal Court v. Commission on Judicial Performance\*](#) (1984) 37 Cal.3d 27, 58-59.

A judge attempted to influence the disposition of criminal matters for his friends by approaching the district attorney to dismiss matters involving friends or their family members. [\*Mario P. Gonzalez, a Judge of the Municipal Court v. Commission on Judicial Performance\*](#) (1983) 33 Cal.3d 359, 367-369.

A judge took actions to help friends and political supporters, including by improperly assuming jurisdiction and not notifying the district attorney in a traffic matter. [\*William D. Spruance, a Judge of the Municipal Court v. Commission on Judicial Qualifications\*](#) (1975) 13 Cal.3d 778, 798.

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### **Improper Business, Financial, or Fiduciary Activities**

A judge used his title, prestige of the office, and court resources, materials, and employees to promote a non-profit he founded, and for which he was the chair of the board and CEO. The judge leveraged his judicial position to market his non-profit organization as a service provider for the judge's DUI collaborative court, and conflated the non-profit program with the DUI court's treatment program. In addition, several of the non-profit organization's board members were also affiliated with private companies that did business with the judge's court. Com. on Jud. Performance, [\*In the Matter Concerning Judge Richard A. Vlavianos\*](#) (2023) pp. 3-7.

A judge asked the attorney representing a car dealer who had previously appeared before the judge and received a sizeable judgment to intervene in a transaction with the car dealer for a rental car. [\*Adams v. Commission on Judicial Performance\*](#) (1995) 10 Cal.4th 866, 895.

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### **Miscellaneous Off-Bench Conduct**

A judge knowingly engaged in conduct designed to have a traffic citation against her dismissed, failed to notify the court that her husband had a matter pending and sought information and assistance with her citation from a court clerk in a non-public area of the courthouse. Com. on Jud. Performance, [\*Decision and Order Imposing Severe Public Censure on Judge Ariadne J. Symons\*](#) (2019) p. 5.

A judge ordered the own recognizance release from jail of a social acquaintance based on the request of a friend without notice or a hearing. [\*Inquiry Concerning Judge James M. Petrucelli\*](#) (2015) 61 Cal.4th CJP Supp. 1, 16-19.

A judge engaged in an intimate relationship with his court clerk and, among other things, actively resisted any attempt to reassign her, including misleading his supervising and presiding judges and the court executive officer about the nature of the judge's relationship with the clerk. Com. on Jud. Performance, [\*Decision and Order Imposing Censure on Judge Cory Woodward\*](#) (2014) pp. 4-6.

A judge engaged in ex parte communications with one of three codefendants with whom the judge was involved in a sexual relationship. [\*Inquiry Concerning Judge George W. Trammell III\*](#) (1999) 48 Cal.4th CJP Supp 56, 64.

A judge attempted to influence the disposition of criminal matters for his friends by approaching the district attorney to dismiss matters involving friends or their family members. [\*Mario P. Gonzalez, a Judge of the Municipal Court v. Commission on Judicial Performance\*](#) (1983) 33 Cal.3d 359, 367-369.

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## Misuse of Court Resources

In organizing annual missionary trips to Africa and auction events to raise money for those trips, a judge solicited donations from fellow judicial officers, law enforcement officers, attorneys appearing before him, and local businesspeople, solicited attendance at the auction, acted as auctioneer, and used his judicial secretary to create documents relating to the auctions and the trips to Africa on court letterhead. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Former Judge Robert D. Quall\*](#) (2008) p. 7.

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## Off-Bench Abuse of Office/Misuse of Court Information

Using court stationery and her judicial title, a judge wrote two letters to the police chief regarding misconduct allegations that had been made against detectives in a case before her. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Judith L. Meyer\*](#) (2022) p. 5.

A judge contacted the district attorney's office to follow up on a letter that he had written for an intern with whom he was engaged in a sexual relationship, asking about the hiring process and expressing his irritation that his recommendation had not resulted in the hiring of the intern. Com. on Jud. Performance, [\*Decision and Order Imposing Censure on Judge Scott Steiner\*](#) (2014) p. 4.

A judge attempted to influence a commissioner to waive a civil assessment on the judge's wife's traffic citation and to bypass standard procedures in the setting of a trial date for that citation. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure on Judge Salvador Sarmiento\*](#) (2012) p. 6.

In organizing annual missionary trips to Africa and auction events to raise money for those trips, a judge solicited donations from fellow judicial officers, law enforcement officers, attorneys appearing before him, and local businesspeople, solicited attendance at the auction, acted as auctioneer, and used his judicial secretary to create documents relating to the auctions and the trips to Africa on court letterhead. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Former Judge Robert D. Quall\*](#) (2008) p. 7.

A judge attempted to influence other judicial officers in their handling of traffic cases involving his friends or acquaintances. [\*Inquiry Concerning Judge Michael E. Platt\*](#) (2002) 48 Cal.4th CJP Supp. 227, 242.

A judge engaged in ex parte communications with one of three codefendants with whom the judge was involved in a sexual relationship. [\*Inquiry Concerning Judge George W. Trammell III\*](#) (1999) 48 Cal.4th CJP Supp 56, 64.

A judge attempted to influence the disposition of criminal matters for his friends by approaching the district attorney to dismiss matters involving friends or their family members. [\*Mario P. Gonzalez, a Judge of the Municipal Court v. Commission on Judicial Performance\*](#) (1983) 33 Cal.3d 359, 367-369.

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### **On-Bench Abuse of Authority in Performance of Judicial Duties**

A judge engaged in a pattern of misconduct regarding traffic citation cases, including transferring traffic cases of friends and family to his court to give them preferential treatment and making efforts to have the police department dismiss traffic tickets. Com. on Jud. Performance, [\*Decision and Order Imposing Censure and Bar on Judge William R. Danser\*](#) (2005) pp. 27-29, 31-34.

A judge threatened to banish an interpreter from a public courtroom for making complaints against the judge. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure and Barring Judge Arthur S. Block from Receiving Assignments\*](#) (2002) p. 5.

A judge continued to preside over a case involving a defendant with whom the judge had a sexual relationship. [\*Inquiry Concerning Judge George W. Trammell III\*](#) (1999) 48 Cal.4th CJP Supp 56, 64.

A judge took actions to help friends and political supporters, including by improperly assuming jurisdiction and not notifying the district attorney in a traffic matter. [\*William D. Spruance, a Judge of the Municipal Court v. Commission on Judicial Qualifications\*](#) (1975) 13 Cal.3d 778, 798.

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### **Sexual Harassment/Inappropriate Workplace Gender Comments**

A judge unwelcomely kissed a female attorney in chambers. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure and Barring Judge Arthur S. Block from Receiving Assignments\*](#) (2002) p. 5.

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## Canon 2B(2)

(2) A judge shall not lend the prestige of judicial office or use the judicial title in any manner, including any oral or written communication, to advance the pecuniary or personal interests of the judge or others....

### ➤ CJP Annotations: Canon 2B(2)

[Administrative Malfeasance/Improper Comments, Treatment of Colleagues and Staff](#)

[Alcohol or Drug Related Criminal Conduct](#)

[Demeanor/Decorum](#)

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[On-Bench Abuse of Authority in Performance of Judicial Duties](#)

[Sexual Harassment/Inappropriate Workplace Gender Comments](#)

### **Administrative Malfeasance/Improper Comments, Treatment of Colleagues and Staff**

A judge became aggressive with a court administrator regarding the reassignment of another judge's courtroom clerk. Com. on Jud. Performance, [\*Public Admonishment of Judge John L. Fielder\*](#) (2015) pp. 2-3.

A judge called another judge during court proceedings to ask him to “back him up” on a bail increase order after recusing himself. [\*Inquiry Concerning Judge D. Ronald Hyde\*](#) (2003) 48 Cal.4th CJP Supp. 329, 350-351.

A judge threatened to bar a court reporter from his courtroom for filing complaints against him. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure and Barring Judge Arthur S. Block from Receiving Assignments\*](#) (2002) p. 5.

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## **Alcohol or Drug Related Criminal Conduct**

While driving under the influence of alcohol, a judge hit a wall and left the scene, subsequently lied to the police about the circumstances of the accident, and repeatedly invoked her judicial office to avoid arrest. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure on Judge Elaine M. Rushing\*](#) (2006) pp. 3-6.

A judge repeatedly attempted to use his status as a judge to receive preferential treatment in connection with his arrest for driving under the influence of alcohol. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure on Judge Bernard J. Schwartz\*](#) (2006) p. 6.

A judge repeatedly drove while under the influence of alcohol and attempted to use his position to persuade a police officer to allow him to drive home without arrest while intoxicated. [\*Inquiry Concerning Former Judge Bradley\*](#) (1999) 48 Cal.4th CJP Supp. 84, 92.

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## **Demeanor/Decorum**

A judge became aggressive with a court administrator regarding the reassignment of another judge's courtroom clerk. Com. on Jud. Performance, [\*Public Admonishment of Judge John L. Fielder\*](#) (2015) pp. 2-3.

A judge promoted herself for a potential television show, and on other occasions, engaged in a pattern of misconduct that included making demeaning remarks to litigants, court staff, and attorneys. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure on Judge DeAnn M. Salcido\*](#) (2010) pp. 3, 15, 18-19.

A judge unwelcomely kissed a female attorney in chambers and threatened to bar a court reporter from his courtroom for filing complaints against him. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure and Barring Judge Arthur S. Block from Receiving Assignments\*](#) (2002) pp. 3, 5.

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## **Gifts/Loans/Favors/Ticket-Fixing**

A judge used judicial stationery to transfer traffic cases of friends and family to his court, giving them access to preferential treatment, and made statements to police officers to have his son's traffic tickets dismissed. Com. on Jud. Performance, [\*Decision and Order Imposing Censure and Bar on Judge William R. Danser\*](#) (2005) pp. 27-28.

A judge contacted the attorney for a car dealer who had previously appeared before the judge and for whom the judge entered a sizeable judgment to ask the attorney to intervene in a transaction with the car dealer for a rental car. [\*Adams v. Commission on Judicial Performance\*](#) (1995) 10 Cal.4th 866, 895.

A judge interfered with traffic citation matters involving friends and acquaintances, including by giving favorable treatment to friends and by discussing a matter with the commissioner assigned to handle the case. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure and Barring Judge James R. Simpson from Receiving Assignments\*](#) (2002) pp. 5-8.

A judge dismissed numerous traffic tickets involving his friends and the son of a bailiff, none of which would have regularly come before his court, and attempted to influence other judicial officers in their handling of cases involving his friends or acquaintances. [\*Inquiry Concerning Judge Michael E. Platt\*](#) (2002) 48 Cal.4th CJP Supp. 227, 242.

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### **Improper Business, Financial, or Fiduciary Activities**

In organizing annual missionary trips to Africa and auction events to raise money for those trips, a judge solicited donations from fellow judicial officers, law enforcement officers, attorneys appearing before him, and local businesspeople, solicited attendance at the auction, acted as auctioneer, and used his judicial secretary to create documents relating to the auctions and the trips to Africa on court letterhead. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Former Judge Robert D. Quall\*](#) (2008) p. 7.

A judge acted as a private arbitrator during filming of a pilot television program for a possible reality series. [\*Inquiry Concerning Judge Kevin A. Ross\*](#) (2005) 49 Cal.4th CJP Supp 79, 135-137.

A judge facilitated an investment scheme on behalf of an investment promoter, provided assurances to investors when he suspected the investment might not be legitimate, and discouraged investors from complaining to government authorities. Com. on Jud. Performance, [\*Censure and Stipulated Retirement of James I. Aaron\*](#) (2002) pp. 5-7.

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### **Improper Political Activities**

A judge used his judicial title to raise campaign funds and to promote his exploratory campaign and actual campaign for Attorney General, illegally

solicited and accepted campaign contributions, and failed to supervise his campaign staff to prevent the impermissible use of his judicial title. Com. on Jud. Performance, [\*Public Censure and Bar of Former Judge Steven C. Bailey\*](#) (2019) pp. 6, 24, 28, 38-39.

During his campaign for reelection, a judge engaged in improper campaign activities in and around the courthouse, including soliciting signatures of court staff on requests for support. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure and Barring Judge Vincent J. McGraw from Receiving Assignments\*](#) (2003) pp. 6-7.

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### **Miscellaneous Off-Bench Conduct**

A judge took steps to cause the dismissal of a traffic citation against her, failed to notify the court that her husband had a pending matter that involved the judge, and sought assistance with her citation from a court clerk in a non-public area of the courthouse. Com. on Jud. Performance, [\*Decision and Order Imposing Severe Public Censure on Judge Ariadne J. Symons\*](#) (2019) p. 5.

A judge made false and misleading statements to the court travel coordinator in support of her reimbursement claim for expenses associated with her attendance at a judicial conference. [\*Inquiry Concerning Judge Kelly A. MacEachern\*](#) (2008) 49 Cal.4th CJP Supp. 289, 303-304.

In organizing annual missionary trips to Africa and auction events to raise money for those trips, a judge solicited donations from fellow judicial officers, law enforcement officers, attorneys appearing before him, and local businesspeople, solicited attendance at the auction, acted as auctioneer, and used his judicial secretary to create documents relating to the auctions and the trips to Africa on court letterhead. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Former Judge Robert D. Quall\*](#) (2008) p. 7.

A judge acted as a private arbitrator during filming of a pilot television program for a possible reality series. [\*Inquiry Concerning Judge Kevin A. Ross\*](#) (2005) 49 Cal.4th CJP Supp 79, 135-137.

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## Misuse of Court Resources

In organizing annual missionary trips to Africa and auction events to raise money for those trips, a judge solicited donations from fellow judicial officers, law enforcement officers, attorneys appearing before him, and local businesspeople, solicited attendance at the auction, acted as auctioneer, and used his judicial secretary to create documents relating to the auctions and the trips to Africa on court letterhead. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Former Judge Robert D. Quall\*](#) (2008) p. 7.

A judge used court staff, court resources, and court facilities for his personal real estate business. Com. on Jud. Performance, [\*Public Admonishment of Judge John M. Watson\*](#) (2006) p. 2.

A judge used court secretaries and other court resources to send out numerous documents using his judicial title, including letters to his bank regarding a line of credit and a letter to the city treasurer complaining about a parking ticket. Com. on Jud. Performance, [\*Public Admonishment of Judge Robert C. Coates\*](#) (2000) pp. 2-3.

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## Off-Bench Abuse of Office/Misuse of Court Information

Using court stationery and her judicial title, a judge wrote two letters to the police chief regarding misconduct allegations that had been made against detectives in a case before her. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Judith L. Meyer\*](#) (2022) p. 5.

A judge took steps to cause the dismissal of a traffic citation against her, failed to notify the court that her husband had a pending matter that involved the judge, and sought assistance with her citation from a court clerk in a non-public area of the courthouse. Com. on Jud. Performance, [\*Decision and Order Imposing Severe Public Censure on Judge Ariadne J. Symons\*](#) (2019) p. 5.

A judge attempted to influence a commissioner to waive a civil assessment on the judge's wife's traffic citation and to bypass standard procedures in the setting of a trial date for that citation. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure on Judge Salvador Sarmiento\*](#) (2012) p. 6.

In organizing annual missionary trips to Africa and auction events to raise money for those trips, a judge solicited donations from fellow judicial officers, law enforcement officers, attorneys appearing before him, and local businesspeople, solicited attendance at the auction, acted as auctioneer, and used his judicial secretary to create documents relating to the auctions and the trips to Africa on

court letterhead. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Former Judge Robert D. Quall\*](#) (2008) p. 7.

A judge used judicial stationery in his communications regarding a private dispute with the city planner. Com. on Jud. Performance, [\*Public Admonishment of Judge Joseph E. Di Loreto\*](#) (2006) pp. 3-4.

A judge was arrested and convicted on a charge of driving under the influence of alcohol and repeatedly attempted to use his status as a judge to receive preferential treatment. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure on Judge Bernard J. Schwartz\*](#) (2006) pp. 3-6.

A judge used court staff, court resources, and court facilities for his personal real estate business. Com. on Jud. Performance, [\*Public Admonishment of Judge John M. Watson\*](#) (2006) p. 2.

A judge acted as a private arbitrator during filming of a pilot television program for a possible reality series. [\*Inquiry Concerning Judge Kevin A. Ross\*](#) (2005) 49 Cal.4th CJP Supp 79, 135-137.

A judge used judicial stationery to transfer traffic cases of friends and family to his court, giving them access to preferential treatment, and made statements to police officers to have his son's traffic tickets dismissed. Com. on Jud. Performance, [\*Decision and Order Imposing Censure and Bar on Judge William R. Danser\*](#) (2005) pp. 27-28.

During his campaign for reelection, a judge engaged in improper campaign activities in and around the courthouse, including soliciting signatures of court staff on requests for support. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure and Barring Judge Vincent J. McGraw from Receiving Assignments\*](#) (2003) pp. 6-7.

A judge facilitated an investment scheme on behalf of an investment promoter, provided assurances to investors when he suspected the investment might not be legitimate, and discouraged investors from complaining to government authorities. Com. on Jud. Performance, [\*Censure and Stipulated Retirement of James I. Aaron\*](#) (2002) pp. 5-7.

A judge unwelcomely kissed a female attorney in chambers. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure and Barring Judge Arthur S. Block from Receiving Assignments\*](#) (2002) p. 3.

A judge interfered with traffic citation matters involving acquaintances, including by discussing a matter with the commissioner assigned to the case to influence the commissioner's decision. Com. on Jud. Performance, [\*Decision and Order\*](#)

[Imposing Public Censure and Barring Judge James R. Simpson from Receiving Assignments](#) (2002) pp. 5-8.

A judge used court secretaries and other court resources to send out numerous documents using his judicial title, including letters to his bank regarding a line of credit and a letter to the city treasurer complaining about a parking ticket. Com. on Jud. Performance, [Public Admonishment of Judge Robert C. Coates](#) (2000) pp. 2-3.

Outside of business hours, a judge attempted to convince law enforcement agencies to release her friend on the friend's own recognizance. Com. on Jud. Performance, [Decision and Order of Public Admonishment of Judge Elvira S. Austin](#) (1997) pp. 2-3.

A judge telephoned another judge at his home to ask him to release a relative of an acquaintance and telephoned the probation department to request that the relative be released pending a hearing. Com. on Jud. Performance, [Public Reproval of Judge Glenda K. Doan](#) (1990) pp. 1-2.

A judge wrote letters on court letterhead to a collection service regarding a claim against a member of the judge's family. Com. on Jud. Performance, [Public Admonishment of Judge Charles W. Stoll](#) (1996) p. 3.

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### **On-Bench Abuse of Authority in Performance of Judicial Duties**

A judge promoted herself for a potential television show, and on other occasions, engaged in a pattern of misconduct that included making demeaning remarks to litigants, court staff, and attorneys. Com. on Jud. Performance, [Decision and Order Imposing Public Censure on Judge DeAnn M. Salcido](#) (2010) pp. 3, 15, 18-19.

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### **Sexual Harassment/Inappropriate Workplace Gender Comments**

A judge unwelcomely kissed a female attorney in chambers. Com. on Jud. Performance, [Decision and Order Imposing Public Censure and Barring Judge Arthur S. Block from Receiving Assignments](#) (2002) p. 3.

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**Canon 2B(2)(a)-(e)**

**(2) .... This canon does not prohibit the following:**

**(a) A judge may testify as a character witness, provided the judge does so only when subpoenaed.**

**(b) A judge may, without a subpoena, provide the Commission on Judicial Performance with a written communication containing (i) factual information regarding a matter pending before the commission or (ii) information related to the character of a judge who has a matter pending before the commission, provided that any such factual or character information is based on personal knowledge.\* In commission proceedings, a judge shall provide information responsive to a subpoena or when officially requested to do so by the commission.**

**(c) A judge may provide factual information in State Bar disciplinary proceedings and shall provide information responsive to a subpoena or when officially requested to do so by the State Bar.**

**(d) A judge may respond to judicial selection inquiries, provide recommendations (including a general character reference relating to the evaluation of persons being considered for a judgeship), and otherwise participate in the process of judicial selection.**

**(e) A judge may serve as a reference or provide a letter of recommendation only if based on the judge's personal knowledge\* of the individual. These written communications may include the judge's title and may be written on stationery that uses the judicial title.**

➤ **CJP Annotations: Canon 2B(2)(e)**

A judge improperly initiated contact with the district attorney's office to follow up on a letter of recommendation that he had written for an intern with whom he was engaged in a sexual relationship, asked about the interview process, and expressed his irritation that his recommendation had not resulted in the hiring of the intern. Com. on Jud. Performance, [\*Decision and Order Imposing Censure on Judge Scott Steiner\*](#) (2014) p. 4.

A memo on judicial stationery to the sheriff's department meant to influence whether the sheriff's department kept the judge's former bailiff in their program did not constitute a letter of recommendation because it went beyond the judge's personal knowledge and suggested that problems existed in the sheriff's department training program. Com. on Jud. Performance, [\*Public Admonishment of Judge Robert C. Coates\*](#) (2009) pp. 3-4.



### Canon 2B(3)

**(3) Except as permitted in subdivision (c) or otherwise authorized by law\* or these canons:**

**(a) A judge shall not advance the pecuniary or personal interests of the judge or others by initiating communications with a sentencing judge or a representative of a probation department about a proceeding pending\* before the sentencing judge, but may provide information in response to an official request. “Sentencing judge” includes a judge who makes a disposition pursuant to Welfare and Institutions Code section 725.**

**(b) A judge, other than the judge who presided over the trial of or sentenced the person seeking parole, pardon, or commutation of sentence, shall not initiate communications with the Board of Parole Hearings regarding parole or the Office of the Governor regarding parole, pardon, or commutation of sentence, but may provide these entities with information for the record in response to an official request.**

**(c) A judge may initiate communications concerning a member of the judge’s family\* with a representative of a probation department regarding sentencing, the Board of Parole Hearings regarding parole, or the Office of the Governor regarding parole, pardon, or commutation of sentence, provided the judge is not identified as a judge in the communication.**

#### *ADVISORY COMMITTEE COMMENTARY: Canon 2B*

*A strong judicial branch, based on the prestige that comes from effective and ethical performance, is essential to a system of government in which the judiciary functions independently of the executive and legislative branches. A judge should distinguish between proper and improper use of the prestige of office in all of his or her activities.*

*As to those communications that are permitted under this canon, a judge must keep in mind the general obligations to maintain high standards of conduct as set forth in Canon 1, and to avoid any impropriety\* or the appearance of impropriety\* as set forth in Canon 2. A judge must also be mindful of Canon 2A, which requires a judge to act at all times in a manner that promotes public confidence in the integrity\* and impartiality\* of the courts.*

*A judge must avoid lending the prestige of judicial office for the advancement of the private interests of the judge or others. For example, a judge must not use the judicial position to gain advantage in a civil suit involving a member of the judge’s family,\* or use his or her position to gain deferential treatment when stopped by a police officer for a traffic offense.*

*If a judge posts on social networking sites such as Facebook or crowdsourced sites such as Yelp or Trip Advisor, the judge may not lend the prestige of judicial office to advance the pecuniary or personal interests of the judge or others. For example, a judge may not comment on, recommend, or criticize businesses, products, or services on such sites if it is reasonably likely that the judge can be identified as a judge.*

*See canon 4C(3)(d)(iv) prohibiting the use of the prestige of judicial office for fundraising or membership solicitation, but allowing a judge to be a speaker, guest of honor, or*

*recipient of an award for public or charitable service, provided the judge does not personally solicit funds and complies with Canons 4A (1), (2), (3), and (4).*

*As to the use of a judge's title to identify a judge's role in the presentation and creation of legal education programs and materials, see Commentary to Canon 4B. In contracts for publication of a judge's writings, a judge should retain control over the advertising, to the extent feasible, to avoid exploitation of the judge's office.*

*This canon does not afford a judge a privilege against testifying in response to any official summons.*

*See also Canons 3D(1) and 3D(2) concerning a judge's obligation to take appropriate corrective action regarding other judges who violate any provision of the Code of Judicial Ethics and attorneys who violate any provision of the Rules of Professional Conduct.*

*Except as set forth in Canon 2B(3)(a), this canon does not preclude consultations among judges. Additional limitations on such consultations among judges are set forth in Canon 3B(7)(a).*

➤ **Historical Notes:**

*Commentary following canon 2B amended effective July 1, 2020; previously amended effective January 21, 2015, January 1, 2013, January 1, 2007, and March 4, 1999; adopted effective January 15, 1996.*

*Canon 2B amended effective August 19, 2015; previously amended effective January 1, 2013 and January 1, 2008; adopted effective January 15, 1996.*

## Canon 2C

### C. Membership in Organizations

**A judge shall not hold membership in any organization that practices invidious discrimination on the basis of race, sex, gender, gender identity,\* gender expression,\* religion, national origin, ethnicity, or sexual orientation.**

**This canon does not apply to membership in a religious organization.**

#### *ADVISORY COMMITTEE COMMENTARY: Canon 2C*

*Membership by a judge in an organization that practices invidious discrimination on the basis of race, sex, gender, gender identity,\* gender expression,\* religion, national origin, ethnicity, or sexual orientation gives rise to a perception that the judge's impartiality\* is impaired. The code prohibits such membership by judges to preserve the fairness, impartiality,\* independence,\* and honor of the judiciary, to treat all parties equally under the law,\* and to avoid impropriety\* and the appearance of impropriety.\**

*Previously, Canon 2C contained exceptions to this prohibition for membership in religious organizations, membership in an official military organization of the United States and, so long as membership did not violate Canon 4A, membership in a nonprofit youth organization. The exceptions for membership in an official military organization of the United States and*

*nonprofit youth organizations have been eliminated as exceptions to the canon. The exception for membership in religious organizations has been preserved.*

*Canon 2C refers to the current practices of the organization. Whether an organization practices invidious discrimination is often a complex question to which judges should be sensitive. The answer cannot be determined from a mere examination of an organization's current membership rolls, but rather depends on how the organization selects members and other relevant factors, such as whether the organization is dedicated to the preservation of religious, ethnic, or cultural values of legitimate common interest to its members, or whether it is in fact and effect an intimate, purely private organization whose membership limitations could not be constitutionally prohibited. Absent such factors, an organization is generally said to discriminate invidiously if it arbitrarily excludes from membership on the basis of race, religion, sex, gender, gender identity,\* gender expression,\* national origin, ethnicity, or sexual orientation persons who would otherwise be admitted to membership.*

*Although Canon 2C relates only to membership in organizations that invidiously discriminate on the basis of race, sex, gender, gender identity,\* gender expression,\* religion, national origin, ethnicity, or sexual orientation, a judge's membership in an organization that engages in any discriminatory membership practices prohibited by law\* also violates Canon 2 and Canon 2A and gives the appearance of impropriety.\* In addition, it would be a violation of Canon 2 and Canon 2A for a judge to arrange a meeting at a club that the judge knows\* practices such invidious discrimination or for the judge to use such a club regularly. Moreover, public manifestation by a judge of the judge's knowing\* approval of invidious discrimination on any basis gives the appearance of impropriety\* under Canon 2 and diminishes public confidence in the integrity\* and impartiality\* of the judiciary in violation of Canon 2A.*

➤ **Historical Notes:**

*Commentary following canon 2C amended effective October 10, 2018; previously amended effective January 21, 2016, January 21, 2015, June 18, 2003, and March 4, 1999; adopted effective January 15, 1996.*

*Canon 2C amended effective October 10, 2018; previously amended effective January 21, 2016, January 1, 2013, and June 18, 2003; adopted effective January 15, 1996.*

## CANON 3

### **A JUDGE SHALL PERFORM THE DUTIES OF JUDICIAL OFFICE IMPARTIALLY,\* COMPETENTLY, AND DILIGENTLY**

#### **A. Judicial Duties in General**

All of the judicial duties prescribed by law\* shall take precedence over all other activities of every judge. In the performance of these duties, the following standards apply.

#### **B. Adjudicative Responsibilities**

(1) A judge shall hear and decide all matters assigned to the judge except those in which he or she is disqualified.

(2) A judge shall be faithful to the law\* regardless of partisan interests, public clamor, or fear of criticism, and shall maintain professional competence in the law.\*

(3) A judge shall require\* order and decorum in proceedings before the judge.

(4) A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom the judge deals in an official capacity, and shall require\* similar conduct of lawyers and of all staff and court personnel under the judge's direction and control.

(5) A judge shall perform judicial duties without bias or prejudice. A judge shall not, in the performance of judicial duties, engage in speech, gestures, or other conduct that would reasonably be perceived as (a) bias, prejudice, or harassment, including but not limited to bias, prejudice, or harassment based upon race, sex, gender, gender identity,\* gender expression,\* religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation, or (b) sexual harassment.

(6) A judge shall require\* lawyers in proceedings before the judge to refrain from (a) manifesting, by words or conduct, bias, prejudice, or harassment based upon race, sex, gender, gender identity,\* gender expression,\* religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation, or (b) sexual harassment against parties, witnesses, counsel, or others. This canon does not preclude legitimate advocacy when race, sex, gender, gender identity,\* gender expression,\* religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, political affiliation, or other similar factors are issues in the proceeding.

(7) A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the full right to be heard according to law.\* Unless otherwise

**authorized by law,\* a judge shall not independently investigate facts in a proceeding and shall consider only the evidence presented or facts that may be properly judicially noticed. This prohibition extends to information available in all media, including electronic. A judge shall not initiate, permit, or consider ex parte communications, that is, any communications to or from the judge outside the presence of the parties concerning a pending\* or impending\* proceeding, and shall make reasonable efforts to avoid such communications, except as follows:**

**(a) Except as stated below, a judge may consult with other judges. A judge presiding over a case shall not engage in discussions about that case with a judge who has previously been disqualified from hearing that case; likewise, a judge who knows\* he or she is or would be disqualified from hearing a case shall not discuss that matter with the judge assigned to the case. A judge also shall not engage in discussions with a judge who may participate in appellate review of the matter, nor shall a judge who may participate in appellate review of a matter engage in discussions with the judge presiding over the case.**

**A judge may consult with court personnel or others authorized by law,\* as long as the communication relates to that person's duty to aid the judge in carrying out the judge's adjudicative responsibilities.**

**In any discussion with judges or court personnel, a judge shall make reasonable efforts to avoid receiving factual information that is not part of the record or an evaluation of that factual information. In such consultations, the judge shall not abrogate the responsibility personally to decide the matter.**

**For purposes of Canon 3B(7)(a), "court personnel" includes bailiffs, court reporters, court externs, research attorneys, courtroom clerks, and other employees of the court, but does not include the lawyers in a proceeding before a judge, persons who are appointed by the court to serve in some capacity in a proceeding, or employees of other governmental entities, such as lawyers, social workers, or representatives of the probation department.**

**(b) A judge may initiate, permit, or consider ex parte communications, where circumstances require, for scheduling, administrative purposes, or emergencies that do not deal with substantive matters provided:**

**(i) the judge reasonably believes that no party will gain a procedural or tactical advantage as a result of the ex parte communication, and**

**(ii) the judge makes provision promptly to notify all other parties of the substance of the ex parte communication and allows an opportunity to respond.**

**(c) A judge may initiate, permit, or consider any ex parte communication when expressly authorized by law\* to do so or when authorized to do so by stipulation of the parties.**

**(d) If a judge receives an unauthorized ex parte communication, the judge shall make provision promptly to notify the parties of the substance of the communication and provide the parties with an opportunity to respond.**

**(8) A judge shall dispose of all judicial matters fairly, promptly, and efficiently. A judge shall manage the courtroom in a manner that provides all litigants the opportunity to have their matters fairly adjudicated in accordance with the law.\***

**(9) A judge shall not make any public comment about a pending\* or impending\* proceeding in any court, and shall not make any nonpublic comment that might substantially interfere with a fair trial or hearing. The judge shall require\* similar abstention on the part of staff and court personnel subject to the judge's direction and control. This canon does not prohibit judges from making statements in the course of their official duties or from explaining the procedures of the court, and does not apply to proceedings in which the judge is a litigant in a personal capacity. In connection with a judicial election or recall campaign, this canon does not prohibit any judge from making a public comment about a pending\* proceeding, provided (a) the comment would not reasonably be expected to affect the outcome or impair the fairness of the proceeding, and (b) the comment is about the procedural, factual, or legal basis of a decision about which a judge has been criticized during the election or recall campaign. Other than cases in which the judge has personally participated, this canon does not prohibit judges from discussing, in legal education programs and materials, cases and issues pending in appellate courts. This educational exemption does not apply to cases over which the judge has presided or to comments or discussions that might interfere with a fair hearing of the case.**

**(10) A judge shall not commend or criticize jurors for their verdict other than in a court order or opinion in a proceeding, but may express appreciation to jurors for their service to the judicial system and the community.**

**(11) A judge shall not disclose or use, for any purpose unrelated to judicial duties, nonpublic information\* acquired in a judicial capacity.**

### **C. Administrative Responsibilities**

**(1) A judge shall diligently discharge the judge's administrative responsibilities impartially,\* on the basis of merit, without bias or prejudice, free of conflict of interest, and in a manner that promotes public confidence in the integrity\* of the judiciary. A judge shall not, in the performance of administrative duties, engage in speech, gestures, or other conduct that would reasonably be perceived as (a) bias, prejudice, or harassment, including but not limited to bias, prejudice, or harassment based upon race, sex, gender, gender identity,\* gender expression,\* religion, national origin,**

ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation, or (b) sexual harassment.

(2) A judge shall maintain professional competence in judicial administration, and shall cooperate with other judges and court officials in the administration of court business.

(3) A judge shall require\* staff and court personnel under the judge's direction and control to observe appropriate standards of conduct and to refrain from (a) manifesting bias, prejudice, or harassment based upon race, sex, gender, gender identity,\* gender expression,\* religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation, or (b) sexual harassment in the performance of their official duties.

(4) A judge with supervisory authority for the judicial performance of other judges shall take reasonable measures to ensure the prompt disposition of matters before them and the proper performance of their other judicial responsibilities.

(5) A judge shall not make unnecessary court appointments. A judge shall exercise the power of appointment impartially,\* on the basis of merit, without bias or prejudice, free of conflict of interest, and in a manner that promotes public confidence in the integrity\* of the judiciary. A judge shall avoid nepotism and favoritism. A judge shall not approve compensation of appointees above the reasonable value of services rendered.

#### **D. Disciplinary Responsibilities**

(1) Whenever a judge has reliable information that another judge has violated any provision of the Code of Judicial Ethics, that judge shall take appropriate corrective action, which may include reporting the violation to the appropriate authority. (See Commentary to Canon 3D(2).)

(2) Whenever a judge has personal knowledge,\* or concludes in a judicial decision, that a lawyer has committed misconduct or has violated any provision of the Rules of Professional Conduct, the judge shall take appropriate corrective action, which may include reporting the violation to the appropriate authority.

(3) A judge shall promptly report in writing to the Commission on Judicial Performance when he or she is charged in court by misdemeanor citation, prosecutorial complaint, information, or indictment with any crime in the United States as specified below. Crimes that must be reported are: (1) all crimes, other than those that would be considered misdemeanors not involving moral turpitude or infractions under California law; and (2) all misdemeanors involving violence (including assaults), the use or possession of controlled substances, the misuse of prescriptions, or the personal use or furnishing of alcohol. A judge also shall promptly report in writing upon conviction of such crimes.



**If the judge is a retired judge serving in the Assigned Judges Program, he or she shall promptly report such information in writing to the Chief Justice rather than to the Commission on Judicial Performance. If the judge is a subordinate judicial officer,\* he or she shall promptly report such information in writing to both the presiding judge of the court in which the subordinate judicial officer\* sits and the Commission on Judicial Performance.**

**(4) A judge shall cooperate with judicial and lawyer disciplinary agencies.**

**(5) A judge shall not retaliate, directly or indirectly, against a person known\* or suspected to have assisted or cooperated with an investigation of a judge or a lawyer.**

#### **E. Disqualification and Disclosure**

**(1) A judge shall disqualify himself or herself in any proceeding in which disqualification is required by law.\***

**(2) In all trial court proceedings, a judge shall disclose on the record as follows:**

**(a) Information relevant to disqualification. A judge shall disclose information that is reasonably relevant to the question of disqualification under Code of Civil Procedure section 170.1, even if the judge believes there is no actual basis for disqualification.**

**(b) Campaign contributions in trial court elections**

**(i) Information required to be disclosed**

**In any matter before a judge who is or was a candidate for judicial office\* in a trial court election, the judge shall disclose any contribution or loan of \$100 or more from a party, individual lawyer, or law office or firm in that matter as required by this canon, even if the amount of the contribution or loan would not require disqualification. Such disclosure shall consist of the name of the contributor or lender, the amount of each contribution or loan, the cumulative amount of the contributor's contributions or lender's loans, and the date of each contribution or loan. The judge shall make reasonable efforts to obtain current information regarding contributions or loans received by his or her campaign and shall disclose the required information on the record.**

**(ii) Manner of disclosure**

**The judge shall ensure that the required information is conveyed on the record to the parties and lawyers appearing in the matter before the judge. The judge has discretion to select the manner of disclosure, but the manner**

used shall avoid the appearance that the judge is soliciting campaign contributions.

**(iii) Timing of disclosure**

Disclosure shall be made at the earliest reasonable opportunity after receiving each contribution or loan. The duty commences no later than one week after receipt of the first contribution or loan, and continues for a period of two years after the candidate takes the oath of office, or two years from the date of the contribution or loan, whichever event is later.

**(3) A judge shall disqualify himself or herself in accordance with the following:**

**(a) Statements that commit the judge to a particular result**

A judge is disqualified if the judge, while a judge or candidate for judicial office,\* made a statement, other than in a court proceeding, judicial decision, or opinion, that a person aware of the facts might reasonably believe commits the judge to reach a particular result or rule in a particular way in a proceeding.

**(b) Bond ownership**

Ownership of a corporate bond issued by a party to a proceeding and having a fair market value exceeding \$1,500 is disqualifying. Ownership of a government bond issued by a party to a proceeding is disqualifying only if the outcome of the proceeding could substantially affect the value of the judge's bond. Ownership in a mutual or common investment fund that holds bonds is not a disqualifying financial interest.

**(4) An appellate justice shall disqualify himself or herself in any proceeding if for any reason:**

**(a) the justice believes his or her recusal would further the interests of justice; or**

**(b) the justice substantially doubts his or her capacity to be impartial;\* or**

**(c) the circumstances are such that a reasonable person aware of the facts would doubt the justice's ability to be impartial.\***

**(5) Disqualification of an appellate justice is also required in the following instances:**

**(a) The appellate justice has served as a lawyer in the pending\* proceeding, or has served as a lawyer in any other proceeding involving any of the same parties if that other proceeding related to the same contested issues of fact and law as the present proceeding, or has given advice to any party in the present proceeding upon any issue involved in the proceeding.**

**(b) Within the last two years, (i) a party to the proceeding, or an officer, director or trustee thereof, either was a client of the justice when the justice was engaged in the private practice of law or was a client of a lawyer with whom the justice was associated in the private practice of law; or (ii) a lawyer in the proceeding was associated with the justice in the private practice of law.**

**(c) The appellate justice represented a public officer or entity and personally advised or in any way represented that officer or entity concerning the factual or legal issues in the present proceeding in which the public officer or entity now appears.**

**(d) The appellate justice, his or her spouse or registered domestic partner,\* or a minor child residing in the household, has a financial interest or is either a fiduciary\* who has a financial interest in the proceeding, or is a director, advisor, or other active participant in the affairs of a party. A financial interest is defined as ownership of more than a 1 percent legal or equitable interest in a party, or a legal or equitable interest in a party of a fair market value exceeding \$1,500. Ownership in a mutual or common investment fund that holds securities does not itself constitute a financial interest; holding office in an educational, religious, charitable, service,\* or civic organization does not confer a financial interest in the organization's securities; and a proprietary interest of a policyholder in a mutual insurance company or mutual savings association or similar interest is not a financial interest unless the outcome of the proceeding could substantially affect the value of the interest. A justice shall make reasonable efforts to keep informed about his or her personal and fiduciary\* interests and those of his or her spouse or registered domestic partner\* and of minor children living in the household.**

**(e)(i) The justice or his or her spouse or registered domestic partner,\* or a person within the third degree of relationship\* to either of them, or the spouse or registered domestic partner\* thereof, is a party or an officer, director, or trustee of a party to the proceeding, or**

**(ii) a lawyer or spouse or registered domestic partner\* of a lawyer in the proceeding is the spouse, registered domestic partner,\* former spouse, former registered domestic partner,\* child, sibling, or parent of the justice or of the justice's spouse or registered domestic partner,\* or such a person is associated in the private practice of law with a lawyer in the proceeding.**

**(f) The justice**

**(i) served as the judge before whom the proceeding was tried or heard in the lower court,**

**(ii) has personal knowledge\* of disputed evidentiary facts concerning the proceeding, or**

**(iii) has a personal bias or prejudice concerning a party or a party’s lawyer.**

**(g) A temporary or permanent physical impairment renders the justice unable properly to perceive the evidence or conduct the proceedings.**

**(h) The justice has a current arrangement concerning prospective employment or other compensated service as a dispute resolution neutral or is participating in, or, within the last two years has participated in, discussions regarding prospective employment or service as a dispute resolution neutral, or has been engaged in such employment or service, and any of the following applies:**

**(i) The arrangement is, or the prior employment or discussion was, with a party to the proceeding;**

**(ii) The matter before the justice includes issues relating to the enforcement of either an agreement to submit a dispute to an alternative dispute resolution process or an award or other final decision by a dispute resolution neutral;**

**(iii) The justice directs the parties to participate in an alternative dispute resolution process in which the dispute resolution neutral will be an individual or entity with whom the justice has the arrangement, has previously been employed or served, or is discussing or has discussed the employment or service; or**

**(iv) The justice will select a dispute resolution neutral or entity to conduct an alternative dispute resolution process in the matter before the justice, and among those available for selection is an individual or entity with whom the justice has the arrangement, with whom the justice has previously been employed or served, or with whom the justice is discussing or has discussed the employment or service.**

**For purposes of Canon 3E(5)(h), “participating in discussions” or “has participated in discussions” means that the justice (i) solicited or otherwise indicated an interest in accepting or negotiating possible employment or service as an alternative dispute resolution neutral, or (ii) responded to an unsolicited statement regarding, or an offer of, such employment or service by expressing an interest in that employment or service, making any inquiry regarding the employment or service, or encouraging the person making the statement or offer to provide additional information about that possible employment or service. If a justice’s response to an unsolicited statement regarding a question about, or offer of, prospective employment or other compensated service as a dispute resolution neutral is limited to responding negatively, declining the offer, or declining to discuss such employment or service, that response does not constitute participating in discussions.**

**For purposes of Canon 3E(5)(h), “party” includes the parent, subsidiary, or other legal affiliate of any entity that is a party and is involved in the transaction, contract, or facts that gave rise to the issues subject to the proceeding.**

**For purposes of Canon 3E(5)(h), “dispute resolution neutral” means an arbitrator, a mediator, a temporary judge\* appointed under article VI, section 21 of the California Constitution, a referee appointed under Code of Civil Procedure section 638 or 639, a special master, a neutral evaluator, a settlement officer, or a settlement facilitator.**

**(i) The justice’s spouse or registered domestic partner \*a person within the third degree of relationship\* to the justice or his or her spouse or registered domestic partner,\* or the person’s spouse or registered domestic partner,\* was a witness in the proceeding.**

**(j) The justice has received a campaign contribution of \$5,000 or more from a party or lawyer in a matter that is before the court, and either of the following applies:**

**(i) The contribution was received in support of the justice’s last election, if the last election was within the last six years; or**

**(ii) The contribution was received in anticipation of an upcoming election.**

**Notwithstanding Canon 3E(5)(j), a justice shall disqualify himself or herself based on a contribution of a lesser amount if required by Canon 3E(4).**

**The disqualification required under Canon 3E(5)(j) may be waived if all parties that did not make the contribution agree to waive the disqualification.**

**(6) It shall not be grounds for disqualification that the justice:**

**(a) Is or is not a member of a racial, ethnic, religious, sexual, or similar group and the proceeding involves the rights of such a group;**

**(b) Has in any capacity expressed a view on a legal or factual issue presented in the proceeding, except as provided in Canon 3E(5)(a), (b), or (c);**

**(c) Has as a lawyer or public official participated in the drafting of laws\* or in the effort to pass or defeat laws,\* the meaning, effect, or application of which is in issue in the proceeding unless the judge believes that his or her prior involvement was so well known\* as to raise a reasonable doubt in the public mind as to his or her capacity to be impartial.\***

## Commentary, Notes, and Annotations to Canon 3

### Canon 3

#### **A JUDGE SHALL PERFORM THE DUTIES OF JUDICIAL OFFICE IMPARTIALLY,\* COMPETENTLY, AND DILIGENTLY**

##### ➤ CJP Annotation: Canon 3

A judge failed to list certain payments and underreported the amount of another payment on a Statement of Economic Interests. Com. on Jud. Performance, [\*Public Censure and Bar of Former Judge Steven C. Bailey\*](#) (2019) p. 21-22.

A commissioner in a family law matter failed to adequately review the moving papers, did not ask questions regarding the substantive issues in the case, and was impatient, argumentative, discourteous, and demeaning to both parents. The commissioner further failed to accord the parents the full right to be heard, made comments that indicated bias and prejudice, gave the appearance of being embroiled in the proceedings, and dismissed the deputy district attorneys and the investigator from the hearings without letting them speak or inquiring whether they had any relevant information. Com. on Jud. Performance, [\*Public Admonishment of Commissioner Wendy M. Harris\*](#) (2023) pp. 1-7.

A judge engaged in a continued pattern of being absent from the bench and leaving the courthouse early without authorization or documentation, and further manipulated her calendar for her personal benefit. The judge also made disparaging remarks about a judicial colleague, and was dishonest and disrespectful to her supervising judge. Com. on Jud. Performance, [\*Public Admonishment of Spear\*](#) (2023) pp. 2-11.

### Canon 3A

#### **A. Judicial Duties in General**

**All of the judicial duties prescribed by law\* shall take precedence over all other activities of every judge. In the performance of these duties, the following standards apply.**

##### ➤ Historical Note:

*Canon 3A adopted effective January 15, 1996.*

##### ➤ CJP Annotations: Canon 3A

A judge was absent from the courthouse, without approval or authorization, for at least 155 days – 87 days beyond those allowed for annual leave – and was not present a single Friday for 18 of those 24 months. Com. on Jud. Performance, [\*Decision and Order\*](#)

*Imposing Severe Public Censure Pursuant to Stipulation on Judge Howard J. Shore* (2023) pp. 2-4.

A judge engaged in a continued pattern of being absent from the bench and leaving the courthouse early without authorization or documentation, and further manipulated her calendar for her personal benefit. The judge also made disparaging remarks about a judicial colleague, and was dishonest and disrespectful to her supervising judge. Com. On Jud. Performance, *Public Admonishment of Spear* (2023) pp. 2-11.

A judge allowed his personal and professional dealings in relation to a nonprofit he founded take precedence over his judicial duties. Com. On Jud. Performance, *In the Matter Concerning Judge Richard A. Vlavianos* (2023) pp. 3-7.

A judge frequently arrived late to hear matters in her courtroom, including once because she waited at a bakery for the writing on a cake to be corrected. Com. On Jud. Performance, *Decision and Order Imposing Public Admonishment on Judge Elizabeth W. Johnson* (2018) pp. 4-5.

A judge submitted a videotape of her court proceedings as an audition for a television entertainment program, and then allowed the program producer to film proceedings in her courtroom for a full day. Com. On Jud. Performance, *Decision and Order Imposing Public Censure on Judge DeAnn M. Salcido* (2010) pp. 2-3.

A judge failed to timely decide numerous matters within 90 days of submission and failed to timely rule on approximately 200 fee waiver applications. *Inquiry Concerning Judge Robert B. Freedman* (2007) 49 Cal.4th CJP Supp. 223, 240, 247.

A judge delayed taking a verdict in a murder case because he was at a baseball game, refused to allow another judge who was available to take the verdict, and did not return from the game to take the verdict himself. Com. On Jud. Performance, *Decision and Order Imposing Public Admonishment on Judge Paul E. Zellerbach* (2006) p. 2.

During his campaign for reelection, a judge engaged in improper campaign activities in and around the courthouse, including soliciting signatures of court staff on requests for support. Com. On Jud. Performance, *Decision and Order Imposing Public Censure and Barring Judge Vincent J. McGraw from Receiving Assignments* (2003) pp. 6-7.

A judge directed his staff that calls from the principals in a fraudulent investment scheme should be put through to him on the bench or in chambers. Com. On Jud. Performance, *Censure and Stipulated Retirement of Judge James I. Aaron* (2002) p. 7.

A judge falsely obtained sick leave and while on sick leave, the judge engaged in teaching activities, sat for depositions in a federal matter, completed prerequisite courses for medical school, and enrolled in and attended a portion of medical school in another country without informing his court. *Inquiry Concerning Judge Patrick B. Murphy* (2001) 48 Cal.4th CJP Supp. 179, 200-201.



## Canon 3B(1)

### B. Adjudicative Responsibilities

**(1) A judge shall hear and decide all matters assigned to the judge except those in which he or she is disqualified.**

*ADVISORY COMMITTEE COMMENTARY: Canon 3B(1)*

*Canon 3B(1) is based upon the affirmative obligation contained in Code of Civil Procedure section 170.*

➤ **Historical Note:**

*Commentary following canon 3B(1) amended effective January 1, 2013; adopted effective January 15, 1996.*

➤ **CJP Annotations: Canon 3B(1)**

A judge delegated his responsibility to conduct case management conferences to his court clerk. Com. On Jud. Performance, [Public Admonishment of Judge Ernest M. Hiroshige](#) (2018) p. 1.

A judge failed to issue a required case progression plan. Com. On Jud. Performance, [Public Admonishment of Judge Dale A. Reinholtzen](#) (2015) pp. 4-5.

A judge declared a mistrial in a matter that had been pending for approximately four years because it did not end within the five-hour period that she had set for its completion. Com. On Jud. Performance, [Public Admonishment of Judge Nancy Pollard](#) (2011) pp. 4-7.

A judge failed to decide cases in a timely manner and failed to issue critical orders in two cases. [Inquiry Concerning Judge Robert G. Spitzer](#) (2007) 49 Cal.4th CJP Supp 254, 270-271.

A judge asked attorneys to handle routine matters on the judge's misdemeanor pretrial calendar and allowed his clerk to routinely stamp his signature on plea forms falsely indicating that defendant had been advised of, and waived, constitutional rights. [Inquiry Concerning Judge Christopher J. Sheldon](#) (1998) 48 Cal.4th CJP Supp. 46, 52.

## Canon 3B(2)

**(2) A judge shall be faithful to the law\* regardless of partisan interests, public clamor, or fear of criticism, and shall maintain professional competence in the law.\***

*ADVISORY COMMITTEE COMMENTARY: Canon 3B(2)*

*Competence in the performance of judicial duties requires the legal knowledge, \* skill, thoroughness, and preparation reasonably necessary to perform a judge's responsibilities of judicial office. Canon 1 provides that an incorrect legal ruling is not itself a violation of this code.*

➤ **Historical Note:**

*Commentary following canon 3B(2) adopted effective January 1, 2013.*

➤ **CJP Annotations: Canon 3B(2)**

[Abuse of Contempt/Sanctions](#)

[Bias/Appearance of Bias Toward a Particular Class](#)

[Bias/Appearance of Bias Not Directed Toward a Particular Class](#)

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[Ex Parte Communications](#)

[Failure to Ensure Rights](#)

[Improper Political Activities](#)

[Miscellaneous Off-Bench Conduct](#)

[On-Bench Abuse of Authority in Performance of Judicial Duties](#)

**Abuse of Contempt/Sanctions**

A judge placed a defendant in custody for contempt without due process. Com. On Jud. Performance, [\*Decision and Order Imposing Public Censure on Judge DeAnn M. Salcido\*](#) (2010) pp. 18-19.

A judge issued unwarranted Orders to Show Cause and left them in place during the pendency of the action. Com. On Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Ronald M. Sohigian\*](#) (2007) p. 1.

A judge imposed sanctions on an attorney without prior notice or an opportunity to be heard. Com. On Jud. Performance, [\*Public Admonishment of Judge Ronald J. Maciel\*](#) (2006) p. 3.

A judge denied a defendant the right to be heard regarding sentencing by, among other things, ordering counsel remanded for contempt during the sentencing hearing. Com. On Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Ruffo Espinosa, Jr.\*](#) (2006) p. 8.

A judge failed to follow proper contempt procedures when he jailed an attorney with no hearing or written order of contempt. Com. On Jud. Performance, [\*Public Reapproval of Judge Kenneth E. Vassie\*](#) (1995) p. 3.

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### **Bias/Appearance of Bias Toward a Particular Class**

A judge made statements during a hearing that gave the appearance of gender bias, including suggesting that a female victim welcomed the attention. Com. On Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Former Judge Timothy J. Stafford\*](#) (2018) p. 6.

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### **Bias/Appearance of Bias Not Directed Toward a Particular Class**

A judge entered an unauthorized restitution order in favor of the company where his son was employed based on a letter from his son on the company letterhead. Com. On Jud. Performance, [\*Public Censure and Bar of Former Judge Steven C. Bailey\*](#) (2019) p. 11.

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### **Demeanor/Decorum**

A judge lacked an understanding of the rules relating to peremptory challenges because he accepted oral peremptory challenges, but nonetheless set preliminary hearings to be heard by him, denied a timely disqualification motion as untimely, and dissuaded attorneys from exercising the right file peremptory challenges by suggesting, among other things, that such challenges are “a waste.” Com. On Jud. Performance, [\*Public Admonishment of Judge Timothy S. Healy\*](#) (2024) pp. 18-20.

A judge made statements during a hearing that gave the appearance of gender bias, including suggesting that a female victim welcomed the attention. Com. On Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Former Judge Timothy J. Stafford\*](#) (2018) p. 6.

A judge revoked a defendant’s pro per status based on a mistaken belief that the defendant was lying about the independent preparation of a motion. Com. On Jud. Performance, [\*Public Admonishment of Judge Joan Comparet-Cassani\*](#) (2011) p. 7.

Among other things, a judge incarcerated defendants without respect for their constitutional rights and expressed his dissatisfaction with attorneys by not recalling bench warrants for the arrest of their clients. [\*Inquiry Concerning Judge José A. Velasquez\*](#) (2007) 49 Cal.4th CJP Supp 175, 193, 211.

A judge denied a defendant's right to be heard regarding sentencing by, among other things, cutting counsel off during his argument. Com. On Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Ruffo Espinosa, Jr.\*](#) (2006) p. 8.

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### **Ex Parte Communications**

A judge engaged in ex parte communications with the assistant district attorney in chambers and told the deputy public defender that she was not included in the conversation because the judge was mad at her. Com. On Jud. Performance, [\*Decision and Order Removing Judge John T. Laettner from Office\*](#) (2019) pp. 16-17.

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### **Failure to Ensure Rights**

A judge directed his clerk to create minute orders that bail was exonerated and reset without giving the defendant or counsel the opportunity to be heard and revoked a defendant's own recognizance release in the defendant's absence and without affording him or his counsel the opportunity to be heard. Com. On Jud. Performance, [\*Decision and Order Removing Judge John T. Laettner from Office\*](#) (2019) pp. 14, 52.

A judge revoked a defendant's pro per status based on a mistaken belief that the defendant was lying about the independent preparation of a motion. Com. On Jud. Performance, [\*Public Admonishment of Judge Joan Comparet-Cassani\*](#) (2011) pp. 5, 7.

A judge entered a restraining order against a plaintiff without complying with any of the procedural requirements for the issuance of the order and without affording notice or an opportunity to be heard. [\*Inquiry Concerning Judge Joseph W. O'Flaherty\*](#) (2010) 50 Cal.4th CJP Supp 1, 13-14.

A judge advanced criminal trial dates without adequate notice or consent from counsel and improperly relieved the public defender in several cases as punishment for not appearing on a certain date. Com. On Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge James J. McBride\*](#) (2008) pp. 3, 6.

Among other things, a judge incarcerated defendants without respect for their constitutional rights and expressed his dissatisfaction with attorneys by not recalling bench warrants for the arrest of their clients. [\*Inquiry Concerning Judge José A. Velasquez\*](#) (2007) 49 Cal.4th CJP Supp 175, 193, 211.

A judge summarily placed a defendant in custody when he did not cooperate with her judicial assistant, denied him bail and scheduled a hearing for nearly one month later, thereby effectively revoking his probation without a hearing. Com. On Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Pamela L. Iles\*](#) (2006) pp. 2-3.

A judge denied a defendant's right to be heard regarding sentencing by, among other things, cutting counsel off during his argument. Com. On Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Ruffo Espinosa, Jr.\*](#) (2006) p. 8.

A judge had a practice of falsely stating on the record that criminal defendants waived their constitutional rights in cases in which the defendants requested appointment of counsel. Com. On Jud. Performance [\*Public Admonishment of Judge James L. Roeder\*](#) (2003) p. 6.

A judge violated the due process rights of several parents in separate juvenile court proceedings by failing to give them a full right to be heard before changing custodial arrangements or removing children from a home. Com. On Jud. Performance, [\*Private Admonishment of Former Judge Eugene R. Bishop\*](#) (2002) pp. 3-7.

A judge failed to follow proper contempt procedures by jailing an attorney without a hearing or written order of contempt. Com. On Jud. Performance, [\*Public Repeval of Judge Kenneth E. Vassie\*](#) (1995) p. 3.

A judge maintained a policy of issuing no-bail warrants for hundreds of defendants who failed to appear on misdemeanors even though they had a right to bail. Com. On Jud. Performance, [\*Public Repeval of Judge Michael A. Kanner\*](#) (1994) pp. 1-2.

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### **Improper Political Activities**

A judge failed to report accrued election campaign expenses and used a personal bank account and credit card to pay for campaign expenses. [\*Inquiry Concerning Judge Gary G. Kleep\*](#) (2017) 3 Cal.5th CJP Supp 1, 19-22.

Among other things, a judge failed to meet campaign funding disclosure requirements and to timely file campaign contribution statements. Com. On Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Charles R. Brehmer\*](#) (2012) p. 4.

A judge failed to disclose a campaign finance loan from a family member. Com. On Jud. Performance, [\*Public Admonishment of Judge Stephen E. Benson\*](#) (2006) p. 4.

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### **Miscellaneous Off-Bench Conduct**

Outside of court hours and without notice or a hearing, a judge ordered the own recognizance release from jail of a social acquaintance based on the request of a friend. [\*Inquiry Concerning Judge James M. Petrucelli\*](#) (2015) 61 Cal.4th CJP Supp. 1, 13.

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### **On-Bench Abuse of Authority in Performance of Judicial Duties**

A judge reassigned cases to other judges after he was disqualified. Com. On Jud. Performance, [\*Decision and Order Imposing Censure on Judge Scott Steiner\*](#) (2014) p. 5.

Citing the necessity to manage the court's financial situation, a presiding judge cancelled the court reporter for another judge on a day that the presiding judge should have known that a court reporter was required to record the proceedings. Com. On Jud. Performance, [\*Public Admonishment of Judge Anthony C. Edwards\*](#) (2012) p. 1-2.

A judge revoked a defendant's pro per status based on a mistaken belief that the defendant was lying about the independent preparation of a motion. Com. On Jud. Performance, [\*Public Admonishment of Judge Joan Comparet-Cassani\*](#) (2011) p. 7.

A judge placed a defendant in custody for contempt without due process. Com. On Jud. Performance, [\*Decision and Order Imposing Public Censure on Judge DeAnn M. Salcido\*](#) (2010) pp. 18-19.

A judge entered a restraining order against a plaintiff without complying with procedural requirements and without affording notice or an opportunity to be heard. [\*Inquiry Concerning Judge Joseph W. O'Flaherty\*](#) (2010) 50 Cal.4th CJP Supp 1, 13-14.

A judge advanced criminal trial dates without adequate notice or counsel's consent and, in other cases, improperly relieved the public defender. Com. On Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge James J. McBride\*](#) (2008) pp. 1-2.

A judge approved a plea agreement deferring sentencing of a defendant if he left California and did not return. Com. On Jud. Performance, [Public Admonishment of Judge Pamela L. Iles](#) (2007) pp. 1-2.

Among other things, a judge incarcerated defendants without respect for their constitutional rights and expressed his dissatisfaction with attorneys by not recalling bench warrants for the arrest of their clients. [Inquiry Concerning Judge José A. Velasquez](#) (2007) 49 Cal.4th CJP Supp 175, 193, 211.

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### Canon 3B(3)

**(3) A judge shall require\* order and decorum in proceedings before the judge.**

➤ **CJP Annotations: Canon 3B(3)**

Among other things, a judge used nicknames in court, such as Shorty and Bun Head, when referring to attorneys and interns, commented on the physical appearance of attorneys, such as “the pretty brown one,” and commented on an attorney’s pregnancy. [Inquiry Concerning Judge Gary G. Kreep](#) (2017) 3 Cal.5th CJP Supp 1, 30-33.

A judge belittled attorneys, litigants, clerks, and members of the public and made lewd jokes in open court. Com. On Jud. Performance, [Decision and Order Imposing Public Censure on Judge DeAnn M. Salcido](#) (2010) pp. 19-21.

A potential juror who was also a social acquaintance of the judge reported for jury duty in the judge’s courtroom wearing a tin foil hat and the judge failed to acknowledge the hat or ask the juror to take it off. Com. On Jud. Performance, [Decision and Order Imposing Public Admonishment on Judge Anthony C. Edwards](#) (2010) pp. 9-10.

A judge overruled a party’s objection using a hand-lettered ‘overruled’ sign and allowed counsel to deride and make snide remarks at the expense of a party. Com. On Jud. Performance, [Decision and Order Imposing Public Admonishment on Judge James M. Brooks](#) (2008) pp. 2-4.

### Canon 3B(4)

**(4) A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom the judge deals in an official capacity, and shall require\* similar conduct of lawyers and of all staff and court personnel under the judge’s direction and control.**



➤ CJP Annotations: Canon 3B(4)

[Abuse of Contempt/Sanctions](#)

[Administrative Malfeasance/Improper Comments, Treatment of Colleagues and Staff](#)

[Bias/Appearance of Bias Toward a Particular Class](#)

[Bias/Appearance of Bias Not Directed Toward a Particular Class](#)

[Demeanor/Decorum](#)

[Disqualification/Disclosure/Post-Disqualification Conduct](#)

[Failure to Ensure Rights](#)

[Miscellaneous Off-Bench Conduct](#)

[Off-Bench Abuse of Office/Misuse of Court Information](#)

[On-Bench Abuse of Authority in Performance of Judicial Duties](#)

[Sexual Harassment/Inappropriate Workplace Gender Comments](#)

**Abuse of Contempt/Sanctions**

A judge threatened counsel with contempt if her client did not produce a document that was requested by the judge but not offered by either party or relevant to the matter. [\*Inquiry Concerning Judge Peter J. McBrien\*](#) (2010) 49 Cal.4th CJP Supp. 315, 333-334.

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**Administrative Malfeasance/Improper Comments, Treatment of Colleagues and Staff**

A judge made disparaging remarks about a judicial colleague, and was repeatedly dishonest and disrespectful to her supervising judge. Com. On Jud. Performance, [\*Public Admonishment of Spear\*](#) (2023) pp. 5-11.

A judge yelled at court staff and engaged in a display of impatient and frustrated behavior in the clerk's office, in an adjoining internal court hallway, and in chambers, and discourteously raised her voice to another judge in chambers. Com. On Jud. Performance, [\*Public Admonishment of Judge Barbara L. Roberts\*](#) (2021) pp. 24-26.

An appellate justice engaged in a pattern of sexual misconduct toward numerous women that he encountered at the courts where he worked, including a fellow justice, research attorneys, and other judicial staff, by, among other things, engaging in unwanted touching of several women, making disparaging statements against women at the court, and making overly personal sexual remarks. Com. On Jud. Performance, [\*Decision and Order Removing Justice Jeffrey W. Johnson from Office\*](#) (2020) pp. 25, 36, 40, 43-44, 46-51.

A judge used crude and inappropriate language when speaking to a court Administrator about a prior case against another judge involving a sex-for-lenieny scheme. Com. On Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Morris D. Jacobson\*](#) (2019) pp. 4-5

A judge engaged in a pattern of offensive conduct towards women, including telling a court reporter that she was ‘hot.’ Com. On Jud. Performance, [\*Decision and Order Removing Judge John T. Laettner from Office\*](#) (2019) pp. 39-40.

A commissioner made profane and derogatory comments about a court interpreter to other court staff and in the presence of the interpreter. Com. On Jud. Performance, [\*Public Admonishment of Commissioner Mark Kliszewski\*](#) (2017) pp. 1-2.

A judge engaged in intemperate email exchanges with his supervising judge and court executive officer. Com. On Jud. Performance, [\*Decision and Order Imposing Public Censure on Judge John A. Trice\*](#) (2016) p. 18.

A judge became irritated and aggressive with a member of court administration regarding the reassignment of another judge’s courtroom clerk. Com. On Jud. Performance, [\*Public Admonishment of Judge John L. Fielder\*](#) (2015) p. 2.

A judge threw files in a fit of anger, causing his clerk to cry, and berated other court staff in open court. [\*Inquiry Concerning Judge Bruce Van Voorhis\*](#) (2003) 48 Cal.4th CJP Supp 257, 292-293.

A judge played a practical joke on a court reporter causing her to be handcuffed. Com. On Jud. Performance, [\*Decision and Order Imposing Public Censure and Barring Judge Arthur S. Block from Receiving Assignments\*](#) (2002) pp. 2-4.

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### **Bias/Appearance of Bias Toward a Particular Class**

A judge told an African American defendant to stop “shucking and jiving,” made numerous offensive sexualized statements in the workplace, and engaged in a pattern of undignified conduct that conveyed the appearance of bias against prosecutors. Com. On Jud. Performance, [\*Public Censure of Judge Jeffrey G. Bennett\*](#) (2020) pp. 3, 5, 20.

A judge used crude and Inappropriate language when speaking to a court administrator about a case involving another judge in a sex-for-lenieny scheme. Com. On Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Morris D. Jacobson\*](#) (2019) p. 5.

A judge engaged in a pattern of conduct that constituted gender bias towards women, including, among other things, telling a female deputy public defender that her parents “hadn’t spanked [her] enough” and telling a court reporter that she was “hot.” Com. On Jud. Performance, [\*Decision and Order Removing Judge John T. Laettner from Office\*](#) (2019) pp. 18-29, 31-43.

A judge made statements during a hearing that gave the appearance of gender bias, including suggesting that a female victim welcomed the attention. Com. On Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Former Judge Timothy J. Stafford\*](#) (2018) p. 6.

A commissioner failed to prevent his staff from routinely making racist and sexist comments in the courtroom when court was not in session and made profane and derogatory comments about a court interpreter to other court staff and in the presence of the interpreter. Com. On Jud. Performance, [\*Public Admonishment of Commissioner Mark Kliszewski\*](#) (2017) pp.1-2.

A judge referred to the Ku Klux Klan in open court in a case involving an African American defendant. Com. On Jud. Performance, [\*Public Admonishment of Judge Harvey Giss\*](#) (2011) p. 1.

A judge made racist comments from the bench such as “. . . a lady that, in her own country – I put a question mark; I know it’s Syria, Iraq, Iran, Lebanon -probably a very nice lady, probably doesn’t know how much she owns, I don’t think.” Com. On Jud. Performance, [\*Public Admonishment of Judge James M. Brooks\*](#) (2006) p. 2.

A judge gave unsolicited advice to an attorney after a trial and in the presence of that attorney’s client that the attorney should lose his accent. [\*Inquiry Concerning Judge Bruce Van Voorhis\*](#) (2003) 48 Cal.4th CJP Supp 257, 273, 277, 281, 283, 286, 292, 294.

A judge referred to two female juveniles as ‘bitches.’ Com. On Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge James L. Stevens, Jr.\*](#) (1998) p. 2.

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## **Bias/Appearance of Bias Not Directed Toward a Particular Class**

A judge advanced a hearing on a dispositive motion without notice and ruled without appearing to consider all the briefs, stating that he was proceeding whether they “like[d] it or not” and would stop reading the opposition when he got “bored,” in a separate matter, issued a stay based on a misunderstanding, telling counsel, “You know what? I don’t care. This is going to be stayed. This is ridiculous,” and in another matter, proceeded with a hearing in the parties’ absence so as not to “clog up” his docket. Com. On Jud. Performance, [\*Public Admonishment of Judge Derek W. Hunt\*](#) (2022) pp. 2-4.

A judge disparaged the district attorney and his office’s handling of cases. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Robert L. Tamietti\*](#) (2020) pp. 13.

Among other things, a judge stated on the record in a contentious family law case that a two-year-old child was “going to get divorced...and your grandchild is going to go through the same things ...because this is all she knows” and that the case was “contrived” and “a nothing case.” Com. On Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Matthew J. Gary\*](#) (2020) pp. 18-21.

A judge stated to an attorney who appeared pro per that “the party who represents Himself has a fool for a client” and told a litigant in a family law matter that “You can’t down a couple of 40s before you go pick them up before a visit because that’s not good.” Com. On Jud. Performance, [\*Decision and Order Imposing Severe Public Censure on Judge Ariadne J. Symons\*](#) (2019) pp. 8, 11.

Among other things, a judge called a party a “train wreck,” made sarcastic remarks to a mother in a family law case about her parenting decisions, and told a father in another case that he was “stupid and thuggish.” Com. On Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Daniel J. Healy\*](#) (2014) pp. 3-6.

A judge made disparaging remarks about the district attorney’s office, including that the office was “not doing their job properly.” Com. On Jud. Performance, [\*Decision and Order Imposing Public Admonishment of Former Judge Paul E. Zellerbach\*](#) (2011) p. 3.

A judge commented in a crowded courtroom that a certain case “was just another example of the DA overcharging.” Com. On Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Anthony C. Edwards\*](#) (2010) p. 9.

During a hearing to approve a class action settlement, a judge made sarcastic and improper remarks to the plaintiffs’ attorneys regarding fees and ordered the plaintiff’s award and fees to be paid in \$10 gift cards from the defendant clothing

store. Com. On Jud. Performance, [\*Decision and Order Imposing Public Censure and Bar of Former Judge Brett Carroll Klein\*](#) (2010) p. 5.

Among other things, a judge made remarks suggesting that indigent defendants received inferior legal services and, in domestic violence cases, stated that one case was “a crazy waste of time” and that pursuing it amounted to “stupidity,” and in other criminal matters, conveyed personal bias and prejudice. Com. On Jud. Performance, [\*Public Admonishment of Judge Christine K. Moruza\*](#) (2008) pp. 3, 6-7, 9.

A judge demeaned the integrity of a deputy officer on the record and suggested that his negative impression would be shared with other judges. [\*Inquiry Concerning Judge Robert G. Spitzer\*](#) (2007) 49 Cal.4th CJP Supp 254, 274.

A judge stated that an attorney’s “conduct is deplorable and I am insulted by it at this juncture.” Com. On Jud. Performance, [\*Public Admonishment of Judge James M. Petrucelli\*](#) (2007) pp. 1-6.

A judge berated and belittled attorneys, litigants, witnesses, and a potential juror, including, among other things, stating that an attorney had asked “a silly question.” Com. On Jud. Performance, [\*Decision and Order Imposing Public Censure and Bar on Former Judge Susanne S. Shaw\*](#) (2006) pp. 8, 10, 13, 24-25.

A judge was openly critical of an attorney’s handling of a case, indicated his intent to rule in a certain way, and made sarcastic and belittling comments to the attorney. Com. On Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Former Judge Robert M. Letteau\*](#) (2004) pp. 11-15.

A judge posed unanswerable questions to a 15-year-old witness to intimidate her and stated in open court that an attorney was unethical and dishonest. [\*Inquiry Concerning Judge Howard R. Broadman\*](#) (1999) 48 Cal.4th CJP Supp. 67, 78, 82. A judge used profanity, made a vulgar gesture, and threatened retaliation toward counsel. Com. On Jud. Performance, [\*Public Admonishment of Judge Alexander H. Williams, III\*](#) (1997) p. 3.

Among other things, a judge stated to a deputy district attorney that she was “an embarrassment to the People of the State of California” and admonished a defendant that “when I talk to you I expect you to pay attention to me.... Do that again, sir, I am going to hold you in contempt of court and jail you.” [\*Kenneth Lynn Kloepfer, a Judge of the Municipal Court v. Commission on Judicial Performance\*](#) (1989) 49 Cal.3d 826, 839 [interpreting former canon 3A(3)].

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Among other things, a judge acted vindictively against recalcitrant attorneys and made a “raspberry” noise during the testimony of a defendant to indicate his disbelief. [\*William D. Spruance, a Judge of the Municipal Court v. Commission\*](#)

[on Judicial Qualifications](#) (1975) 13 Cal.3d 778, 796-797 [interpreting former canon 3A(3)].

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## **Demeanor/Decorum**

A judge engaged in a pattern of discourteous, gratuitous, and impolite behavior to self-represented litigants by referring to them as “dirty,” like “two pigs in the trough,” raising his voice as litigants attempted to answer questions, likening a matter to “The Jerry Springer Show,” and insisting that responses to “yes” or “no” questions include the honorific “Your Honor.” Com. on Jud. Performance, [Public Admonishment of Judge Thomas J. Griego](#) (2024) pp. 2-15.

A judge, in two separate trials over a two-year period, was demeaning to counsel, openly questioned counsel’s strategies at multiple stages of the trial, examined witnesses on his own, and made objections during counsel’s questioning, suggesting both bias and prejudice. Com. on Jud. Performance, [Public Admonishment of Judge Daniel J. Healy](#) (2024) pp. 8, 16.

A commissioner in a family law matter was impatient, argumentative, and discourteous to both parents, including by interrupting and cutting them off, muting the mother during a virtual hearing, and telling them they both had “horrible pasts,” were “convicted felons,” and “[had] issues.” The commissioner also dismissed the deputy district attorneys and the investigator from the hearings without letting them speak or inquiring whether they had any relevant information. Com. on Jud. Performance, [Public Admonishment of Commissioner Wendy M. Harris](#) (2023) pp. 1-7.

A judge made discourteous remarks towards a litigant in court, including calling her a “smart aleck.” Com. on Jud. Performance, [Decision and Order Imposing Public Censure on Judge Michael J. Mulvihill](#) (2022) p. 5.

A judge advanced a hearing on a dispositive motion without notice and ruled without appearing to consider all the briefs, stating that he was proceeding whether they “like[d] it or not” and would stop reading the opposition when he got “bored,” in a separate matter, issued a stay based on a misunderstanding, telling counsel, “You know what? I don’t care. This is going to be stayed. This is ridiculous,” and in another matter, proceeded with a hearing in the parties’ absence so as not to “clog up” his docket. Com. on Jud. Performance, [Public Admonishment of Judge Derek W. Hunt](#) (2022) pp. 2-4.

A judge made disrespectful comments to attorneys who appeared by telephone at an arraignment that took place the day after the governor issued a stay-at-home order related to Covid-19 and told an acquitted defendant in another case that he had received a “gift from God” but that there was no question that he was guilty.



Com. on Jud. Performance, [Decision and Order Imposing Public Admonishment on Judge Patrick E. Connolly](#) (2021) pp. 5-7.

A judge treated parents, attorneys, and a social worker in a harsh and discourteous manner, yelled at court staff and engaged in a display of impatient and frustrated behavior in the clerk's office, in an adjoining internal court hallway, and in chambers, and discourteously raised her voice to another judge in chambers.

Com. on Jud. Performance, [Public Admonishment of Judge Barbara L. Roberts](#) (2021) pp. 3, 6, 8-9, 11, 17-18, 20, 22, 26.

During a chambers conference, a judge stated, among other things, that he thought the district attorney's office was "unprofessional and superfluous." Com. on Jud. Performance, [Decision and Order Imposing Severe Public Admonishment on Former Judge David A. Mason](#) (2020) p. 11.

A judge interrogated a witness in a civil jury trial in a hostile manner and mishandled her assertion of the Fifth Amendment and, in a separate matter, questioned the parties and counsel in an injudicious manner. Com. on Jud. Performance, [Decision and Order Imposing Public Admonishment on Judge Frank Roesch](#) (2020) pp. 12, 27.

A judge appeared to retaliate against a deputy district attorney in connection with that attorney's peremptory challenge against the judge and chose a successor judge rather than notifying the presiding judge of the peremptory challenge. Com. on Jud. Performance, [Decision and Order Imposing Public Admonishment on Judge Robert L. Tamietti](#) (2020) p. 6.

An appellate justice engaged in a pattern of sexual misconduct toward numerous women that he encountered at the courts where he worked and at professional functions, including a fellow justice, research attorneys, other judicial staff and junior attorneys, by, among other things, engaging in unwanted touching of several women, making disparaging statements against women at the court, engaging in undignified conduct while intoxicated in some cases while at the courthouse, and making overly personal sexual remarks. Com. on Jud. Performance, [Decision and Order Removing Justice Jeffrey W. Johnson from Office](#) (2020) pp. 25, 36, 39-40, 41-42, 44-51, 80, 84-85.

Among other things, a judge stated on the record in a contentious family law case that a two-year-old child was "going to get divorced...and your grandchild is going to go through the same things ...because this is all she knows" and that the case was "contrived" and "a nothing case." Com. on Jud. Performance, [Decision and Order Imposing Public Admonishment on Judge Matthew J. Gary](#) (2020) pp. 18-21.

A judge told an African American defendant to stop "shucking and jiving," stated in open court that his bailiff "doesn't know what the hell he's talking about," and



engaged in conduct that conveyed the appearance of bias against prosecutors. Com. on Jud. Performance, [\*Public Censure of Judge Jeffrey G. Bennett\*](#) (2020) p. 3, 7, 20.

A judge stated to an attorney in court who appeared pro per that “the party who represents himself has a fool for a client” and told a litigant in a family law matter that “You can’t down a couple of 40s before you go pick them up before a visit because that’s not good.” Com. on Jud. Performance, [\*Decision and Order Imposing Severe Public Censure on Judge Ariadne J. Symons\*](#) (2019) pp. 8-9, 11.

A judge remanded a defendant and delayed setting a revocation hearing until after the defendant served a predetermined sentence of jail time and made sarcastic remarks to several other defendants. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Carol Williams Elswick\*](#) (2018) pp. 9, 15-16.

A judge made statements during a hearing that gave the appearance of gender bias, including suggesting that a female victim welcomed the attention. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Former Judge Timothy J. Stafford\*](#) (2018) p. 6.

A judge made a discourteous remark at a hearing in open court that a domestic violence victim was “white as a piece of wonder bread.” Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge John D. Lord\*](#) (2018) pp. 2-3.

A commissioner failed to prevent his staff from routinely making racist and sexist comments in the courtroom when court was not in session and made profane and derogatory comments about a court interpreter to other court staff and in the presence of the interpreter. Com. on Jud. Performance, [\*Public Admonishment of Commissioner Mark Kliszewski\*](#) (2017) pp.1-2.

A judge made condescending statements to a prospective juror about acting like an adult and not treating the court like Disneyland, made discourteous and intimidating remarks to a prospective juror regarding her English language ability, and joked about the limited financial resources of two different jurors. [\*Inquiry Concerning Judge Edmund W. Clarke, Jr.\*](#) (2016) 1 Cal.5th CJP Supp 1, 15, 23, 28.

A judge engaged in intemperate email exchanges with his supervising judge and court executive officer. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure on Judge John A. Trice\*](#) (2016) p. 18.

A judge treated female court clerks in a discourteous manner. Com. on Jud. Performance, [\*Public Admonishment of Judge Joseph E. Bergeron\*](#) (2016) p. 1-2.

A judge became irritated and aggressive with a member of court administration regarding the reassignment of another judge's courtroom clerk. Com. on Jud. Performance, [\*Public Admonishment of Judge John L. Fielder\*](#) (2015) p. 2.

Among other things, a judge called a party a "train wreck," made sarcastic remarks to a mother in family law case about her parenting decisions, and told a father in another case that he was "stupid and thuggish." Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Daniel J. Healy\*](#) (2014) pp. 3-6.

A judge treated attorneys in a sarcastic and belittling manner, including responding to an attorney's question regarding a hearsay objection that "I'll explain it to you sometime when you pay tuition." Com. on Jud. Performance, [\*Public Admonishment of Judge Ronald M. Sohigian\*](#) (2014) pp. 1-2.

A judge ordered counsel "to spend every waking moment between now and when we are next in court working on this case" and ordered her to stay in the courtroom for an extended period before conducting a contempt hearing based on a statement by counsel. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Morris D. Jacobson\*](#) (2012) p. 6.

A commissioner made sarcastic and gratuitous remarks to the litigants in family law matters. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Commissioner Alan Friedenthal\*](#) (2012) pp. 8-10, 12-17.

A judge made disparaging remarks about the district attorney's office, including that the office was "not doing their job properly." Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment of Former Judge Paul E. Zellerbach\*](#) (2011) p. 3.

A judge spoke to a defendant in a harsh manner, repeatedly saying that she did not believe him and grilling him on the holdings of cases cited in his brief. Com. on Jud. Performance, [\*Public Admonishment of Judge Joan Comparet-Cassani\*](#) (2011) p. 8.

A judge referred to a tall, thin female attorney with short hair as a "Q-tip," and told a female attorney that a male attorney was "incompetent and just stood in court . . . and picking his nose." Com. on Jud. Performance, [\*Public Admonishment of Judge John B. Gibson\*](#) (2010) pp. 1-2.

A judge engaged in a pattern of misconduct that included making demeaning remarks to litigants, court staff, and attorneys. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure on Judge DeAnn M. Salcido\*](#) (2010) pp. 15, 19.

A judge commented in a crowded courtroom that a certain case “was just another example of the DA overcharging.” Com. on Jud. Performance, [Decision and Order Imposing Public Admonishment on Judge Anthony C. Edwards](#) (2010) p. 9.

During a hearing to approve a class action settlement, a judge made sarcastic remarks to the plaintiffs’ attorneys regarding fees and ordered the plaintiff’s award and fees to be paid in \$10 gift cards from the defendant clothing store. Com. on Jud. Performance, [Decision and Order Imposing Public Censure and Bar of Former Judge Brett Carroll Klein](#) (2010) p. 5.

A judge presiding over a dissolution case threatened the husband’s attorney with contempt and made disrespectful and inappropriate comments to an attorney, including telling her not to “think out loud” when voicing an objection. [Inquiry Concerning Judge Peter J. McBrien](#) (2010) 49 Cal.4th CJP Supp. 315, 333, 339.

A judge made comments suggesting that indigent defendants received inferior legal services and, in domestic violence cases, remarked that one case was “a crazy waste of time” and that pursuing it amounted to “stupidity.” Com. on Jud. Performance, [Public Admonishment of Judge Christine K. Moruza](#) (2008) pp. 3, 6-9.

A judge made sarcastic and condescending remarks to attorneys who appeared before him. Com. on Jud. Performance, [Decision and Order Imposing Public Admonishment on Judge James J. McBride](#) (2008) pp. 7-10.

A judge made sarcastic and demeaning remarks to attorneys and litigants, including that “These are the kinds of lawsuits that make people mad when they get on jury service.” Com. on Jud. Performance, [Decision and Order Imposing Public Admonishment on Judge John M. Watson](#) (2008) p. 4.

Among other things, a judge vacated orders that he had issued on behalf of an attorney’s client after becoming annoyed with the attorney, called another attorney “obnoxious” in the presence of her client, and stated on the record that the government would “wimp out” and not prosecute a failure to appear. Com. on Jud. Performance, [Decision and Order Imposing Public Admonishment on Judge Paul M. Bryant, Jr.](#) (2008) pp. 1-4.

A judge utilized a hand lettered “overruled” sign, allowed derision of the plaintiff and the proceedings in general, and used a “soccer-style” card system with counsel. Com. on Jud. Performance, [Decision and Order Imposing Public Admonishment on Judge James M. Brooks](#) (2008) pp. 2-4, 7-8.

A judge made demeaning remarks to court staff, including to a courtroom guard that “The Keystone Cops could have handled it better.” Com. on Jud. Performance, [Decision and Order Imposing Public Admonishment of Judge Clarence Westra, Jr.](#) (2007) p. 3.

A judge made rude and demeaning comments to counsel, police officers, and litigants in several cases, stating that one attorney's "conduct is deplorable and I am insulted by it at this juncture." Com. on Jud. Performance, [\*Public Admonishment of Judge James M. Petrucelli\*](#) (2007) pp. 1-6.

A judge treated an attorney in a sarcastic and belittling manner, including telling the attorney to go across the street to the law library to research an issue raised by the judge. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Ronald M. Sohigian\*](#) (2007) p. 1.

Among other things, a judge increased sentences and showed irritation when defendants asked him respectful questions about their sentences, expressed his dissatisfaction with attorneys by not recalling bench warrants for the arrest of their clients, made disparaging remarks regarding attorneys, and used inappropriate humor about incarceration. [\*Inquiry Concerning Judge José A. Velasquez\*](#) (2007) 49 Cal.4th CJP Supp 175, 183.

A judge berated and belittled attorneys, litigants, witnesses, and a potential juror, including, among other things, stating that an attorney had asked "a silly question." Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure and Bar on Former Judge Susanne S. Shaw\*](#) (2006) pp. 8, 10, 13, 24-25.

A judge threatened to impose excessive sanctions against a plaintiff and made racist comments against a litigant. Com. on Jud. Performance, [\*Public Admonishment of Judge James M. Brooks\*](#) (2006) pp. 1-2.

A judge made sarcastic and belittling comments to attorneys and litigants appearing before him and referred to "malpractice" when admonishing attorneys in the presence of their clients. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Bruce Clayton Mills\*](#) (2006) pp. 7-13.

A judge made a gratuitous remark in open court that an instruction from an attorney's firm to prepare for a preliminary hearing the evening before was "the direction of malpractice at a minimum." Com. on Jud. Performance, [\*Public Admonishment of Judge Ronald J. Maciel\*](#) (2006) pp. 3-4.

A judge made statements in retaliation for a police officer's refusal to dismiss certain traffic tickets and tried to intimidate an attorney from pursuing a request for a transcript that may have shown the judge's unethical conduct. Com. on Jud. Performance, [\*Decision and Order Imposing Censure and Bar on Judge William R. Danser\*](#) (2005) pp. 33-34.

Among other things, a judge made undignified remarks about the physical appearance of female criminal defendants in the presence of court staff and attorneys, placed his hands against the wall in the court's weapons screening area and asked the female security officers if they were going to search him, and

tossed a court file at a female attorney. [\*Inquiry Concerning Judge John D. Harris\*](#) (2005) 49 Cal.4th CJP Supp. 61, 72-74.

A judge was openly critical of an attorney's handling of a case, indicated his intent to rule in a certain way, and made sarcastic and belittling comments to the attorney. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Former Judge Robert M. Letteau\*](#) (2004) pp. 11-15.

Among other things, a judge criticized an attorney's performance in court during trial and in the presence of the jury in a condescending manner, attacked an inexperienced prosecutor's legal training, professional competence, and motives, lost his composure and made comments in the presence of the jury for the purpose of venting his anger or frustration, and told the foreperson of a jury that questions to the court should be reviewed for proper grammar. [\*Inquiry Concerning Judge Bruce Van Voorhis\*](#) (2003) 48 Cal.4th CJP Supp 257, 273, 281, 283, 292, 294.

A judge wrote 'relax' on the hand of a female attorney during her oral argument, attempted to fasten a button on the front of that female attorney's jacket, unwelcomely kissed that female attorney in chambers, and played a practical joke on a court reporter causing her to be handcuffed. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure and Barring Judge Arthur S. Block from Receiving Assignments\*](#) (2002) pp. 2-4.

A judge made a statement implying that the physical characteristics of a defendant might make him vulnerable to sexual assault in jail and made comments suggesting that a deputy district attorney engaged in excessive drinking. [\*Inquiry Concerning Judge Susanne S. Shaw\*](#) (2000) 48 Cal.4th CJP Supp. 125, 129, 132.

A judge demeaned court staff and a prospective juror and accused an expert witness of lying to the jury. Com. on Jud. Performance, [\*Public Admonishment of Judge Robert C. Coates\*](#) (2000) p. 6.

A judge posed unanswerable questions to a 15-year-old witness to intimidate her and publicly labeled an attorney as unethical and dishonest. [\*Inquiry Concerning judge Howard R. Broadman\*](#) (1999) 48 Cal.4th CJP Supp. 67, 78, 82.

A judge told an offensive joke from the bench during a child molestation case. [\*Inquiry Concerning Judge James Randal Ross\*](#) (1998) 48 Cal.4th CJP Supp. 19, 33.

A judge used profanity, made a vulgar gesture, and threatened retaliation toward counsel. Com. on Jud. Performance, [\*Public Admonishment of Judge Alexander H. Williams, III\*](#) (1997) p. 3.

A judge questioned a juror in an intimidating manner, gave instructions to court staff in a harsh manner, and used a sarcastic tone with counsel. Com. on Jud.

Performance, [Public Reproval of Judge Bruce Van Voorhis](#) (1992) p. 2 [interpreting former canon 3A(3)].

A judge made offensive remarks on the record to the parties, and engaged in demeaning behavior, including discontinuing the services of his long-time court reporter after presenting her with a partially rotten zucchini. Com. on Jud. Performance, [Public Reproval of Judge James L. Stevens, Jr.](#) (1994) pp. 1-2.

A judge addressed female attorneys and others as “sweetie,” “sweetheart,” “honey,” or “dear” in and around the courthouse during business hours. [David M. Kennick, a Judge of the Municipal Court v. Commission on Judicial Performance](#) (1990) 50 Cal.3d 297, 325 [referencing former Canon 3A(3)].

Among other things, a judge stated to a deputy district attorney that she was “an embarrassment to the People of the State of California” and admonished a defendant that “when I talk to you I expect you to pay attention to me.... Do that again, sir, I am going to hold you in contempt of court and jail you.” [Kenneth Lynn Kloepfer, a Judge of the Municipal Court v. Commission on Judicial Performance](#) (1989) 49 Cal.3d 826, 839 [interpreting former canon 3A(3)].

Among other things, a judge discouraged the exercise of peremptory challenge rights by inappropriate means, attempted to inconvenience counsel by withholding judgments in unrelated cases, and displayed a persistently abusive demeanor toward litigants, attorneys, and others in his courtroom. [In re L. Eugene Rasmussen, a Judge of the Justice Court, on Censure](#) (1987) 43 Cal.3d 536, 538 [interpreting former Canon 3A(3)].

Among other things, a judge acted vindictively against recalcitrant attorneys and made a “raspberry” noise during the testimony of a defendant to indicate his disbelief. [William D. Spruance, a Judge of the Municipal Court v. Commission on Judicial Qualifications](#) (1975) 13 Cal.3d 778, 796-797 [interpreting former canon 3A(3)].

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### **Disqualification/Disclosure/Post-Disqualification Conduct**

During a statement on the record regarding his disqualification, a judge labeled an attorney as unethical and dishonest. [Inquiry Concerning Judge Howard R. Broadman](#) (1999) 48 Cal.4th CJP Supp. 67, 76.

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## Failure to Ensure Rights

A judge advanced a hearing on a dispositive motion without notice and ruled without appearing to consider all the briefs, stating that he was proceeding whether they “like[d] it or not” and would stop reading the opposition when he got “bored,” in a separate matter, issued a stay based on a misunderstanding, telling counsel, “You know what? I don’t care. This is going to be stayed. This is ridiculous,” and in another matter, proceeded with a hearing in the parties’ absence so as not to “clog up” his docket. Com. on Jud. Performance, [Public Admonishment of Judge Derek W. Hunt](#) (2022) pp. 2-4.

A judge remanded a defendant and delayed setting a revocation hearing until after the defendant served a predetermined sentence of jail time. Com. on Jud. Performance, [Decision and Order Imposing Public Admonishment on Judge Carol Williams Elswick](#) (2018) p. 9.

A judge incarcerated defendants without respect for their constitutional rights, increased sentences and showed irritation when defendants asked him respectful questions about their sentences, and expressed his dissatisfaction with attorneys by not recalling bench warrants for the arrest of their clients. [Inquiry Concerning Judge José A. Velasquez](#) (2007) 49 Cal.4th CJP Supp 175, 183.

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## Miscellaneous Off-Bench Conduct

An appellate justice engaged in a pattern of sexual misconduct toward numerous women that he encountered at the courts where he worked and at professional functions, including a fellow justice, research attorneys, other judicial staff and junior attorneys, by, among other things, engaging in unwanted touching of several women, making disparaging statements against women at the court, engaging in undignified conduct while intoxicated in some cases while at the courthouse, and making overly personal sexual remarks. Com. on Jud. Performance, [Decision and Order Removing Justice Jeffrey W. Johnson from Office](#) (2020) pp. 25, 36, 39-40, 41-42, 44-51, 80, 84-85.

A judge engaged in intemperate email exchanges with his supervising judge and court executive officer. Com. on Jud. Performance, [Decision and Order Imposing Public Censure on Judge John A. Trice](#) (2016) p. 18.

A judge addressed women as “sweetie,” “sweetheart,” “honey,” or “dear” in and around the courthouse during business hours. [David M. Kennick, a Judge of the Municipal Court v. Commission on Judicial Performance](#) (1990) 50 Cal.3d 297, 325 [referencing former Canon 3A(3)].

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## Off-Bench Abuse of Office/Misuse of Court Information

A judge engaged in intemperate email exchanges with his supervising judge and court executive officer. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure on Judge John A. Trice\*](#) (2016) p. 18.

A judge told a story to a new court executive in the presence of court staff that included explicit sexual language. Com. on Jud. Performance, [\*Inquiry Concerning Judge D. Ronald Hyde\*](#) (2003) 48 Cal.4th CJP Supp. 329, 341.

A judge unwelcomely kissed a female attorney in chambers. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure and Barring Judge Arthur S. Block from Receiving Assignments\*](#) (2002) p. 3.

A judge berated a court administrator for removing a water fountain near his chambers. Com. on Jud. Performance, [\*Public Admonishment of Judge Robert C. Coates\*](#) (2000) p. 2.

A judge addressed women as “sweetie,” “sweetheart,” “honey,” or “dear” in and around the courthouse during business hours. [\*David M. Kennick, a Judge of the Municipal Court v. Commission on Judicial Performance\*](#) (1990) 50 Cal.3d 297, 325 [referencing former Canon 3A(3)].

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## On-Bench Abuse of Authority in Performance of Judicial Duties

A judge made discourteous and unnecessary remarks to and about litigants that evidenced bias and prejudgment in two civil matters, and sent an impertinent ex parte email communication to an appellate justice in a third civil matter. Com. on Jud. Performance, [\*Public Admonishment of Derek W. Hunt\*](#) (2023), pp. 1-6, 8-11.

A judge ordered counsel “to spend every waking moment between now and when we are next in court working on this case” and ordered her to stay in the courtroom for an extended period before conducting a contempt hearing based on a statement by counsel. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Morris D. Jacobson\*](#) (2012) p. 6.

During a hearing to approve a class action settlement, a judge ordered the plaintiff’s award and fees to be paid in \$10 gift cards from the defendant clothing store. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure and Bar of Former Judge Brett Carroll Klein\*](#) (2010) p. 5.

A judge threatened a litigant’s attorney with contempt and made disrespectful and inappropriate comments to an attorney, including telling her not to “think out

loud” when voicing an objection. [\*Inquiry Concerning Judge Peter J. McBrien\*](#) (2010) 49 Cal.4th CJP Supp. 315, 333, 339.

Among other things, a judge vacated orders that he had issued on behalf of an attorney’s client after becoming annoyed with the attorney, called another attorney “obnoxious” in the presence of her client, and stated on the record that the government would “wimp out” and not prosecute a failure to appear. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Paul M. Bryant, Jr.\*](#) (2008) pp. 1-4.

Among other things, a judge increased sentences and showed irritation when defendants asked him respectful questions about their sentences and expressed his dissatisfaction with attorneys by not recalling bench warrants for the arrest of their clients. [\*Inquiry Concerning Judge José A. Velasquez\*](#) (2007) 49 Cal.4th CJP Supp 175, 183.

A judge remanded defendants based on his “smell test” of their clothes and hair. Com. on Jud. Performance, [\*Censure and Stipulated Retirement of Judge James I. Aaron\*](#) (2002) p. 11.

A judge accused a defendant of lying and then yelled at defense counsel. [\*Thomas B. Fletcher, a Judge of the Superior Court v. Commission on Judicial Performance\*](#) (1998) 19 Cal.4th 865, 905.

Among other things, a judge discouraged the exercise of peremptory challenge rights, attempted to inconvenience counsel by withholding judgments in unrelated cases, and displayed a persistently abusive demeanor toward litigants, attorneys, and others in his courtroom. [\*In re L. Eugene Rasmussen, a Judge of the Justice Court, on Censure\*](#) (1987) 43 Cal.3d 536, 538 [interpreting former Canon 3A(3)].

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### **Sexual Harassment/Inappropriate Workplace Gender Comments**

An appellate justice engaged in a pattern of sexual misconduct toward numerous women that he encountered at the courts where he worked and at professional functions, including a fellow justice, research attorneys, other judicial staff and junior attorneys, by, among other things, engaging in unwanted touching of several women, making disparaging statements against women at the court, engaging in undignified conduct while intoxicated in some cases while at the courthouse, and making overly personal sexual remarks. Com. on Jud. Performance, [\*Decision and Order Removing Justice Jeffrey W. Johnson from Office\*](#) (2020) pp. 25, 36, 39-40, 41-42, 44-51, 80, 84-85.

A judge engaged in a pattern of conduct that constituted gender bias towards women, including, among other things, telling a female deputy public defender

that her parents “hadn’t spanked [her] enough” and telling a court reporter that she was “hot.” Com. on Jud. Performance, [Decision and Order Removing Judge John T. Laettner from Office](#) (2019) pp. 18-29, 31-43.

A commissioner failed to prevent his staff from routinely making sexist comments in the courtroom when court was not in session. Com. on Jud. Performance, [Public Admonishment of Commissioner Mark Kliszewski](#) (2017) pp.1-2.

Among other things, a judge commented on the physical appearance of attorneys, such as “the pretty brown one,” and commented on an attorney’s pregnancy. [Inquiry Concerning Judge Gary G. Kreep](#) (2017) 3 Cal.5th CJP Supp 1, 30-33.

Among other things, a judge made undignified remarks about the physical appearance of female criminal defendants in the presence of court staff and attorneys and placed his hands against the wall in the court’s weapons screening area and asked the female security officers if they were going to search him. [Inquiry Concerning Judge John D. Harris](#) (2005) 49 Cal.4th CJP Supp. 61, 72-74.

A judge told a story to a new court executive in the presence of court staff that included explicit sexual language. Com. on Jud. Performance, [Inquiry Concerning Judge D. Ronald Hyde](#) (2003) 48 Cal.4th CJP Supp. 329, 341.

A judge wrote ‘relax’ on the hand of a female attorney during her oral argument, attempted to fasten a button on the front of that female attorney’s jacket, and unwelcomely kissed that female attorney in chambers. Com. on Jud. Performance, [Decision and Order Imposing Public Censure and Barring Judge Arthur S. Block from Receiving Assignments](#) (2002) pp. 2-4.

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### Canon 3B(5)

**(5) A judge shall perform judicial duties without bias or prejudice. A judge shall not, in the performance of judicial duties, engage in speech, gestures, or other conduct that would reasonably be perceived as (a) bias, prejudice, or harassment, including but not limited to bias, prejudice, or harassment based upon race, sex, gender, gender identity,\* gender expression,\* religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation, or (b) sexual harassment.**

➤ CJP Annotations: Canon 3B(5)

[Abuse of Contempt/Sanctions](#)

[Administrative Malfeasance/Improper Comments, Treatment of Colleagues and Staff](#)

[Bias/Appearance of Bias Toward a Particular Class](#)

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[On-Bench Abuse of Authority in Performance of Judicial Duties](#)

[Sexual Harassment/Inappropriate Workplace Gender Comments](#)

**Abuse of Contempt/Sanctions**

A judge denied a defendant a full right to be heard regarding sentencing by, among other things, ordering counsel remanded for contempt during the sentencing hearing. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Ruffo Espinosa, Jr.\*](#) (2006) p. 8.

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**Administrative Malfeasance/Improper Comments, Treatment of Colleagues and Staff**

An appellate justice engaged in a pattern of sexual harassment toward a fellow justice. Com. on Jud. Performance, [\*Decision and Order Removing Justice Jeffrey W. Johnson from Office\*](#) (2020) p. 25.

A commissioner made profane and derogatory comments about a court interpreter to other court staff. Com. on Jud. Performance, [\*Public Admonishment of Commissioner Mark Kliszewski\*](#) (2017) p. 2.

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**Bias/Appearance of Bias Toward a Particular Class**

A judge, in two separate trials over a two-year period, was repeatedly demeaning and discourteous to the public defender's office, giving the appearance of bias and alignment with the prosecutor's office. Com. on Jud. Performance, [\*Public Admonishment of Judge Daniel J. Healy\*](#) (2024) pp. 8, 16.

A judge made remarks to a plaintiff that indicated bias and prejudice, including bias on the basis of race, ethnicity, or national origin. The case was a

defamation suit brought by a deputy district attorney on the grounds that a senior DA had repeatedly referred to the plaintiff, who was of Middle Eastern descent, as a terrorist. The judge’s commentary also insinuated that the plaintiff was hypersensitive, a “snowflake,” and needed to “litigate like a grown up. Com. on Jud. Performance, [Public Admonishment of Derek W. Hunt](#) (2023) pp. 1-4.

A judge told an African American defendant to stop ‘shucking and jiving.’ Com. on Jud. Performance, [Public Censure of Judge Jeffrey G. Bennett](#) (2020) p. 3.

A judge engaged in a pattern of offensive conduct towards women, including telling a female deputy public defender that her parents “hadn’t spanked [her] enough.’ Com. on Jud. Performance, [Decision and Order Removing Judge John T. Laettner from Office](#) (2019) p. 27.

Among other things, a judge commented on the accent and ethnicity of a litigant and on the physical appearance of an attorney as “the pretty brown one.” [Inquiry Concerning Judge Gary G. Kreep](#) (2017) 3 Cal.5th CJP Supp 1, 31, 53.

During a hearing, a judge made remarks that perpetuated racist stereotypes about Hispanic and Middle Eastern men. Com. on Jud. Performance, [Public Admonishment of Judge Nancy Pollard](#) (2011) p. 3.

A judge referred to the Ku Klux Klan in open court in a case involving an African American defendant. Com. on Jud. Performance, [Public Admonishment of Judge Harvey Giss](#) (2011) p. 1.

A judge made racist comments in a tentative ruling from the bench. Com. on Jud. Performance, [Public Admonishment of Judge James M. Brooks](#) (2006) p. 2.

A judge gave unsolicited advice to an attorney after a trial and in the presence of that attorney’s client that the attorney should lose his accent. [Inquiry Concerning Judge Bruce Van Voorhis](#) (2003) 48 Cal.4th CJP Supp 257, 277.

A judge used the phrase, ‘good boy,’ when giving instructions to an African American defendant. Com. on Jud. Performance, [Public Admonishment of Judge Richard S. Flier](#) (1995) p. 2.

A judge stated on the record to an Asian American deputy public defender: “Do you have something to add to those papers which isn’t in there, some brilliant case you found somewhere in the Upper Tokyo Reports or somewhere that nobody knows about, tell me about it.” Com. on Jud. Performance, [Public Reproval of Judge Richard A. Haugner](#) (1994) p. 1.

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## **Bias/Appearance of Bias Not Directed Toward a Particular Class**

A commissioner in a family law matter failed to adequately review the moving papers, did not ask questions regarding the substantive issues in the case, was impatient, argumentative, discourteous, and demeaning to both parents, and made comments that indicated bias and prejudice. Com. on Jud. Performance, [\*Public Admonishment of Commissioner Wendy M. Harris\*](#) (2023) pp. 1-7.

A judge advanced a hearing on a dispositive motion without notice and ruled without appearing to consider all the briefs, stating that he was proceeding whether they “like[d] it or not” and would stop reading the opposition when he got “bored.” Com. on Jud. Performance, [\*Public Admonishment of Judge Derek W. Hunt\*](#) (2022) p. 2.

A judge remarked on the record in a contentious family law case that, among other things, he was “picking sides” and he wished “good luck to [the child] because it ain’t going to turn out well for her.” Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Matthew J. Gary\*](#) (2020) pp. 19-22.

A judge inferred that an attorney appearing before him made an official complaint against the judge and appeared to retaliate against that attorney. Com. on Jud. Performance, [\*Public Censure of Judge Jeffrey G. Bennett\*](#) (2020) p. 4.

A judge stated to an attorney in court who appeared pro per that “the party who represents himself has a fool for a client.” Com. on Jud. Performance, [\*Decision and Order Imposing Severe Public Censure on Judge Ariadne J. Symons\*](#) (2019) pp. 8, 11.

In a family law matter, a judge stated, among other things, that a father was “stupid and thuggish” and that life was too short to let kids be “tortured by rotten parents like you two.” Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Daniel J. Healy\*](#) (2014) pp. 5-6.

During the sentencing of a defendant who was convicted of rape, a judge made remarks suggesting that he was not impartial towards sexual assault victims who do not “put up a fight.” Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Derek G. Johnson\*](#) (2012) pp. 5-6.

A judge made disparaging remarks about the district attorney’s office, including that the office was “not doing their job properly.” Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment of Former Judge Paul E. Zellerbach\*](#) (2011) p. 3.

During a hearing to approve a class action settlement, a judge made sarcastic and improper remarks to the plaintiffs’ attorneys and ordered the named plaintiff’s

award and the attorneys' fees to be paid in \$10 gift cards from the defendant clothing store. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure and Bar of Former Judge Brett Carroll Klein\*](#) (2010) p. 5.

Among other things, a judge made remarks suggesting that indigent defendants received inferior legal services and, in domestic violence cases, stated that one case was “a crazy waste of time” and that pursuing it amounted to “stupidity,” and in other criminal matters, conveyed personal bias and prejudice. Com. on Jud. Performance, [\*Public Admonishment of Judge Christine K. Moruza\*](#) (2008) pp. 3, 6-7, 9.

A judge berated and belittled attorneys, litigants, witnesses, and a potential juror, including improperly suggesting that a defendant's testimony was untruthful. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure and Bar on Former Judge Susanne S. Shaw\*](#) (2006) p. 24.

A judge denied a defendant a full right to be heard regarding sentencing by, among other things, cutting counsel off during his argument and ordering counsel remanded for contempt during the sentencing hearing. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Ruffo Espinosa, Jr.\*](#) (2006) p. 8.

After a verdict for plaintiff movie producer, a judge went to the premiere of the movie at issue in the litigation at the invitation of the plaintiff. Com. on Jud. Performance, [\*Public Admonishment of Judge Judith C. Chirlin\*](#) (1995) p. 1.

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### **Demeanor/Decorum**

A judge engaged in a pattern of discourteous, gratuitous, and impolite behavior to self-represented litigants by referring to them as “dirty,” like “two pigs in the trough,” raising his voice as litigants attempted to answer questions, likening a matter to “The Jerry Springer Show,” and insisting that responses to “yes” or “no” questions include the honorific “Your Honor.” Com. on Jud. Performance, [\*Public Admonishment of Judge Thomas J. Griego\*](#) (2024) pp. 2-15.

A judge advanced a hearing on a dispositive motion without notice and ruled without appearing to consider all the briefs, stating that he was proceeding whether they “like[d] it or not” and would stop reading the opposition when he got “bored.” Com. on Jud. Performance, [\*Public Admonishment of Judge Derek W. Hunt\*](#) (2022) p. 2.

During a chambers conference with the district attorney, a deputy district attorney, probation employees, a bailiff and court clerk, a judge stated, among other things, that he thought the district attorney's office was “unprofessional and



superfluous.” Com. on Jud. Performance, [Decision and Order Imposing Severe Public Admonishment on Former Judge David A. Mason](#) (2020) p. 11.

An appellate justice engaged in a pattern of sexual harassment toward a fellow justice. Com. on Jud. Performance, [Decision and Order Removing Justice Jeffrey W. Johnson from Office](#) (2020) p. 25.

A judge remarked on the record in a contentious family law case, among other things, that he was “picking sides” and that he wished “good luck to [the child] because it ain’t going to turn out well for her.” Com. on Jud. Performance, [Decision and Order Imposing Public Admonishment on Judge Matthew J. Gary](#) (2020) pp. 18-21.

A judge told an African American defendant to stop “shucking and jiving.” Com. on Jud. Performance, [Public Censure of Judge Jeffrey G. Bennett](#) (2020) p. 3.

A judge spoke sharply to an attorney when she asked for a moment before proceeding and then hit her hand when she placed it on the bench during a sidebar requested by the judge. Com. on Jud. Performance, [Decision and Order Imposing Public Admonishment on Judge Morris D. Jacobson](#) (2019) p. 4.

A judge stated to an attorney in court who appeared pro per that “the party who represents himself has a fool for a client.” Com. on Jud. Performance, [Decision and Order Imposing Severe Public Censure on Judge Ariadne J. Symons](#) (2019) p. 11.

A judge made sarcastic remarks to several defendants. Com. on Jud. Performance, [Decision and Order Imposing Public Admonishment on Judge Carol Williams Elswick](#) (2018) pp. 15-16.

A judge made statements during a hearing that gave the appearance of gender bias, including suggesting that a female victim welcomed the attention. Com. on Jud. Performance, [Decision and Order Imposing Public Admonishment on Former Judge Timothy J. Stafford](#) (2018) p. 6.

A judge commented at a judges’ meeting that she had made a finding that a police officer had perjured himself. Com. on Jud. Performance, [Decision and Order Imposing Public Admonishment on Judge Lisa A. Novak](#) (2018) pp. 8-9.

A commissioner made profane and derogatory comments about a court interpreter to other court staff and in the presence of the interpreter. Com. on Jud. Performance, [Public Admonishment of Commissioner Mark Kliszewski](#) (2017) p. 2.

Among other things, a judge used nicknames in court, such as Shorty and Bun Head, when referring to attorneys and interns, used crude language, commented on the physical appearance of attorneys, such as “the pretty brown one,” and commented on an attorney’s pregnancy. [\*Inquiry Concerning Judge Gary G. Kleep\*](#) (2017) 3 Cal.5th CJP Supp 1, 31, 37, 40, 53.

In a family law matter, a judge stated, among other things, that a father was “stupid and thuggish” and that life was too short to let kids be “tortured by rotten parents like you two.” Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Daniel J. Healy\*](#) (2014) pp. 5-6.

A judge made disparaging remarks about the district attorney’s office, including that the office was “not doing their job properly.” Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment of Former Judge Paul E. Zellerbach\*](#) (2011) p. 3.

During a hearing to approve a class action settlement, a judge made sarcastic and improper remarks to the plaintiffs’ attorneys and ordered the named plaintiff’s award and the attorneys’ fees to be paid in \$10 gift cards from the defendant clothing store. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure and Bar of Former Judge Brett Carroll Klein\*](#) (2010) p. 5.

Among other things, a judge made remarks suggesting that indigent defendants received inferior legal services and, in domestic violence cases, stated that one case was “a crazy waste of time” and that pursuing it amounted to “stupidity,” and in other criminal matters, conveyed personal bias and prejudice. Com. on Jud. Performance, [\*Public Admonishment of Judge Christine K. Moruza\*](#) (2008) pp. 3, 6-7, 9.

A judge berated and belittled attorneys, litigants, witnesses, and a potential juror, including improperly suggesting that a defendant’s testimony was untruthful. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure and Bar on Former Judge Susanne S. Shaw\*](#) (2006) p. 24.

A judge made racist comments in a tentative ruling from the bench. Com. on Jud. Performance, [\*Public Admonishment of Judge James M. Brooks\*](#) (2006) p. 2

A judge denied a defendant a full right to be heard regarding sentencing by, among other things, cutting counsel off during his argument and ordering counsel remanded for contempt during the sentencing hearing. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Ruffo Espinosa, Jr.\*](#) (2006) p. 8.

A judge repeatedly made oral and written statements displaying hostility and animosity toward an attorney in a probate matter and, in another matter, was openly critical of the defendant attorney’s handling of the case. Com. on Jud.

Performance, [\*Decision and Order Imposing Public Admonishment on Former Judge Robert M. Letteau\*](#) (2004) pp. 11-13.

A judge engaged in a pattern of misconduct directed at attorneys and court staff, including giving unsolicited advice to an attorney after a trial and in the presence of that attorney's client that the attorney should lose his accent. [\*Inquiry Concerning Judge Bruce Van Voorhis\*](#) (2003) 48 Cal.4th CJP Supp 257, 277.

A judge wrote 'relax' on the hand of a female attorney during her oral argument, attempted to fasten a button on the front of that female attorney's jacket, unwelcomely kissed that female attorney in chambers, and played a practical joke on a court reporter causing her to be handcuffed. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure and Barring Judge Arthur S. Block from Receiving Assignments\*](#) (2002) pp. 2-4.

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## **Ex Parte Communications**

A judge texted a deputy district attorney, before the close of trial, about whether the deputy district attorney appearing before the judge should call a rebuttal witness. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Emily J. Cole\*](#), (2024) p. 6.

A judge wrote an impertinent email missive to the appellate justice who had vacated the judge's decision, which also constituted improper ex parte communication. Com. on Jud. Performance, [\*Public Admonishment of Derek W. Hunt\*](#) (2023), pp. 6-7.

A judge communicated ex parte with the district attorney's office regarding a charging decision. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Robert L. Tamietti\*](#) (2020) p. 5.

A judge met in chambers with the deputy district attorney ostensibly to discuss logistics and failed to disclose the substance of those communications to the opposing counsel. Com. on Jud. Performance, [\*Public Admonishment of Judge Patrick E. Connolly\*](#) (2016) p. 5.

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## **Failure to Ensure Rights**

A judge advanced a hearing on a dispositive motion without notice and ruled without appearing to consider all the briefs, stating that he was proceeding whether they “like[d] it or not” and would stop reading the opposition when he got “bored.” Com. on Jud. Performance, [Public Admonishment of Judge Derek W. Hunt](#) (2022) p. 2.

A judge remanded a defendant and delayed setting a revocation hearing until after the defendant served a predetermined sentence of jail time. Com. on Jud. Performance, [Decision and Order Imposing Public Admonishment on Judge Carol Williams Elswick](#) (2018) p. 9.

A judge denied a defendant a full right to be heard regarding sentencing by, among other things, cutting counsel off during his argument and ordering counsel remanded for contempt during the sentencing hearing. Com. on Jud. Performance, [Decision and Order Imposing Public Admonishment on Judge Ruffo Espinosa, Jr.](#) (2006) p. 8.

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## **Miscellaneous Off-Bench Conduct**

An appellate justice engaged in a pattern of sexual harassment toward a fellow justice. Com. on Jud. Performance, [Decision and Order Removing Justice Jeffrey W. Johnson from Office](#) (2020) p. 25.

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## **Off-Bench Abuse of Office/Misuse of Court Information**

Using court stationery and her judicial title, a judge wrote two letters to the police chief regarding misconduct allegations that had been made against detectives in a case before her. Com. on Jud. Performance, [Decision and Order Imposing Public Admonishment on Judge Judith L. Meyer](#) (2022) p. 5.

A judge unwelcomely kissed a female attorney in chambers. Com. on Jud. Performance, [Decision and Order Imposing Public Censure and Barring Judge Arthur S. Block from Receiving Assignments](#) (2002) p. 3.

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## **On-Bench Abuse of Authority in Performance of Judicial Duties**

A judge conducted six hearings over a six-month period in a post-trial contempt dispute about a comment that an attorney had made at a sidebar during trial, contacted a judge in another court for information, and gave the appearance that he was acting as an independent investigator. Com. on Jud. Performance, [\*Public Admonishment of Judge Patrick E. Connolly\*](#) (2016) p. 4.

During a hearing to approve a class action settlement, a judge made sarcastic and improper remarks to the plaintiffs' attorneys and ordered the named plaintiff's award and the attorneys' fees to be paid in \$10 gift cards from the defendant clothing store. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure and Bar of Former Judge Brett Carroll Klein\*](#) (2010) p. 5.

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## **Sexual Harassment/Inappropriate Workplace Gender Comments**

An appellate justice engaged in a pattern of sexual harassment toward a fellow justice. Com. on Jud. Performance, [\*Decision and Order Removing Justice Jeffrey W. Johnson from Office\*](#) (2020) p. 25.

A judge engaged in a pattern of offensive conduct towards women, including telling a court reporter that she was 'hot.' Com. on Jud. Performance, [\*Decision and Order Removing Judge John T. Laettner from Office\*](#) (2019) pp. 39-41.

A judge commented on the physical appearance of attorneys such as "the pretty brown one." [\*Inquiry Concerning Judge Gary G. Kreep\*](#) (2017) 3 Cal.5th CJP Supp 1, 31.

A judge unwelcomely kissed a female attorney in chambers. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure and Barring Judge Arthur S. Block from Receiving Assignments\*](#) (2002) p. 3.

A judge engaged in a pattern of inappropriate conduct in the workplace towards female court employees, including a municipal court supervisor. [\*Inquiry Concerning Judge John B. Gibson\*](#) (2000) 48 Cal.4th CJP Supp 112, 116.

A judge engaged in a pattern of sexual harassment of his clerk, including buying her expensive gifts, asking her to sign a hand-written "Absolute, Unconditional and Total Waiver of Harassment," kissing her on the mouth, passing her notes of a sexual nature from the bench, and repeatedly asking her to spend time with him outside of court hours. Com. on Jud. Performance, [\*Public Admonishment of Judge Harvey H. Hiber\*](#) (1998) p. 2.

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**Canon 3B(6)-(7)(a)**

**(6) A judge shall require\* lawyers in proceedings before the judge to refrain from (a) manifesting, by words or conduct, bias, prejudice, or harassment based upon race, sex, gender, gender identity,\* gender expression,\* religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation, or (b) sexual harassment against parties, witnesses, counsel, or others. This canon does not preclude legitimate advocacy when race, sex, gender, gender identity,\* gender expression,\* religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, political affiliation, or other similar factors are issues in the proceeding.**

**(7) A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the full right to be heard according to law.\* Unless otherwise authorized by law,\* a judge shall not independently investigate facts in a proceeding and shall consider only the evidence presented or facts that may be properly judicially noticed. This prohibition extends to information available in all media, including electronic. A judge shall not initiate, permit, or consider ex parte communications, that is, any communications to or from the judge outside the presence of the parties concerning a pending\* or impending\* proceeding, and shall make reasonable efforts to avoid such communications, except as follows:**

**(a) Except as stated below, a judge may consult with other judges. A judge presiding over a case shall not engage in discussions about that case with a judge who has previously been disqualified from hearing that case; likewise, a judge who knows\* he or she is or would be disqualified from hearing a case shall not discuss that matter with the judge assigned to the case. A judge also shall not engage in discussions with a judge who may participate in appellate review of the matter, nor shall a judge who may participate in appellate review of a matter engage in discussions with the judge presiding over the case.**

**A judge may consult with court personnel or others authorized by law,\* as long as the communication relates to that person's duty to aid the judge in carrying out the judge's adjudicative responsibilities.**

**In any discussion with judges or court personnel, a judge shall make reasonable efforts to avoid receiving factual information that is not part of the record or an evaluation of that factual information. In such consultations, the judge shall not abrogate the responsibility personally to decide the matter.**

**For purposes of Canon 3B(7)(a), "court personnel" includes bailiffs, court reporters, court externs, research attorneys, courtroom clerks, and other employees of the court, but does not include the lawyers in a proceeding before a judge, persons who are appointed by the court to serve in some capacity in a proceeding, or employees of other governmental entities, such as lawyers, social workers, or representatives of the probation department.**

*ADVISORY COMMITTEE COMMENTARY: Canon 3B(7)(a)*

*Regarding communications between a judge presiding over a matter and a judge of a court with appellate jurisdiction over that matter, see Government Code section 68070.5.*

*Though a judge may have ex parte discussions with appropriate court personnel, a judge may do so only on matters that are within the proper performance of that person's duties. For example, a bailiff may inform the judge of a threat to the judge or to the safety and security of the courtroom, but may not tell the judge ex parte that a defendant was overheard making an incriminating statement during a court recess. A clerk may point out to the judge a technical defect in a proposed sentence, but may not suggest to the judge that a defendant deserves a certain sentence.*

*A sentencing judge may not consult ex parte with a representative of the probation department about a matter pending before the sentencing judge.*

*This canon prohibits a judge who is presiding over a case from discussing that case with another judge who has already been disqualified from hearing that case. A judge also must be careful not to talk to a judge whom the judge knows\* would be disqualified from hearing the matter.*

➤ **Historical Note:**

*Commentary following canon 3B(7)(a) amended effective October 10, 2018; adopted effective January 1, 2013.*

➤ **CJP Annotations: Canon 3B(7)**

[Abuse of Contempt/Sanctions](#)

[Bias/Appearance of Bias Not Directed Toward a Particular Class](#)

[Demeanor/Decorum](#)

[Disqualification/Disclosure/Post-Disqualification Conduct](#)

[Ex Parte Communications](#)

[Failure to Ensure Rights](#)

[Gifts/Loans/Favors/Ticket-Fixing](#)

[On-Bench Abuse of Authority in Performance of Judicial Duties](#)

**Abuse of Contempt/Sanctions**

A judge improperly threatened a deputy public defender with contempt after she objected to the judge's discussion with an unrepresented litigant. Com. on Jud. Performance, [\*In the Matter Concerning Richard A. Vlavianos\*](#) (2023) p. 9.

A judge ordered a witness incarcerated for contempt without providing notice or an opportunity to be heard after the witness appeared to make a rude hand gesture and imposed monetary sanctions without prior notice. Com. on Jud. Performance, [\*Public Admonishment of Judge Jaime R. Román\*](#) (2016) pp. 3-6.



A judge issued an order threatening excessive contempt sanctions against a plaintiff without providing a mechanism for a contempt hearing. Com. on Jud. Performance, [Public Admonishment of Judge James M. Brooks](#) (2006) pp.1-2.

A judge imposed sanctions on an attorney without prior notice or an opportunity to be heard. Com. on Jud. Performance, [Public Admonishment of Judge Ronald J. Maciel](#) (2006) p. 3.

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### **Bias/Appearance of Bias Not Directed Toward a Particular Class**

A judge made statements that conveyed bias and prejudice to a deputy public defender, a deputy district attorney, criminal defendants who requested counsel, and DUI defendants who would not agree to plea deals. Com. on Jud. Performance, [In the Matter Concerning Judge Richard A. Vlavianos](#) (2023) pp. 8-10.

A judge advanced a hearing on a dispositive motion without notice and ruled without appearing to consider all of the briefs, stating that he was proceeding whether they “like[d] it or not” and would stop reading the opposition when he got “bored,” in a separate matter, issued a stay based on a misunderstanding, telling counsel, “You know what? I don’t care. This is going to be stayed. This is ridiculous,” and in another matter, proceeded with a hearing in the parties’ absence so as not to “clog up” his docket. Com. on Jud. Performance, [Public Admonishment of Judge Derek W. Hunt](#) (2022) pp. 2-4.

A judge made numerous statements from the bench that were undignified and conveyed the appearance of bias against prosecutors. Com. on Jud. Performance, [Public Censure of Judge Jeffrey G. Bennett](#) (2020) p. 20.

A judge responded to a blanket challenge from the city attorney’s office by telling deputy public defenders and public defender interns to watch out for similar blanket challenges against them. [Inquiry Concerning Judge Gary G. Kreep](#) (2017) 3 Cal.5th CJP Supp 1, 45-48.

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### **Demeanor/Decorum**

A judge was impatient, abrasive, and improperly threatened a deputy public defender with contempt, and made personal and unnecessary comments about a deputy district attorney. Com. on Jud. Performance, [In the Matter Concerning Judge Richard A. Vlavianos](#) (2023) pp. 8-10.

A judge advanced a hearing on a dispositive motion without notice and ruled without appearing to consider all of the briefs, stating that he was proceeding whether they “like[d] it or not” and would stop reading the opposition when he got “bored,” in a separate matter, issued a stay based on a misunderstanding, telling counsel, “You know what? I don’t care. This is going to be stayed. This is ridiculous,” and in another matter, proceeded with a hearing in the parties’ absence so as not to “clog up” his docket. Com. on Jud. Performance, [Public Admonishment of Judge Derek W. Hunt](#) (2022) pp. 2-4.

A judge interrogated a witness in a civil jury trial in a hostile manner, made sarcastic remarks on the record, and mishandled the witness’s assertion of her Fifth Amendment privilege against self-incrimination. Com. on Jud. Performance, [Decision and Order Imposing Public Admonishment on Judge Frank Roesch](#) (2020) p. 12.

A judge made numerous undignified statements from the bench that conveyed the appearance of bias against prosecutors. Com. on Jud. Performance, [Public Censure of Judge Jeffrey G. Bennett](#) (2020) p. 20.

A judge engaged in a pattern of misconduct that included making demeaning remarks to litigants, court staff, and attorneys and placing a defendant in custody for contempt without due process. Com. on Jud. Performance, [Decision and Order Imposing Public Censure on Judge DeAnn M. Salcido](#) (2010) p. 19.

A judge abruptly ended a trial that had exceeded the anticipated time without permitting one party to complete its case or the parties to provide additional evidence. [Inquiry Concerning Judge Peter J. McBrien](#) (2010) 49 Cal.4th CJP Supp. 315, 321-326.

Among other things, a judge incarcerated defendants without respect for their constitutional rights, interfered with defendants’ exercise of the right to jury trial and coerced defendants into diversion, made disparaging remarks regarding attorneys, and used inappropriate humor about incarceration at the expense of defendants. [Inquiry Concerning Judge José A. Velasquez](#) (2007) 49 Cal.4th CJP Supp 175, 193.

A judge denied a defendant a full right to be heard by, among other things, cutting counsel off during his argument, ordering counsel remanded for contempt during the sentencing hearing, and mischaracterizing the record of the proceeding leading up to the contempt. Com. on Jud. Performance, [Decision and Order Imposing Public Admonishment on Judge Ruffo Espinosa, Jr.](#) (2006) p. 8.

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## Disqualification/Disclosure/Post-Disqualification Conduct

A judge called another judge during court proceedings to ask him to “back him up” on a bail increase order after disqualifying himself. Com. on Jud. Performance, [Inquiry Concerning Judge D. Ronald Hyde](#) (2003) 48 Cal.4th CJP Supp. 329, 351.

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## Ex Parte Communications

A judge visited, at juvenile hall, a represented minor who had a matter pending before him and discussed the minor’s recent experiences and behavior, outside the presence of the minor’s counsel. Com. on Jud. Performance, [Public Admonishment of Judge Timothy S. Healy](#) (2024) pp. 14-17.

A judge texted a deputy district attorney, before the close of trial, about whether the deputy district attorney appearing before the judge should call a rebuttal witness. Com. on Jud. Performance, [Decision and Order Imposing Public Admonishment on Judge Emily J. Cole](#), (2024) p. 6.

A judge wrote an impertinent email missive to the appellate justice who had vacated the judge’s decision, which also constituted improper ex parte communication. Com. on Jud. Performance, [Public Admonishment of Derek W. Hunt](#) (2023), pp. 6-7

A judge engaged in improper ex parte communications in two parole re-entry court matters by directing jail employees to call the judge immediately on his personal cell phone should certain defendants be brought into custody. The judge also took part in improper ex parte communications with court staff regarding a represented criminal defendant. Com. on Jud. Performance, [In the Matter Concerning Judge Richard A. Vlavianos](#) (2023) pp. 10-11, 13.

A judge interfered with the charging authority of the district attorney when he discussed a defendant’s bail conditions with the district attorney’s office. Com. on Jud. Performance, [Decision and Order Imposing Public Admonishment on Judge Robert L. Tamietti](#) (2020) p. 5.

A judge met with an assistant district attorney in chambers and told a deputy public defender that she was not included in the conversation because the judge was mad at her and, in another case, met with a deputy public defender in a hallway crowded with potential jurors. Com. on Jud. Performance, [Decision and Order Removing Judge John T. Laettner from Office](#) (2019) pp. 14, 25.

A judge discussed a jury’s written question with the deputy district attorney in the case and provided a written response to the question, all without notifying

opposing counsel. Com. on Jud. Performance, [Decision and Order Imposing Severe Public Censure on Judge Ariadne J. Symons](#) (2019) p. 8.

A judge modified a contempt sentence based on an ex parte communication with the sheriff's department and advised a deputy district attorney, outside the presence of opposing counsel and while the case was pending before the judge, on how he could have been more effective in his presentation in a jury trial. Com. on Jud. Performance, [Decision and Order Imposing Public Censure and Bar on Former Judge Bruce Clayton Mills](#) (2018) pp. 10-11, 17.

A judge failed to notify the parties that her bailiff stated that he had seen the cellphone video of the crime taken by a family member that had been discussed in court and subsequently made comments at a judges' meeting that she determined that a police officer had perjured himself in that criminal matter. Com. on Jud. Performance, [Decision and Order Imposing Public Admonishment on Judge Lisa A. Novak](#) (2018) pp. 6-8.

A judge met in chambers with an attorney ostensibly to discuss logistics and failed to disclose the substance of those communications to the opposing counsel. Com. on Jud. Performance, [Public Admonishment of Judge Patrick E. Connolly](#) (2016) p. 5.

A judge communicated with a commissioner to waive a civil assessment on the judge's wife's traffic citation and to bypass standard procedures in setting the trial date for that citation. Com. on Jud. Performance, [Decision and Order Imposing Public Censure on Judge Salvador Sarmiento](#) (2012) p. 6.

A commissioner conducted an independent investigation of a litigant, including reviewing the litigant's online records and court files. Com. on Jud. Performance, [Decision and Order Imposing Public Admonishment on Commissioner Alan Friedenthal](#) (2012) pp. 10-11.

A judge made ex parte communications to determine the availability of witnesses, including one case in which he used the information that he gained in a call to dismiss a criminal matter, and, in another case, communicated his desire to the mother of a deceased child outside the presence of the parties that she advocate for a manslaughter charge against the defendant. [Inquiry Concerning Judge Robert G. Spitzer](#) (2007) 49 Cal.4th CJP Supp 254, 273-274, 278.

Among other things, a judge communicated with a criminal defendant about her plea and the possibility of diversion without counsel from either side present. Com. on Jud. Performance, [Decision and Order Imposing Public Admonishment on Judge Bruce Clayton Mills](#) (2006) p. 3.

A judge engaged in repeated ex parte communications with friends and counsel regarding traffic matters involving friends and family. Com. on Jud.

Performance, [Decision and Order Imposing Censure and Bar on Judge William R. Danser](#) (2005) p. 28.

A judge provided preferential treatment to the judge's relatives and friends in traffic cases. [Inquiry Concerning Former Judge David E. Wasilenko](#) (2005) 49 Cal.4th CJP Supp 26, 52-53.

A judge engaged in a discussion of an attorney's fee request in a probate matter with the attorney who filed the request but in the absence of opposing counsel. Com. on Jud. Performance, [Decision and Order Imposing Public Admonishment on Former Judge Robert M. Letteau](#) (2004) pp. 9-10.

A judge failed to provide a letter that he had written to a defendant to the prosecutor or defense attorney, acted as an advocate for a friend in her probation matter, facilitated the filing of a divorce by the wife of a criminal defendant that appeared before the judge, and called another judge during court proceedings to ask him to "back him up" on a bail increase order after recusing himself. Com. on Jud. Performance, [Inquiry Concerning Judge D. Ronald Hyde](#) (2003) 48 Cal.4th CJP Supp. 329, 345, 349, 351, 356.

A judge contacted the judge overseeing the traffic violation case of a friend's daughter to seek preferential treatment. Com. on Jud. Performance, [Decision and Order Imposing Public Censure and Barring Judge Arthur S. Block from Receiving Assignments](#) (2002) p. 6.

A judge engaged in ex parte communications with other judicial officers handling vehicle code violations involving the judge's friends. Com. on Jud. Performance, [Decision and Order Imposing Public Censure and Barring Judge James R. Simpson from Receiving Assignments](#) (2002) p. 6.

A judge dismissed traffic tickets involving his friends and the son of a bailiff, none of which would have come before his court during judicial business. [Inquiry Concerning Judge Michael E. Platt](#) (2002) 48 Cal.4th CJP Supp. 227, 242-243.

Upon receiving a note from a jury, the judge entered the jury room and denied the request without notifying the attorneys of the jury's request and without making a recording or transcription of his ruling. Com. on Jud. Performance, [Public Admonishment of Judge Robert C. Coates](#) (2000) pp. 6-7.

A judge engaged in a sexual relationship with one of three codefendants in a case before him and had numerous ex parte communications with that defendant and her counsel. [Inquiry Concerning Judge George W. Trammell III](#) (1999) 48 Cal.4th CJP Supp 56, 64

A judge engaged in repeated ex parte communications, including, among other things, with members of the family of a criminal defendant who appeared before

the judge, with another defendant suggesting that he attend the judge's men's fellowship group, with another defendant at a restaurant regarding the defendant's speeding ticket, and with numerous defendants advising them to come to court based on outstanding bench warrants. [\*Thomas B. Fletcher, a Judge of the Superior Court v. Commission on Judicial Performance\*](#) (1998) 19 Cal.4th 865, 883, 891, 894, 898.

In a juvenile dependency matter, a judge sent ex parte email communications to an attorney about how the judge should rule in a pending case in which the attorney was appearing and about the attorney's views on the advisability of having children in court. Com. on Jud. Performance, [\*Public Admonishment of Judge Gregory M. Caskey\*](#) (1998) p. 3.

A judge initiated communications with counsel appointed by the judge in a capital murder case about, among other things, filing a peremptory challenge against another judge to whom the case had been assigned. Com. on Jud. Performance, [\*Public Admonishment of Judge Ronald J. Maciel\*](#) (1997) p. 2

A judge called an attorney from the bench to determine whether the attorney had advised a defendant that was appearing before the judge and made telephone calls to other defendants who did not appear in court. Com. on Jud. Performance, [\*Public Reproval of Judge Bruce Van Voorhis\*](#) (1992) pp. 1-2 [interpreting former canon 3A(4)].

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### **Failure to Ensure Rights**

A commissioner in a family law matter was impatient, argumentative, discourteous, and demeaning to both parents. The commissioner further failed to accord the parents the full right to be heard, including by interrupting and cutting them off, muting the mother during a virtual hearing, and telling them they both had "horrible pasts," were "convicted felons," and "[had] issues." Com. on Jud. Performance, [\*Public Admonishment of Commissioner Wendy M. Harris\*](#) (2023) pp. 1-7.

A judge failed to fully advise criminal defendants of their rights, which had the effect of coercing them to agree to treatment court, made statements indicating preference for defendants who "took care of" their cases, which had the effect of coercing defendants to agree to plea deals, appeared to disfavor defendants who wanted an attorney but could not afford one, and interfered with an unrepresented criminal defendant's right to counsel by discussing his case with him even though the defendant had requested counsel. Com. on Jud. Performance, [\*In the Matter Concerning Judge Richard A. Vlavianos\*](#) (2023) pp. 8-10.

A judge advanced a hearing on a dispositive motion without notice and ruled without appearing to consider all of the briefs, stating that he was proceeding



whether they “like[d] it or not” and would stop reading the opposition when he got “bored,” in a separate matter, issued a stay based on a misunderstanding, telling counsel, “You know what? I don’t care. This is going to be stayed. This is ridiculous,” and in another matter, proceeded with a hearing in the parties’ absence so as not to “clog up” his docket. Com. on Jud. Performance, [\*Public Admonishment of Judge Derek W. Hunt\*](#) (2022) pp. 2-4.

A judge directed his clerk to create minute orders showing that bail was exonerated and reset without giving the defendant or her counsel the opportunity to be heard. Com. on Jud. Performance, [\*Decision and Order Removing Judge John T. Laettner from Office\*](#) (2019) p. 14.

A judge remanded defendants and delayed setting revocation hearings until after the defendants served a predetermined sentence of jail time. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Carol Williams Elswick\*](#) (2018) p. 8.

A judge issued a restraining order against a plaintiff without complying with the procedural requirements for the issuance of the order and without affording notice or an opportunity to be heard. [\*Inquiry Concerning Judge Joseph W. O’Flaherty\*](#) (2010) 50 Cal.4th CJP Supp 1, 14.

A judge presiding over a dissolution case abruptly ended the trial because it had exceeded the anticipated time without permitting the husband to complete his case or the parties to provide additional evidence. [\*Inquiry Concerning Judge Peter J. McBrien\*](#) (2010) 49 Cal.4th CJP Supp. 315, 326.

A judge dismissed traffic tickets involving his friends and the son of a bailiff, none of which would have come before his court during judicial business. [\*Inquiry Concerning Judge Michael E. Platt\*](#) (2002) 48 Cal.4th CJP Supp. 227, 242-243.

A judge denied a defendant a full right to be heard by, among other things, cutting counsel off during his argument and ordering counsel remanded for contempt during the hearing. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Ruffo Espinosa, Jr.\*](#) (2006) p. 8.

A judge failed to afford all interested persons and counsel the opportunity to be heard when he used his position to transfer traffic cases of friends and family to his court and then gave them access to preferential treatment. Com. on Jud. Performance, [\*Decision and Order Imposing Censure and Bar on Judge William R. Danser\*](#) (2005) p. 28.

A judge issued bench warrants without legal authority to do so and without giving defendants an opportunity to explain their earlier non-appearance and refused to allow another defendant to present evidence that his late appearance was



unintentional. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Stephen P. Gildner\*](#) (2005) pp. 5-6.

A judge dismissed traffic tickets involving his friends and the son of a bailiff, none of which would have come before his court during judicial business. [\*Inquiry Concerning Judge Michael E. Platt\*](#) (2002) 48 Cal.4th CJP Supp. 227, 242-243.

A judge violated the due process rights of several parents in separate juvenile court proceedings by failing to give them a full right to be heard before changing custodial arrangements or removing children from a home. Com. on Jud. Performance, [\*Private Admonishment of Former Judge Eugene R. Bishop\*](#) (2002) pp. 3-5, 7.

A judge conducted a trial in an informal manner without regard for the rules of evidence and without allowing the parties to present evidence or cross-examine witnesses. [\*Inquiry Concerning Judge Howard R. Broadman\*](#) (1999) 48 Cal.4th CJP Supp. 67, 72-73.

A judge dismissed traffic tickets involving his friends and the son of a bailiff, none of which would have come before his court during judicial business. [\*Inquiry Concerning Judge Michael E. Platt\*](#) (2002) 48 Cal.4th CJP Supp. 227, 242-243.

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### **Gifts/Loans/Favors/Ticket-Fixing**

A judge failed to afford all interested persons and counsel the opportunity to be heard when he used his position to transfer traffic cases of friends and family to his court and then gave them access to preferential treatment. Com. on Jud. Performance, [\*Decision and Order Imposing Censure and Bar on Judge William R. Danser\*](#) (2005) p. 28.

A judge dismissed traffic tickets involving his friends and the son of a bailiff, none of which would have come before his court during judicial business. [\*Inquiry Concerning Judge Michael E. Platt\*](#) (2002) 48 Cal.4th CJP Supp. 227, 242-243.

An assemblywoman spoke with a judge in the judge's home about two traffic tickets received by her daughter, and the judge subsequently made rulings on the tickets in chambers without receiving any input from the prosecutor. Com. on Jud. Performance, [\*Public Reproof of Judge Bruce A. Clark\*](#) (1989) p. 2 [interpreting former canon 3A(4)].

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## On-Bench Abuse of Authority in Performance of Judicial Duties

A judge failed to fully advise criminal defendants of their rights, made statements, and took actions that effectively coerced defendants into treatment court and to agree to plea deals, appeared to disfavor indigent defendants who requested counsel, and interfered with an unrepresented criminal defendant's right to counsel by discussing his case with him even though the defendant had requested counsel. Com. on Jud. Performance, [\*In the Matter Concerning Judge Richard A. Vlavianos\*](#) (2023) pp. 8-10.

A judge ordered a witness incarcerated for contempt without providing notice or an opportunity to be heard after the witness appeared to make a rude hand gesture, ordered payment of sanctions without prior notice, and ruled on an untimely ex parte demand to turn over property in a family law matter. Com. on Jud. Performance, [\*Public Admonishment of Judge Jaime R. Román\*](#) (2016) pp. 3-4, 6.

A judge ordered the own recognizance release from jail of a social acquaintance based on the request of a friend without notice or a hearing. [\*Inquiry Concerning Judge James M. Petrucelli\*](#) (2015) 61 Cal.4th CJP Supp. 1, 13.

A judge placed a defendant in custody for contempt without due process. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure on Judge DeAnn M. Salcido\*](#) (2010) pp. 18-19.

A judge issued a restraining order against a plaintiff without complying with procedural requirements and without affording notice or an opportunity to be heard. [\*Inquiry Concerning Judge Joseph W. O'Flaherty\*](#) (2010) 50 Cal.4th CJP Supp 1, 14.

A judge presiding over a dissolution case abruptly ended the trial because it had exceeded the anticipated time without permitting the husband to complete his case or the parties to provide additional evidence. [\*Inquiry Concerning Judge Peter J. McBrien\*](#) (2010) 49 Cal.4th CJP Supp. 315, 326.

Among other things, a judge incarcerated defendants without respect for their constitutional rights and increased sentences and showed irritation when defendants asked him questions about their sentences. [\*Inquiry Concerning Judge José A. Velasquez\*](#) (2007) 49 Cal.4th CJP Supp 175, 193.

A judge used his position to transfer traffic matters to his court and to dismiss traffic cases of friends and family without affording the prosecution the right to participate and denied due process to law enforcement. Com. on Jud. Performance, [\*Decision and Order Imposing Censure and Bar on Judge William R. Danser\*](#) (2005) pp. 28-31.

A judge issued bench warrants without legal authority to do so and without giving defendants an opportunity to explain their earlier non-appearance and refused to allow another defendant to present evidence that his late appearance was unintentional. Com. on Jud. Performance, [Decision and Order Imposing Public Admonishment on Judge Stephen P. Gildner](#) (2005) pp. 5-6.

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**Canon 3B(7)(b)-(d)**

**(b) A judge may initiate, permit, or consider ex parte communications, where circumstances require, for scheduling, administrative purposes, or emergencies that do not deal with substantive matters provided:**

**(i) the judge reasonably believes that no party will gain a procedural or tactical advantage as a result of the ex parte communication, and**

**(ii) the judge makes provision promptly to notify all other parties of the substance of the ex parte communication and allows an opportunity to respond.**

**(c) A judge may initiate, permit, or consider any ex parte communication when expressly authorized by law\* to do so or when authorized to do so by stipulation of the parties.**

**(d) If a judge receives an unauthorized ex parte communication, the judge shall make provision promptly to notify the parties of the substance of the communication and provide the parties with an opportunity to respond.**

*ADVISORY COMMITTEE COMMENTARY: Canon 3B(7)*

*An exception allowing a judge, under certain circumstances, to obtain the advice of a disinterested expert on the law\* has been eliminated from Canon 3B(7) because consulting with legal experts outside the presence of the parties is inconsistent with the core tenets of the adversarial system. Therefore, a judge shall not consult with legal experts outside the presence of the parties. Evidence Code section 730 provides for the appointment of an expert if a judge determines that expert testimony is necessary. A court may also invite the filing of amicus curiae briefs.*

*An exception allowing a judge to confer with the parties separately in an effort to settle the matter before the judge has been moved from this canon to Canon 3B(12).*

*This canon does not prohibit court personnel from communicating scheduling information or carrying out similar administrative functions.*

*A judge is statutorily authorized to investigate and consult witnesses informally in small claims cases. Code of Civil Procedure section 116.520, subdivision (c).*

➤ **Historical Note:**

*Commentary following canon 3B(7) amended effective January 1, 2013, adopted effective March 4, 1999.*

**Canon 3B(8)**

**(8) A judge shall dispose of all judicial matters fairly, promptly, and efficiently. A judge shall manage the courtroom in a manner that provides all litigants the opportunity to have their matters fairly adjudicated in accordance with the law.\***

*ADVISORY COMMITTEE COMMENTARY: Canon 3B(8)*

*The obligation of a judge to dispose of matters promptly and efficiently must not take precedence over the judge's obligation to dispose of the matters fairly and with patience. For example, when a litigant is self-represented, a judge has the discretion to take reasonable steps, appropriate under the circumstances and consistent with the law\* and the canons, to enable the litigant to be heard. A judge should monitor and supervise cases so as to reduce or eliminate dilatory practices, avoidable delays, and unnecessary costs.*

*Prompt disposition of the court's business requires a judge to devote adequate time to judicial duties, to be punctual in attending court and expeditious in determining matters under submission, and to require\* that court officials, litigants, and their lawyers cooperate with the judge to those ends.*

➤ **Historical Note:**

*Commentary following canon amended effective January 1, 2013; previously amended effective January 1, 2007; adopted effective January 15, 1996.*

➤ **CJP Annotations: Canon 3B(8):**

[Abuse of Contempt/Sanctions](#)

[Decisional Delay/False Salary Affidavits](#)

[Demeanor/Decorum](#)

[Ex Parte Communications](#)

[Failure to Ensure Rights](#)

[Miscellaneous Off-Bench Conduct](#)

[Non-Performance of Judicial Functions/Attendance/Sleeping](#)

[On-Bench Abuse of Authority in Performance of Judicial Duties](#)

**Abuse of Contempt/Sanctions**

A judge improperly threatened a deputy public defender with contempt after she objected to the judge's discussion with an unrepresented litigant. Com. on Jud. Performance, [\*In the Matter Concerning Richard A. Vlavianos\*](#) (2023) p. 9

A judge modified a contempt sentence without providing notice or an opportunity to be heard. Com. on Jud. Performance, [Decision and Order Imposing Public Censure and Bar on Former Judge Bruce Clayton Mills](#) (2018) pp. 5-14.

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### **Decisional Delay/False Salary Affidavits**

A judge engaged in a pattern of delay in deciding around 200 appellate matters over a ten-year period. Com. on Jud. Performance, [Decision and Order Imposing Public Admonishment on Justice Vance W. Raye](#) (2022) p. 4.

A judge delayed in issuing decisions in several matters until well after the 90-day deadline. Com. on Jud. Performance, [Decision and Order Imposing Public Admonishment on Judge Brian Lamb](#) (2019) pp. 2-4.

A judge failed to resentence a criminal defendant for over three years after being directed to do so by the Court of Appeal. Com. on Jud. Performance, [Decision and Order Imposing Public Admonishment on Judge Jose I. Sandoval](#) (2019) p. 4.

A judge failed to timely dispose of numerous matters and failed to issue the required case progression plan. Com. on Jud. Performance, [Public Admonishment of Judge Dale A. Reinholtzen](#) (2015) pp. 4-5.

A judge delayed decision in three matters, one of which he did not decide for almost one year. Com. on Jud. Performance, [Decision and Order Imposing Public Admonishment on Judge John D. Kirihara](#) (2012) p. 2.

A judge decided four matters that had been under submission for over 90 days. Com. on Jud. Performance, [Decision and Order Imposing Public Admonishment on Judge Anthony C. Edwards](#) (2010) p. 7.

A commissioner failed to rule in a timely manner on numerous matters, including one case that was delayed for nearly five years and failed to complete any of the under submission cases that she took home to complete after her retirement. Com. on Jud. Performance, [Decision and Order Imposing Public Censure and Bar on Former Commissioner Ann Dobbs](#) (2009) p. 6.

A judge failed to decide cases in a timely manner, including one case that was under submission for six years, and failed to issue critical orders in two cases. [Inquiry Concerning Judge Robert G. Spitzer](#) (2007) 49 Cal.4th CJP Supp 254, 264, 270-273.

A judge failed to timely decide numerous matters within 90 days of submission and failed to timely rule on approximately 200 fee waiver applications. [Inquiry](#)

[Concerning Judge Robert B. Freedman](#) (2007) 49 Cal.4th CJP Supp. 223, 240, 247.

A judge failed to timely issue a ruling on a request for attorney's fees due to the judge's annoyance with the attorney who filed the request. Com. on Jud. Performance, [Decision and Order Imposing Public Admonishment on Former Judge Robert M. Letteau](#) (2004) pp. 7-8.

A judge inordinately delayed in deciding seven submitted matters. Com. on Jud. Performance, [Decision and Order Imposing Public Admonishment on Judge Pamela R. Rogers](#) (1998) pp. 3-4.

A judge failed to decide two matters in a timely manner, including one case in which the delay violated the defendant's right to a speedy trial. Com. on Jud. Performance, [Decision and Order Imposing Public Admonishment on Judge Robert H. Oliver](#) (1998) p. 2.

A judge inordinate delayed for over two years before issuing a decision in a case that was the subject of intense public interest and that affected the rights of numerous individuals. Com. on Jud. Performance, [Public Admonishment of Judge Sidney P. Chapin](#) (1997) p. 2.

A judge engaged in a pattern of failing to dispose of family law matters promptly and efficiently. Com. on Jud. Performance, [Public Reproof of Judge Thomas P. Breen](#) (1995) pp. 1-3.

A judge failed to decide a matter that had been submitted for three years and nine months. [In re Bernard P. McCullough, a Judge of the Justice Court, on Censure](#) (1987) 43 Cal.3d 534, 535 [interpreting former canon 3A(5)].

A judge delayed filing decisions over a five-year period and continued to execute erroneous salary affidavits to collect his salary. [In re Frank J. Creede, Jr., a Judge of the Superior Court, on Censure](#) (1986) 42 Cal.3d 1098, 1099 [interpreting former Canon 3A(5)].

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## **Demeanor/Decorum**

A judge, during a confidential juvenile delinquency hearing, brought up the subject of biology and shared with the minor details of the judge's wife's leukemia prognosis and treatment. Com. on Jud. Performance, [Public Admonishment of Judge Timothy S. Healy](#) (2024) pp. 12-14.

A judge engaged in a pattern of discourteous, gratuitous, and impolite behavior to self-represented litigants by referring to them as "dirty," like "two pigs in the

trough,” raising his voice as litigants attempted to answer questions, likening a matter to “The Jerry Springer Show,” and insisting that responses to “yes” or “no” questions include the honorific “Your Honor.” Com. on Jud. Performance, [Public Admonishment of Judge Thomas J. Griego](#) (2024) pp. 2-15.

A judge, in two separate trials over a two-year period, was demeaning to counsel, openly questioned counsel’s strategies at multiple stages of the trial, examined witnesses on his own, and made objections during counsel’s questioning, suggesting both bias and prejudgment. Com. on Jud. Performance, [Public Admonishment of Judge Daniel J. Healy](#) (2024) pp. 8, 16.

A judge was impatient, abrasive, and improperly threatened a deputy public defender with contempt, and made personal and unnecessary comments about a deputy district attorney. Com. on Jud. Performance, [In the Matter Concerning Judge Richard A. Vlavianos](#) (2023) pp. 8-10.

A judge issued a stay based on a misunderstanding, telling counsel, “You know what? I don’t care. This is going to be stayed. This is ridiculous,” and in a separate matter, proceeded with a hearing in the parties’ absence so as not to “clog up” his docket. Com. on Jud. Performance, [Public Admonishment of Judge Derek W. Hunt](#) (2022) pp. 3-4.

A judge failed to give a plaintiff a full opportunity to be heard by refusing to consider the plaintiff’s offer of proof of damages through his sworn testimony or through hearsay evidence. [Inquiry Concerning Judge Gary G. Kleep](#) (2017) 3 Cal.5th CJP Supp 1, 57-58.

A judge increased sentences and showed irritation when defendants asked him questions about their sentences, made credibility judgments based on his personal experience, and expressed his dissatisfaction with attorneys by not recalling bench warrants for the arrest of their clients. [Inquiry Concerning Judge José A. Velasquez](#) (2007) 49 Cal.4th CJP Supp 175, 193, 200, 204, 211.

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## **Ex Parte Communications**

A judge engaged in improper ex parte communications in two parole re-entry court matters by directing jail employees to call the judge immediately on his personal cell phone should certain defendants be brought into custody. The judge also took part in improper ex parte communications with court staff regarding a represented criminal defendant. Com. on Jud. Performance, [In the Matter Concerning Judge Richard A. Vlavianos](#) (2023) pp. 10-11, 13.

A judge discussed a jury’s written question with the deputy district attorney in the case and provided a written response to the question, all without notifying



opposing counsel. Com. on Jud. Performance, [\*Decision and Order Imposing Severe Public Censure on Judge Ariadne J. Symons\*](#) (2019) p. 8.

A judge modified a contempt sentence based on an ex parte communication and without providing notice or an opportunity to be heard. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure and Bar on Former Judge Bruce Clayton Mills\*](#) (2018) pp. 11-12.

A judge communicated with a witness's employer to determine the availability of the witness and with a victim's mother to persuade her to advocate for a manslaughter charge. [\*Inquiry Concerning Judge Robert G. Spitzer\*](#) (2007) 49 Cal.4th CJP Supp 254, 276, 278.

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### **Failure to Ensure Rights**

A commissioner in a family law matter failed to adequately review the moving papers, did not ask questions regarding the substantive issues in the case, and was impatient, argumentative, discourteous, and demeaning to both parents. The commissioner further failed to accord the parents the full right to be heard, made comments that indicated bias and prejudice, gave the appearance of being embroiled in the proceedings, and dismissed the deputy district attorneys and the investigator from the hearings without letting them speak or inquiring whether they had any relevant information. Com. on Jud. Performance, [\*Public Admonishment of Commissioner Wendy M. Harris\*](#) (2023) pp. 1-7.

A judge failed to fully advise criminal defendants of their rights, which had the effect of coercing them to agree to treatment court, made statements indicating preference for defendants who "took care of" their cases, which had the effect of coercing defendants to agree to plea deals, appeared to disfavor defendants who wanted an attorney but could not afford one, and interfered with an unrepresented criminal defendant's right to counsel by discussing his case with him even though the defendant had requested counsel. Com. on Jud. Performance, [\*In the Matter Concerning Judge Richard A. Vlavianos\*](#) (2023) pp. 8-10.

A judge issued a stay based on a misunderstanding, telling counsel, "You know what? I don't care. This is going to be stayed. This is ridiculous," and in a separate matter, proceeded with a hearing in the parties' absence so as not to "clog up" his docket. Com. on Jud. Performance, [\*Public Admonishment of Judge Derek W. Hunt\*](#) (2022) pp. 3-4.

A judge failed to resentence a criminal defendant for over three years after being directed to do so by the Court of Appeal. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Jose I. Sandoval\*](#) (2019) p. 4.

A judge remanded a defendant and delayed setting a revocation hearing until after the defendant served a predetermined sentence of jail time. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Carol Williams Elswick\*](#) (2018) p. 9.

A judge failed to give a plaintiff a full opportunity to be heard by refusing to consider the plaintiff's offer of proof of damages through his sworn testimony or through hearsay evidence. [\*Inquiry Concerning Judge Gary G. Kleep\*](#) (2017) 3 Cal.5th CJP Supp 1, 57-58.

A judge increased sentences and showed irritation when defendants asked him questions about their sentences, made credibility judgments based on his personal experience, and expressed his dissatisfaction with attorneys by not recalling bench warrants for the arrest of their clients. [\*Inquiry Concerning Judge José A. Velasquez\*](#) (2007) 49 Cal.4th CJP Supp 175, 193, 200, 204, 211.

A judge summarily dismissed contested traffic matters against family and friends, which deprived law enforcement of the right to be heard. Com. on Jud. Performance, [\*Decision and Order Imposing Censure and Bar on Judge William R. Danser\*](#) (2005) p. 28.

A judge violated the due process rights of several parents in separate juvenile court proceedings by failing to give them a full right to be heard before changing custodial arrangements or removing children from a home. Com. on Jud. Performance, [\*Private Admonishment of Former Judge Eugene R. Bishop\*](#) (2002) pp. 3-5, 7.

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### **Miscellaneous Off-Bench Conduct**

A judge delayed taking a verdict in a murder case because he was at a baseball game, refused to allow another judge who was available to take the verdict, and did not return from the game to take the verdict himself. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Paul E. Zellerbach\*](#) (2006) p. 2.

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### **Non-Performance of Judicial Functions/Attendance/Sleeping**

A judge was absent from the courthouse, without approval or authorization, for at least 155 days – 87 days beyond those allowed for annual leave – and was not present a single Friday for 18 of those 24 months. Com. on Jud. Performance, [\*Decision and Order Imposing Severe Public Censure Pursuant to Stipulation on Judge Howard J. Shore\*](#) (2023) pp. 2-4.

A judge frequently arrived late to hear matters in her courtroom, including on one occasion because she waited at a bakery for the writing to be corrected on a cake that she picked up during lunchtime. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Elizabeth W. Johnson\*](#) (2018) pp. 4-5.

A judge delayed taking a verdict in a murder case because he was at a baseball game, refused to allow another judge who was available to take the verdict, and did not return from the game to take the verdict himself. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Paul E. Zellerbach\*](#) (2006) p. 2.

A judge was habitually tardy in commencing court sessions by an hour or more. [\*Judge Glenda Kraft Doan, a Judge of the Municipal Court v. Commission on Judicial Performance\*](#) (1995) 11 Cal.4th 294, 335.

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### **On-Bench Abuse of Authority in Performance of Judicial Duties**

A judge failed to fully advise criminal defendants of their rights, made statements, and took actions that effectively coerced defendants into treatment court and to agree to plea deals, appeared to disfavor indigent defendants who requested counsel, and interfered with an unrepresented criminal defendant's right to counsel by discussing his case with him even though the defendant had requested counsel. Com. on Jud. Performance, [\*In the Matter Concerning Judge Richard A. Vlavianos\*](#) (2023) pp. 8-10.

A judge modified a contempt sentence based on an ex parte communication and without providing notice or an opportunity to be heard. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure and Bar on Former Judge Bruce Clayton Mills\*](#) (2018) pp. 11-12.

A judge failed to give a plaintiff a full opportunity to be heard by refusing to consider the plaintiff's offer of proof of damages through his sworn testimony or through hearsay evidence. [\*Inquiry Concerning Judge Gary G. Kreep\*](#) (2017) 3 Cal.5th CJP Supp 1, 57-58.

A judge increased sentences and showed irritation when defendants asked him questions about their sentences, made credibility judgments based on his personal experience, and expressed his dissatisfaction with attorneys by not recalling bench warrants for the arrest of their clients. [\*Inquiry Concerning Judge José A. Velasquez\*](#) (2007) 49 Cal.4th CJP Supp 175, 193, 200, 204, 211.

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### Canon 3B(9)

**(9) A judge shall not make any public comment about a pending\* or impending\* proceeding in any court, and shall not make any nonpublic comment that might substantially interfere with a fair trial or hearing. The judge shall require\* similar abstention on the part of staff and court personnel subject to the judge’s direction and control. This canon does not prohibit judges from making statements in the course of their official duties or from explaining the procedures of the court, and does not apply to proceedings in which the judge is a litigant in a personal capacity. In connection with a judicial election or recall campaign, this canon does not prohibit any judge from making a public comment about a pending\* proceeding, provided (a) the comment would not reasonably be expected to affect the outcome or impair the fairness of the proceeding, and (b) the comment is about the procedural, factual, or legal basis of a decision about which a judge has been criticized during the election or recall campaign. Other than cases in which the judge has personally participated, this canon does not prohibit judges from discussing, in legal education programs and materials, cases and issues pending in appellate courts. This educational exemption does not apply to cases over which the judge has presided or to comments or discussions that might interfere with a fair hearing of the case.**

#### *ADVISORY COMMITTEE COMMENTARY: Canon 3B(9)*

*The requirement that judges abstain from public comment regarding a pending\* or impending\* proceeding continues during any appellate process and until final disposition. A judge shall make reasonable efforts to ascertain whether a case is pending\* or impending\* before commenting on it. This canon does not prohibit a judge from commenting on proceedings in which the judge is a litigant in a personal capacity, but in cases such as a writ of mandamus where the judge is a litigant in an official capacity, the judge must not comment publicly.*

*“Making statements in the course of their official duties” and “explaining the procedures of the court” include providing an official transcript or partial official transcript of a court proceeding open to the public and explaining the rules of court and procedures related to a decision rendered by a judge.*

*The provision allowing a judge to make a public comment about a pending\* decision that is the subject of criticism during an election campaign applies to all judicial elections, including recall elections. Depending on the circumstances, the judge should consider whether it may be preferable for a third party, rather than the judge, to respond or issue statements in connection with allegations concerning the decision. For purposes of this provision, a recall campaign begins when a judge is served with a notice of intention to circulate a recall petition (see Elec. Code, § 11006), and a judicial election campaign begins when a judge or candidate for judicial office\* files a declaration of intention of candidacy for judicial office (see Elec. Code, § 8023).*

*Although this canon does not prohibit a judge from commenting on cases that are not pending\* or impending\* in any court, a judge must be cognizant of the general prohibition in Canon 2 against conduct involving impropriety\* or the appearance of impropriety.\* A judge should also be aware of the mandate in Canon 2A that a judge must act at all times in a manner that promotes public confidence in the integrity\* and impartiality\* of the judiciary. In addition, when commenting on a case pursuant to this canon, a judge must maintain the high standards of conduct, as set forth in Canon 1.*

*Although a judge is permitted to make nonpublic comments about pending\* or impending\* cases that will not substantially interfere with a fair trial or hearing, the judge should be cautious when making any such comments. There is always a risk that a comment can be misheard, misinterpreted, or repeated. A judge making such a comment must be mindful of the judge's obligation under Canon 2A to act at all times in a manner that promotes public confidence in the integrity\* and impartiality\* of the judiciary. When a judge makes a nonpublic comment about a case pending\* before that judge, the judge must keep an open mind and not form an opinion prematurely or create the appearance of having formed an opinion prematurely.*

➤ **Historical Note:**

*Commentary following canon 3B(9) amended effective July 1, 2020; previously amended January 1, 2013, March 4, 1999; adopted effective January 15, 1996.*

➤ **CJP Annotations: Canon 3B(9)**

A judge, who was disqualified from a case, told the newly-assigned judge that he should not grant a motion to transfer venue; when the case was reassigned to a visiting judge, the judge told the visiting judge that she should not grant the motion either. Com. on Jud. Performance, [Decision and Order Removing Judge Toney R. Mallery from Office](#) (2024) pp. 51-55.

A judge wrote two letters, on court stationery and using her judicial title, to the police chief on behalf of police detectives regarding misconduct allegations that had been made against the detectives in a case before her. Com. on Jud. Performance, [Decision and Order Imposing Public Admonishment on Judge Judith L. Meyer](#) (2022) p. 5.

A judge actively participated in a partisan Facebook group to recall the recently elected district attorney while he heard cases prosecuted by that district attorney's office. Com. on Jud. Performance, [Decision and Order Imposing Public Admonishment on Judge Michael O'Gara](#) (2021) pp. 2-3.

A judge stated at a judges' meeting that she determined that a police officer had perjured himself in a pending matter. Com. on Jud. Performance, [Decision and Order Imposing Public Admonishment on Judge Lisa A. Novak](#) (2018) p. 8.

A judge made comments to a reporter that were later published in the newspaper about why he did not issue a protective order during sentencing. Com. on Jud. Performance, [Decision and Order Imposing Public Admonishment on Judge John D. Lord](#) (2018) p. 2.

A judge discussed the details of a pending juvenile case on a public affairs television program. [Inquiry Concerning Judge Kevin A. Ross](#) (2005) 49 Cal.4th CJP Supp 79, 121.

A judge made statements to friends purporting to convey the outcome of a court case in which the friends were involved and in which no decision had been issued by the

appellate court. Com. on Jud. Performance, [Public Admonishment of Judge Bernard E. Revak](#) (2000) p. 4.

A judge publicly commented on “no pregnancy” probation conditions in two criminal cases that were pending in his court or in the appellate court. [Broadman v. Commission on Judicial Performance](#) (1998) 18 Cal.4th 1079, 1104 [interpreting former Canon 3A(6)].

A judge was interviewed for a newspaper article about her rulings in a case that was still pending on appeal. Com. on Jud. Performance, [Public Admonishment of Judge Judith C. Chirlin](#) (1995) pp. 1-2.

A judge showed his draft decision in a pending case to a reporter and discussed his rationale for deciding the case with that reporter before the parties were informed of the decision. [Richard Ryan, a Judge of the Municipal Court v. Commission on Judicial Performance](#) (1988) 45 Cal.3d 518, 542-543 [interpreting former canon 3A(6)].

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#### Canon 3B(10)

**(10) A judge shall not commend or criticize jurors for their verdict other than in a court order or opinion in a proceeding, but may express appreciation to jurors for their service to the judicial system and the community.**

*ADVISORY COMMITTEE COMMENTARY: Canon 3B(10)*

*Commending or criticizing jurors for their verdict may imply a judicial expectation in future cases and may impair a juror’s ability to be fair and impartial\* in a subsequent case.*

➤ **Historical Note:**

*Commentary following canon 3B(10) adopted effective January 15, 1996.*



### Canon 3B(11)

**(11) A judge shall not disclose or use, for any purpose unrelated to judicial duties, nonpublic information\* acquired in a judicial capacity.**

➤ **CJP Annotations: Canon 3B(11)**

A judge caused court personnel to access DMV records to obtain license plate information for a purpose unrelated to his judicial duties. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure and Bar of Former Judge Paul D. Seeman\*](#) (2013) p. 7.

A judge asked a court clerk to obtain confidential restricted DMV records that pertained to a matter of personal interest to him. [\*Inquiry Concerning Judge D. Ronald Hyde\*](#) (2003) 48 Cal.4th CJP Supp. 329, 337-338.

### Canon 3B(12)

**(12) A judge may participate in settlement conferences or in other efforts to resolve matters in dispute, including matters pending before the judge. A judge may, with the express consent of the parties or their lawyers, confer separately with the parties and/or their lawyers during such resolution efforts. At all times during such resolution efforts, a judge shall remain impartial\* and shall not engage in conduct that may reasonably be perceived as coercive.**

*ADVISORY COMMITTEE COMMENTARY: Canon 3B(12)*

*While the judge plays an important role in overseeing efforts to resolve disputes, including conducting settlement discussions, a judge should be careful that efforts to resolve disputes do not undermine any party's right to be heard according to law.\**

*The judge should keep in mind the effect that the judge's participation in dispute resolution efforts may have on the judge's impartiality\* or the appearance of impartiality\* if the case remains with the judge for trial after resolution efforts are unsuccessful. Accordingly, a judge may wish to consider whether: (1) the parties or their counsel have requested or objected to the participation by the trial judge in such discussions; (2) the parties and their counsel are relatively sophisticated in legal matters or the particular legal issues involved in the case; (3) a party is unrepresented; (4) the case will be tried by the judge or a jury; (5) the parties will participate with their counsel in settlement discussions and, if so, the effect of personal contact between the judge and parties; and (6) it is appropriate during the settlement conference for the judge to express an opinion on the merits or worth of the case or express an opinion on the legal issues that the judge may later have to rule upon.*

*If a judge assigned to preside over a trial believes participation in resolution efforts could influence the judge's decisionmaking during trial, the judge may decline to engage in such efforts.*

*Where dispute resolution efforts of any type are unsuccessful, the judge should consider whether, due to events that occurred during the resolution efforts, the judge may be disqualified*



*under the law\* from presiding over the trial. See, e.g., Code of Civil Procedure section 170.1, subdivision (a)(6)(A).*

➤ **Historical Notes:**

*Commentary following canon 3B(12) adopted effective January 1, 2013.*

*Canon 3B amended effective July 1, 2020; previously amended effective October 10, 2018, August 19, 2015, January 1, 2013, January 1, 2008, and December 22, 2003; adopted effective January 15, 1996.*

➤ **CJP Annotations: Canon 3B(12)**

A judge advised the attorneys that in deciding whether to approve plea agreements, he would consider whether the agreement would: (1) be perceived negatively by the community, (2) subject him or the court to criticism, and (3) render him or the local elected district attorney politically vulnerable. Com. on Jud. Performance, [\*Decision and Order Removing Judge Tony R. Mallery from Office\*](#) (2024) pp. 59-67.

**Canon 3C(1)**

**C. Administrative Responsibilities**

**(1) A judge shall diligently discharge the judge’s administrative responsibilities impartially,\* on the basis of merit, without bias or prejudice, free of conflict of interest, and in a manner that promotes public confidence in the integrity\* of the judiciary. A judge shall not, in the performance of administrative duties, engage in speech, gestures, or other conduct that would reasonably be perceived as (a) bias, prejudice, or harassment, including but not limited to bias, prejudice, or harassment based upon race, sex, gender, gender identity,\* gender expression,\* religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation, or (b) sexual harassment.**

*ADVISORY COMMITTEE COMMENTARY: Canon 3C(1)*

*In considering what constitutes a conflict of interest under this canon, a judge should be informed by Code of Civil Procedure section 170.1, subdivision (a)(6).*

➤ **Historical Note:**

*Commentary following canon 3C(1) adopted effective April 29, 2009.*

➤ **CJP Annotations: Canon 3C(1)**

A judge declined to preside over a matter, where the one of the parties refused to stipulate to a commissioner presiding, because the judge was participating in a voluntary, online training program, even when there was no other judge available to oversee the hearing. Com. on Jud. Performance, [\*Public Admonishment of Judge Timothy S. Healy\*](#) (2024) p. 18.

A judge, in at least 44 cases over which he presided, failed to disclose his relationships with seven attorneys, his familiarity with individuals involved in matters before him, or the extent of his relationships with the individuals who appeared before him numerous times over a four-year period. Com. on Jud. Performance, [\*Decision and Order Imposing Severe Public Censure and Bar Pursuant to Stipulation on Judge Gregory J. Kreis\*](#) (2024) pp. 5-9.

A judge was absent from the courthouse, without approval or authorization, for at least 155 days – 87 days beyond those allowed for annual leave – and was not present a single Friday for 18 of those 24 months. Com. on Jud. Performance, [\*Decision and Order Imposing Severe Public Censure Pursuant to Stipulation on Judge Howard J. Shore\*](#) (2023) pp. 2-4.

A judge's formation and management of a non-profit, which benefited from the judge's title, prestige of the office, and court resources and referrals, was a conflict of interest that seriously undermined public confidence in the integrity of the judiciary. The judge also made statements that gave the appearance of bias and prejudgment, including favoring defendants who accepted plea deals, and disfavoring indigent defendants that requested counsel. Com. on Jud. Performance, [\*In the Matter Concerning Judge Richard A. Vlavianos\*](#) (2023) pp. 8-10.

An appellate justice failed to properly exercise his administrative and supervisory authority to impose reasonable procedures to ensure that priority and older cases were decided first. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Justice Vance W. Raye\*](#) (2022) p. 11.

An appellate justice engaged in a pattern of sexual misconduct toward numerous women that he encountered at the courts where he worked, including a fellow justice, research attorneys, and judicial staff, by, among other things, engaging in unwanted touching of several women, making disparaging statements against women at the court, and making overly personal sexual remarks. Com. on Jud. Performance, [\*Decision and Order Removing Justice Jeffrey W. Johnson from Office\*](#) (2020) pp. 25, 29, 36, 40, 43-44, 46.

A judge made stereotypical remarks about gay men to other judges and a member of court staff. Com. on Jud. Performance, [\*Public Censure and Bar of Former Judge Steven C. Bailey\*](#) (2019) p. 23.

A commissioner made profane and derogatory comments about a court interpreter to other court staff and in the presence of the interpreter. Com. on Jud. Performance, [\*Public Admonishment of Commissioner Mark Kliszewski\*](#) (2017) p. 2.

A judge engaged in an intimate relationship with his court clerk and actively resisted any attempt to reassign her, including misleading his supervising and presiding judges and the court executive officer about the nature of his relationship with the clerk. Com. on Jud. Performance, [\*Decision and Order Imposing Censure on Judge Cory Woodward\*](#) (2014) pp. 3-4, 6.

A presiding judge failed to circulate a monthly list of the matters under submission for more than 30 days and failed to respond to emails from a judicial assistant seeking information about whether he had any cases under submission for more than 30 days. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge John D. Kirihara\*](#) (2012) pp. 4-5.

A commissioner failed to rule in a timely manner on numerous matters, including one case that was delayed for nearly five years, and failed to complete any of the under submission cases that she took home to complete after her retirement. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure and Bar on Former Commissioner Ann Dobbs\*](#) (2009) p. 6.

A judge routinely left the courthouse for the day after the conclusion of his morning calendar. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure on Judge Christopher J. Sheldon\*](#) (2009) p. 3.

A judge ignored a warning from his presiding judge to stop engaging in a pattern of harsh criticism of court staff. [\*Inquiry Concerning Judge Bruce Van Voorhis\*](#) (2003) 48 Cal.4th CJP Supp 257, 292.

Among other things, a judge failed to keep the court informed of his whereabouts when he left the country to start medical school, failed to respond to a judicial secretary's inquiries about where he would conduct his calendar, and falsely obtained extensive sick leaves. [\*Inquiry Concerning Judge Patrick B. Murphy\*](#) (2001) 48 Cal.4th CJP Supp 179, 200-201.

A judge banned the criminal courts coordinator from her courtroom, her chambers, and the back hallway, and prohibited him from communicating with her staff. [\*Inquiry Concerning Judge Nancy Brown\*](#) (1999) 48 Cal.4th CJP Supp 100, 106-107.

A judge was on specific notice that coming to the courthouse while intoxicated was a violation of the zero-tolerance policy of the court but chose to ignore the repercussion that he would be relieved of his duties. [\*Inquiry Concerning Former Judge Bradley\*](#) (1999) 48 Cal.4th CJP Supp. 84, 93.

A judge maintained a practice of leaving the courthouse for the day in the morning or early afternoon. [\*Richard Ryan, a Judge of the Municipal Court v. Commission on Judicial Performance\*](#) (1988) 45 Cal.3d 518, 545-546 [interpreting former canon 3B(1)].

### Canon 3C(2)

**(2) A judge shall maintain professional competence in judicial administration, and shall cooperate with other judges and court officials in the administration of court business.**

#### ➤ CJP Annotations: Canon 3C(2)

A judge refused to respond to the clerk of a fellow judge – and later made a sarcastic comment about the clerk – after the clerk e-mailed twice to advise the judge that an attorney in his courtroom was needed for a hearing before the other judge. Com. on Jud. Performance, [\*Public Admonishment of Judge Timothy S. Healy\*](#) (2024) p. 8.

A judge engaged in a continued pattern of being absent from the bench and leaving the courthouse early without authorization or documentation, and further manipulated her calendar for her personal benefit. The judge also made disparaging remarks about a judicial colleague, and was dishonest and disrespectful toward, and uncooperative with, her supervising judge. Com. on Jud. Performance, [\*Public Admonishment of Spear\*](#) (2023), pp. 2-11.

A judge was misleading and evasive in interviews with the presiding judges regarding the judge's involvement with a non-profit the judge founded, managed, and marketed as a service provider for collaborative DUI courts. Com. on Jud. Performance, [\*In the Matter Concerning Judge Richard A. Vlavianos\*](#) (2023) pp. 2-7.

A judge wrote an impertinent email missive to the appellate justice who had vacated the judge's decision, which also constituted improper ex parte communication. Com. on Jud. Performance, [\*Public Admonishment of Derek W. Hunt\*](#) (2023), pp. 6-7.

An appellate justice failed to properly exercise his administrative and supervisory authority to impose reasonable procedures to ensure that priority and older cases were decided first. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Justice Vance W. Raye\*](#) (2022) p. 11.

A judge amended the court's local rules without complying with the legal requirements to do so. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Elizabeth W. Johnson\*](#) (2018) p. 5.

A judge engaged in intemperate email exchanges with his supervising judge and court executive officer. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure on Judge John A. Trice\*](#) (2016) p. 18.

A judge became irritated toward a court administrator regarding the reassignment of another judge's courtroom clerk. Com. on Jud. Performance, [Public Admonishment of Judge John L. Fielder](#) (2015) p. 2.

A judge engaged in an intimate relationship with his court clerk and actively resisted any attempt to reassign her, including misleading his supervising and presiding judges and the court executive officer about the nature of his relationship with the clerk. Com. on Jud. Performance, [Decision and Order Imposing Censure on Judge Cory Woodward](#) (2014) pp. 3-4, 6.

### Canon 3C(3)

**(3) A judge shall require\* staff and court personnel under the judge's direction and control to observe appropriate standards of conduct and to refrain from (a) manifesting bias, prejudice, or harassment based upon race, sex, gender, gender identity,\* gender expression,\* religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation, or (b) sexual harassment in the performance of their official duties.**

#### ➤ CJP Annotations: Canon 3(C)(3)

A commissioner failed to prevent his staff from routinely making racist and sexist comments in the courtroom when court was not in session. Com. on Jud. Performance, [Public Admonishment of Commissioner Mark Kliszewski](#) (2017) p. 1.

A supervising judge failed to adequately supervise a subordinate judicial officer who had numerous cases under submission for more than 90 days and failed to promptly respond to complaints against that subordinate judicial officer. Com. on Jud. Performance, [Decision and Order Imposing Public Admonishment on Judge Robert A. Schnider](#) (2009) p. 2.

### Canon 3C(4)-(5)

**(4) A judge with supervisory authority for the judicial performance of other judges shall take reasonable measures to ensure the prompt disposition of matters before them and the proper performance of their other judicial responsibilities.**

**(5) A judge shall not make unnecessary court appointments. A judge shall exercise the power of appointment impartially,\* on the basis of merit, without bias or prejudice, free of conflict of interest, and in a manner that promotes public confidence in the integrity\* of the judiciary. A judge shall avoid nepotism and favoritism. A judge shall not approve compensation of appointees above the reasonable value of services rendered.**

*ADVISORY COMMITTEE COMMENTARY: Canon 3C(5)*

*Appointees of a judge include assigned counsel and officials such as referees, commissioners, special masters, receivers, and guardians. Consent by the parties to an appointment or an award of compensation does not relieve the judge of the obligation prescribed by Canon 3C(5).*

➤ **Historical Notes:**

*Commentary following canon 3C(5) amended effective January 1, 2013; adopted effective January 15, 1996.*

*Canon 3C amended effective October 10, 2018; previously amended effective August 19, 2015, January 1, 2013, April 29, 2009, and December 22, 2003; adopted effective January 15, 1996.*

➤ **CJP Annotations: Canon 3C(5)**

A judge, the sole and therefore presiding judge in a county, took over the clerk’s role of making appointments in prison cases and, subsequently, appointments to certain attorneys decreased significantly after those attorneys filed peremptory challenges against the judge in other cases. Com. on Jud. Performance, [Decision and Order Removing Judge Tony R. Mallery from Office](#) (2024) pp. 35-39.

A judge appointed a former law firm colleague as a public defender to represent a party in a case before the judge and then failed to disqualify herself or disclose the relationship. Com. on Jud. Performance, [Decision and Order Imposing Public Admonishment on Judge Elizabeth W. Johnson](#) (2018) p. 6.

A judge engaged in an intimate relationship with his court clerk and actively resisted any attempt to reassign her. Com. on Jud. Performance, [Decision and Order Imposing Censure on Judge Cory Woodward](#) (2014) pp. 3-4.

**Canon 3D(1)**

**D. Disciplinary Responsibilities**

**(1) Whenever a judge has reliable information that another judge has violated any provision of the Code of Judicial Ethics, that judge shall take appropriate corrective action, which may include reporting the violation to the appropriate authority. (See Commentary to Canon 3D(2).)**

➤ **CJP Annotations: Canon 3D(1)**

A judge told a judicial colleague that he knew of 10 allegations made against him by the colleague and warned that he would be “pissed” if he received a letter from the

commission. Com. on Jud. Performance, [\*Decision and Order Removing Judge Tony R. Mallery from Office\*](#) (2024) pp. 88-89.

A presiding appellate justice was aware that there were chronic delays in cases assigned to other justices on the court and failed to take meaningful corrective action. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Justice Vance W. Raye\*](#) (2022) p. 11.

A supervising judge failed to adequately supervise a subordinate judicial officer who had numerous cases under submission for more than 90 days and failed to promptly respond to complaints against that subordinate judicial officer. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Robert A. Schnider\*](#) (2009) p. 2.

### Canon 3D(2)

**(2) Whenever a judge has personal knowledge,\* or concludes in a judicial decision, that a lawyer has committed misconduct or has violated any provision of the Rules of Professional Conduct, the judge shall take appropriate corrective action, which may include reporting the violation to the appropriate authority.**

*ADVISORY COMMITTEE COMMENTARY: Canons 3D(1) and 3D(2)*

*Appropriate corrective action could include direct communication with the judge or lawyer who has committed the violation, writing about the misconduct in a judicial decision, or other direct action, such as a confidential referral to a judicial or lawyer assistance program, or a report of the violation to the presiding judge, appropriate authority, or other agency or body. Judges should note that in addition to the action required by Canon 3D(2), California law imposes additional mandatory reporting requirements to the State Bar on judges regarding lawyer misconduct. See Business and Professions Code sections 6086.7 and 6086.8, subdivision (a), and California Rules of Court, rules 10.609 and 10.1017.*

*“Appropriate authority” means the authority with responsibility for initiation of the disciplinary process with respect to a violation to be reported.*

➤ **Historical Note:**

*Commentary following canons 3D(1) and 3D(2) amended effective October 10, 2018; previously amended January 21, 2015, January 1, 2013 and March 4, 1999; adopted effective January 15, 1996.*



➤ **CJP Annotations: Canon 3D(2)**

A trial judge failed to address defense counsel's failure to properly serve the defendant, even after this deficiency was raised in the defendant's motion to set aside the default judgment. Com. on Jud. Performance, *Decision and Order Imposing Public Admonishment of former Judge Derek W. Hunt* (2023) pp. 6-7.

**Canon 3D(3)-(4)**

**(3) A judge shall promptly report in writing to the Commission on Judicial Performance when he or she is charged in court by misdemeanor citation, prosecutorial complaint, information, or indictment with any crime in the United States as specified below. Crimes that must be reported are: (1) all crimes, other than those that would be considered misdemeanors not involving moral turpitude or infractions under California law; and (2) all misdemeanors involving violence (including assaults), the use or possession of controlled substances, the misuse of prescriptions, or the personal use or furnishing of alcohol. A judge also shall promptly report in writing upon conviction of such crimes.**

**If the judge is a retired judge serving in the Assigned Judges Program, he or she shall promptly report such information in writing to the Chief Justice rather than to the Commission on Judicial Performance. If the judge is a subordinate judicial officer,\* he or she shall promptly report such information in writing to both the presiding judge of the court in which the subordinate judicial officer\* sits and the Commission on Judicial Performance.**

**(4) A judge shall cooperate with judicial and lawyer disciplinary agencies.**

*ADVISORY COMMITTEE COMMENTARY: Canons 3D(3) and 3D(4)*

*See Government Code section 68725, which requires judges to cooperate with and give reasonable assistance and information to the Commission on Judicial Performance, and rule 104 of the Rules of the Commission on Judicial Performance, which requires a respondent judge to cooperate with the commission in all proceedings in accordance with section 68725.*

➤ **Historical Note:**

*Commentary following canons 3D(3) and 3D(4) adopted effective January 1, 2013.*

➤ **CJP Annotations: Canon 3D(3)**

A judge failed to report the filing of charges against him, and his conviction, for driving under the influence of alcohol. Com. on Jud. Performance, *Public Admonishment of Judge Donald R. Alvarez* (2005) p. 2.

A judge failed to report the filing of charges against him, and his conviction, for driving under the influence of alcohol. Com. on Jud. Performance, [Public Admonishment of Judge Gary P. Ryan](#) (2000) p. 3.

➤ **CJP Annotations: Canon 3D(4)**

A judge, in response to an allegation in a preliminary investigation letter, stated that he placed an attorney, who was a close friend and former colleague, on a disqualification list for two years when, in fact, that attorney appeared before him many times in connection with more than a dozen matters during that two-year period. [Decision and Order Imposing Severe Public Censure and Bar Pursuant to Stipulation on Judge Gregory J. Kreis](#) (2024) pp. 11-13.

A judge responded to a preliminary investigation letter by directing multiple court employees to conduct an investigation to uncover, among other things, “who was ratting on him” to the commission and whether that person was a court employee. Com. on Jud. Performance, [Decision and Order Removing Judge Tony R. Mallery from Office](#) (2024) pp. 6-15.

**Canon 3D(5)**

**(5) A judge shall not retaliate, directly or indirectly, against a person known\* or suspected to have assisted or cooperated with an investigation of a judge or a lawyer.**

➤ **Historical Note:**

*Canon 3D amended effective August 19, 2015; previously amended effective January 1, 2013, January 1, 2008, March 4, 1999, and June 19, 1997; adopted effective January 15, 1996.*

➤ **CJP Annotation: Canon 3D(5):**

A judge, who was the subject of an ongoing investigation by the commission, told a high-level court employee that other court employees who were voluntarily cooperating with the commission “were being disloyal and needed to know their place” and that “snitches get stitches,” before making negative statements about court employees in retaliation for their cooperation with the commission. Com. on Jud. Performance, [Decision and Order Removing Judge Tony R. Mallery from Office](#) (2024) pp. 25-31.

A judge initially refused to shake an attorney’s hand in his chambers, inferring that the attorney had complained about the judge to the commission in another matter. Com. on Jud. Performance, [Public Censure of Judge Jeffrey G. Bennett](#) (2020) p. 4.

## Canon 3E(1)

### E. Disqualification and Disclosure

**(1) A judge shall disqualify himself or herself in any proceeding in which disqualification is required by law.\***

#### *ADVISORY COMMITTEE COMMENTARY: Canon 3E(1)*

*The term “proceeding” as used in this canon encompasses prefiling judicial determinations. Thus, if a judge has a disqualifying interest in a matter, the judge is disqualified from taking any action in the matter, even if it predates the actual filing of a case, such as making a probable cause determination, signing a search or arrest warrant, setting bail, or ordering an own recognizance release. Interpreting “proceeding” to include prefiling judicial determinations effectuates the intent of the canon because it assures the parties and the public of the integrity\* and fairness of the judicial process.*

#### ➤ **Historical Note:**

*Commentary following canon 3E(1) adopted effective December 1, 2016.*

#### ➤ **CJP Annotations: Canon 3E(1):**

A judge sought to convince attorneys in two different matters to withdraw their preemptory challenges by asserting that the challenges were untimely and that, because the other available judge was disqualified, the matters must be heard by the challenged judge “for all purposes,” even though neither assertion was true. Com. on Jud. Performance, [Decision and Order Removing Judge Tony R. Mallery from Office](#) (2024) pp. 31-35.

A judge appointed a former law firm colleague as a public defender to represent a party in a case before the judge and then failed to disqualify. Com. on Jud. Performance, [Decision and Order Imposing Public Admonishment on Judge Elizabeth W. Johnson](#) (2018) p. 6.

A judge heard cases in which his close friend appeared as counsel. Com. on Jud. Performance, [Decision and Order Imposing Public Censure on Judge John A. Trice](#) (2016) p. 22.

A judge decided an acquaintance’s own recognizance release from jail. Com. on Jud. Performance, [Inquiry Concerning Judge James M. Petrucelli](#) (2015) p. 16-19.

A judge heard matters involving his former partners in an indigent defense contract under which the judge continued to receive monthly payments after he became a judge. Com. on Jud. Performance, [Decision and Order Imposing Public Censure and Bar of Former Judge Marc A. Garcia](#) (2015) p. 8.

A judge reassigned cases based on his sexual relationship with an attorney after he disqualified himself and failed to disqualify from other cases involving another attorney who was a friend. Com. on Jud. Performance, [\*Decision and Order Imposing Censure on Judge Scott Steiner\*](#) (2014) p. 5-6.

A judge arranged for traffic citation matters involving friends and family to be transferred to his department for disposition. [\*Inquiry Concerning Judge Richard W. Stanford, Jr.\*](#) (2012) 53 Cal.4th CJP Supp 1, 20-21.

A judge presided over the arraignment of a family friend and, in other cases, conducted proceedings after disqualification. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Anthony C. Edwards\*](#) (2010) pp. 2-4.

A judge used his position to transfer traffic citation cases of friends and family to his court and then gave them access to preferential treatment. Com. on Jud. Performance, [\*Decision and Order Imposing Censure and Bar on Judge William R. Danser\*](#) (2005) p. 28.

A judge provided preferential treatment to his relatives and friends in traffic cases, and in some cases, failed to disqualify from cases involving those individuals. [\*Inquiry Concerning Former Judge David E. Wasilenko\*](#) (2005) 49 Cal.4th CJP Supp 26, 52.

A judge prevented the continuance of his daughter's small claims matter and chose a pro tem judge to cover the calendar who was a friend of the judge. [\*Inquiry Concerning Judge D. Ronald Hyde\*](#) (2003) 48 Cal.4th CJP Supp. 329, 343.

A judge unwelcomely kissed a female attorney in chambers and thereafter continued to preside over the proceedings. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure and Barring Judge Arthur S. Block from Receiving Assignments\*](#) (2002) p. 3.

A judge presided over numerous traffic citation matters involving friends. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure and Barring Judge James R. Simpson from Receiving Assignments\*](#) (2002) pp. 3-7.

A judge heard cases involving matters in which the judge served as a fiduciary. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure and Barring Former Judge William H. Sullivan from Receiving Assignments\*](#) (2002) p. 13.

A judge engaged in a sexual relationship with one of three codefendants and failed to disqualify from their cases. [\*Inquiry Concerning Judge George W. Trammell III\*](#) (1999) 48 Cal.4th CJP Supp 56, 64.

A judge appointed attorneys with whom he had financial or social relationships to represent criminal defendants and allowed one of these attorneys to bring attorneys' fees bills directly to the judge's chambers for approval in violation of the approval process.

Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge John P. Shook\*](#) (1998) p. 3.

A judge failed to disqualify after he displayed bias and retaliatory behavior towards public defenders who filed preemptory challenges against him. Com. on Jud. Performance, [\*Public Admonishment of Judge Stephen Drew\*](#) (1996) p. 3.

A judge heard cases involving a company in which he owned stock. Com. on Jud. Performance, [\*Public Admonishment of Judge Charles W. Stoll\*](#) (1996) p. 2.

A judge failed to disqualify from a criminal matter in which his long-time friend was the defendant and the judge had engaged in ex parte communications with the friend about the criminal charges prior to any court appearances. [\*Bernard P. McCullough v. Commission on Judicial Performance\*](#) (1989) 49 Cal.3d 186, 194 [interpreting former canon 3C(1)].

A judge conducted sentencing proceedings after having communicated to the defendant his likely sentence in the absence of counsel. [\*In re L. Eugene Rasmussen, a Judge of the Justice Court, on Censure\*](#) (1987) 43 Cal.3d 536, 538 [interpreting former Canon 3C(1)].

#### Canon 3E(2)(a)

**(2) In all trial court proceedings, a judge shall disclose on the record as follows:**

**(a) Information relevant to disqualification. A judge shall disclose information that is reasonably relevant to the question of disqualification under Code of Civil Procedure section 170.1, even if the judge believes there is no actual basis for disqualification.**

➤ **CJP Annotations: Canon 3E(2):**

A judge, in at least 44 cases over which he presided, failed to disclose his relationships with seven attorneys, his familiarity with individuals involved in matters before him, or the extent of his relationships with the individuals who appeared before him numerous times over a four-year period. Com. on Jud. Performance, [\*Decision and Order Imposing Severe Public Censure and Bar Pursuant to Stipulation on Judge Gregory J. Kreis\*](#) (2024) pp. 5-9.

A judge, who presided over a domestic violence restraining order (DVRO) calendar, failed to disclose his longtime involvement with a non-profit organization that assisted victims of domestic violence or his close personal relationship with three individuals in leadership positions at the non-profit, even though non-profit employees frequently assisting in the preparation and filing of DVRO petitions and often accompanied petitioners to court for hearings. Com. on Jud. Performance, [\*Decision and Order Removing Judge Tony R. Mallery from Office\*](#) (2024) pp. 91-99.

A judge continued to fail to disclose his personal relationship with an attorney who regularly appeared before him even after receiving an earlier public admonishment. Com. on Jud. Performance, [Decision and Order Imposing Severe Public Admonishment on Former Judge David A. Mason](#) (2020) p. 10.

A judge failed to disclose his personal and professional relationship with an attorney who appeared before him. Com. on Jud. Performance, [Public Admonishment of Judge David A. Mason](#) (2019) p. 3.

In several juvenile cases, a judge failed to disclose his son's employment as an attorney with the district attorney's office. Com. on Jud. Performance, [Decision and Order Removing Judge John T. Laettner from Office](#) (2019) p. 54.

A judge failed to disclose his son's commissioned employment at a monitoring company to which the judge referred criminal defendants and failed to disclose his personal connections to a lawyer whom the judge appointed as a special master in one of the judge's cases. Com. on Jud. Performance, [Public Censure and Bar of Former Judge Steven C. Bailey](#) (2019) pp. 8-16.

A judge failed to disclose that her bailiff stated that he had seen the cellphone video of the crime taken by a family member that had been discussed in court. Com. on Jud. Performance, [Decision and Order Imposing Public Admonishment on Judge Lisa A. Novak](#) (2018) p. 6.

A judge failed to disclose that attorneys who appeared before him had made campaign contributions to the judge's campaign. Com. on Jud. Performance, [Decision and Order Imposing Public Admonishment on Judge Henry J. Walsh](#) (2016) p. 3.

A judge failed to disclose his personal friendship with a criminal defense attorney in cases in which the attorney appeared. Com. on Jud. Performance, [Decision and Order Imposing Public Censure on Judge John A. Trice](#) (2016) p. 22.

A judge failed to disclose relevant information in matters involving his former partners in an indigent defense contract under which the judge continued to receive monthly payments after he became a judge. Com. on Jud. Performance, [Decision and Order Imposing Public Censure and Bar of Former Judge Marc A. Garcia](#) (2015) p. 8.

A judge arranged for traffic citation matters involving friends and family to be transferred to his department for disposition. [Inquiry Concerning Judge Richard W. Stanford, Jr.](#) (2012) 53 Cal.4th CJP Supp 1, 20-21.

A judge failed to disclose that he was actively considering a run for district attorney and, later, that he had made the decision to do so. Com. on Jud. Performance, [Decision and Order Imposing Public Admonishment of Former Judge Paul E. Zellerbach](#) (2011) pp. 3, 5.



A judge sent a transcript of a witness's cross-examination to the witness's employer as a report of a possible legal violation but failed to disclose those actions in the case before him. [\*Inquiry Concerning Judge Peter J. McBrien\*](#) (2010) 49 Cal.4th CJP Supp. 315, 336.

A judge failed to disclose in an unlawful detainer trial that he had previously been the defendant in a warranty of habitability case brought by the tenants of his apartment units. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge John M. Watson\*](#) (2008) p. 14.

A judge failed to disclose his personal relationship with an attorney who represented the prevailing party in a jury trial and failed to disclose his past employment with the city attorney's office, which was the opposing party in the jury trial. Com. on Jud. Performance, [\*Public Admonishment of Former Judge Vincent P. DiFiglia\*](#) (2007) p. 2.

A judge used his position to transfer traffic citation cases of friends and family to his court and then gave them access to preferential treatment. Com. on Jud. Performance, [\*Decision and Order Imposing Censure and Bar on Judge William R. Danser\*](#) (2005) p. 29.

A judge provided preferential treatment to his relatives and friends in traffic cases and failed to disclose his relationships with those individuals. [\*Inquiry Concerning Former Judge David E. Wasilenko\*](#) (2005) 49 Cal.4th CJP Supp 26, 52.

A judge failed to disclose prior conversations with a friend who was a defendant in a probation matter before terminating her probation. Com. on Jud. Performance, [\*Inquiry Concerning Judge D. Ronald Hyde\*](#) (2003) 48 Cal.4th CJP Supp. 329, 347.

A judge unwelcomely kissed a female attorney in chambers and thereafter continued to preside over the proceedings without disclosing what had happened in chambers. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure and Barring Judge Arthur S. Block from Receiving Assignments\*](#) (2002) p. 3.

A judge failed to disclose his relationship with a defendant in a traffic citation matter. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure and Barring Judge James R. Simpson from Receiving Assignments\*](#) (2002) p. 3.

A judge failed to disclose his relationship with an attorney in a case involving that attorney. Com. on Jud. Performance, [\*Censure and Stipulated Retirement of James I. Aaron\*](#) (2002) p. 5.

A judge failed to disclose that he was engaged in a sexual relationship with one of three codefendants in a case before him. [\*Inquiry Concerning Judge George W. Trammell III\*](#) (1999) 48 Cal.4th CJP Supp 56, 64.



## Canon 3E(2)(b)

### (b) Campaign contributions in trial court elections

#### (i) Information required to be disclosed

**In any matter before a judge who is or was a candidate for judicial office\* in a trial court election, the judge shall disclose any contribution or loan of \$100 or more from a party, individual lawyer, or law office or firm in that matter as required by this canon, even if the amount of the contribution or loan would not require disqualification. Such disclosure shall consist of the name of the contributor or lender, the amount of each contribution or loan, the cumulative amount of the contributor's contributions or lender's loans, and the date of each contribution or loan. The judge shall make reasonable efforts to obtain current information regarding contributions or loans received by his or her campaign and shall disclose the required information on the record.**

#### (ii) Manner of disclosure

**The judge shall ensure that the required information is conveyed on the record to the parties and lawyers appearing in the matter before the judge. The judge has discretion to select the manner of disclosure, but the manner used shall avoid the appearance that the judge is soliciting campaign contributions.**

#### (iii) Timing of disclosure

**Disclosure shall be made at the earliest reasonable opportunity after receiving each contribution or loan. The duty commences no later than one week after receipt of the first contribution or loan, and continues for a period of two years after the candidate takes the oath of office, or two years from the date of the contribution or loan, whichever event is later.**

### *ADVISORY COMMITTEE COMMENTARY: Canon 3E(2)(b)*

*Code of Civil Procedure section 170.1, subdivision (a)(9)(C) requires a judge to "disclose any contribution from a party or lawyer in a matter that is before the court that is required to be reported under subdivision (f) of Section 84211 of the Government Code, even if the amount would not require disqualification under this paragraph." This statute further provides that the "manner of disclosure shall be the same as that provided in Canon 3E of the Code of Judicial Ethics." Canon 3E(2)(b) sets forth the information the judge must disclose, the manner for making such disclosure, and the timing thereof.*

*"Contribution" includes monetary and in-kind contributions. See Cal. Code Regs., tit. 2, § 18215, subd. (b)(3). See generally Government Code section 84211, subdivision (f).*

*Disclosure of campaign contributions is intended to provide parties and lawyers appearing before a judge during and after a judicial campaign with easy access to information*

*about campaign contributions that may not require disqualification but could be relevant to the question of disqualification of the judge. The judge is responsible for ensuring that the disclosure is conveyed to the parties and lawyers appearing in the matter. The canon provides that the judge has discretion to select the manner of making the disclosure. The appropriate manner of disclosure will depend on whether all of the parties and lawyers are present in court, whether it is more efficient or practicable given the court's calendar to make a written disclosure, and other relevant circumstances that may affect the ability of the parties and lawyers to access the required information. The following alternatives for disclosure are non-exclusive. If all parties are present in court, the judge may conclude that the most effective and efficient manner of providing disclosure is to state orally the required information on the record in open court. In the alternative, again if all parties are present in court, a judge may determine that it is more appropriate to state orally on the record in open court that parties and lawyers may obtain the required information at an easily accessible location in the courthouse, and provide an opportunity for the parties and lawyers to review the available information. Another alternative, particularly if all or some parties are not present in court, is that the judge may disclose the campaign contribution in a written minute order or in the official court minutes and notify the parties and the lawyers of the written disclosure. See California Supreme Court Committee on Judicial Ethics Opinions, CJEO Formal Opinion No. 2013-002, pp. 7-8. If a party appearing in a matter before the judge is represented by a lawyer, it is sufficient to make the disclosure to the lawyer.*

*In addition to the disclosure obligations set forth in Canon 3E(2)(b), a judge must, pursuant to Canon 3E(2)(a), disclose on the record any other information that may be relevant to the question of disqualification. As examples, such an obligation may arise as a result of contributions or loans of which the judge is aware made by a party, lawyer, or law office or firm appearing before the judge to a third party in support of the judge or in opposition to the judge's opponent; a party, lawyer, or law office or firm's relationship to the judge or role in the campaign; or the aggregate contributions or loans from lawyers in one law office or firm.*

*Canon 3E(2)(b) does not eliminate the obligation of the judge to recuse himself or herself where the nature of the contribution or loan, the extent of the contributor's or lender's involvement in the judicial campaign, the relationship of the contributor or lender, or other circumstance requires recusal under Code of Civil Procedure section 170.1, and particularly section 170.1, subdivision (a)(6)(A).*

➤ **Historical Note:**

*Commentary following canon 3E(2)(b) adopted effective January 1, 2013.*

**Canon 3E(3)**

**(3) A judge shall disqualify himself or herself in accordance with the following:**

**(a) Statements that commit the judge to a particular result**

**A judge is disqualified if the judge, while a judge or candidate for judicial office,\* made a statement, other than in a court proceeding, judicial decision, or opinion,**

that a person aware of the facts might reasonably believe commits the judge to reach a particular result or rule in a particular way in a proceeding.

**(b) Bond ownership**

**Ownership of a corporate bond issued by a party to a proceeding and having a fair market value exceeding \$1,500 is disqualifying. Ownership of a government bond issued by a party to a proceeding is disqualifying only if the outcome of the proceeding could substantially affect the value of the judge's bond. Ownership in a mutual or common investment fund that holds bonds is not a disqualifying financial interest.**

*ADVISORY COMMITTEE COMMENTARY: Canon 3E(3)(b)*

*The distinction between corporate and government bonds is consistent with the Political Reform Act (see Gov. Code, § 82034), which requires disclosure of corporate bonds, but not government bonds. Canon 3E(3) is intended to assist judges in complying with Code of Civil Procedure section 170.1, subdivision (a)(3) and Canon 3E(5)(d).*

➤ **Historical Note:**

*Commentary following canon 3E(3)(b) adopted effective January 1, 2013.*

**Canon 3E(4)-(5)(a)**

**(4) An appellate justice shall disqualify himself or herself in any proceeding if for any reason:**

**(a) the justice believes his or her recusal would further the interests of justice; or**

**(b) the justice substantially doubts his or her capacity to be impartial;\* or**

**(c) the circumstances are such that a reasonable person aware of the facts would doubt the justice's ability to be impartial.\***

**(5) Disqualification of an appellate justice is also required in the following instances:**

**(a) The appellate justice has served as a lawyer in the pending\* proceeding, or has served as a lawyer in any other proceeding involving any of the same parties if that other proceeding related to the same contested issues of fact and law as the present proceeding, or has given advice to any party in the present proceeding upon any issue involved in the proceeding.**

*ADVISORY COMMITTEE COMMENTARY: Canon 3E(5)(a)*

*Canon 3E(5)(a) is consistent with Code of Civil Procedure section 170.1, subdivision (a)(2), which addresses disqualification of trial court judges based on prior representation of a party in the proceeding.*

➤ **Historical Note:**

*Commentary following canon 3E(5)(a) adopted effective January 1, 2013.*

**Canon 3E5(b)-(j)**

**(b) Within the last two years, (i) a party to the proceeding, or an officer, director or trustee thereof, either was a client of the justice when the justice was engaged in the private practice of law or was a client of a lawyer with whom the justice was associated in the private practice of law; or (ii) a lawyer in the proceeding was associated with the justice in the private practice of law.**

**(c) The appellate justice represented a public officer or entity and personally advised or in any way represented that officer or entity concerning the factual or legal issues in the present proceeding in which the public officer or entity now appears.**

**(d) The appellate justice, his or her spouse or registered domestic partner,\* or a minor child residing in the household, has a financial interest or is either a fiduciary\* who has a financial interest in the proceeding, or is a director, advisor, or other active participant in the affairs of a party. A financial interest is defined as ownership of more than a 1 percent legal or equitable interest in a party, or a legal or equitable interest in a party of a fair market value exceeding \$1,500. Ownership in a mutual or common investment fund that holds securities does not itself constitute a financial interest; holding office in an educational, religious, charitable, service,\* or civic organization does not confer a financial interest in the organization's securities; and a proprietary interest of a policyholder in a mutual insurance company or mutual savings association or similar interest is not a financial interest unless the outcome of the proceeding could substantially affect the value of the interest. A justice shall make reasonable efforts to keep informed about his or her personal and fiduciary\* interests and those of his or her spouse or registered domestic partner\* and of minor children living in the household.**

**(e)(i) The justice or his or her spouse or registered domestic partner,\* or a person within the third degree of relationship\* to either of them, or the spouse or registered domestic partner\* thereof, is a party or an officer, director, or trustee of a party to the proceeding, or**

**(ii) a lawyer or spouse or registered domestic partner\* of a lawyer in the proceeding is the spouse, registered domestic partner,\* former spouse, former**

registered domestic partner,\* child, sibling, or parent of the justice or of the justice’s spouse or registered domestic partner,\* or such a person is associated in the private practice of law with a lawyer in the proceeding.

**(f) The justice**

**(i) served as the judge before whom the proceeding was tried or heard in the lower court,**

**(ii) has personal knowledge\* of disputed evidentiary facts concerning the proceeding, or**

**(iii) has a personal bias or prejudice concerning a party or a party’s lawyer.**

**(g) A temporary or permanent physical impairment renders the justice unable properly to perceive the evidence or conduct the proceedings.**

**(h) The justice has a current arrangement concerning prospective employment or other compensated service as a dispute resolution neutral or is participating in, or, within the last two years has participated in, discussions regarding prospective employment or service as a dispute resolution neutral, or has been engaged in such employment or service, and any of the following applies:**

**(i) The arrangement is, or the prior employment or discussion was, with a party to the proceeding;**

**(ii) The matter before the justice includes issues relating to the enforcement of either an agreement to submit a dispute to an alternative dispute resolution process or an award or other final decision by a dispute resolution neutral;**

**(iii) The justice directs the parties to participate in an alternative dispute resolution process in which the dispute resolution neutral will be an individual or entity with whom the justice has the arrangement, has previously been employed or served, or is discussing or has discussed the employment or service; or**

**(iv) The justice will select a dispute resolution neutral or entity to conduct an alternative dispute resolution process in the matter before the justice, and among those available for selection is an individual or entity with whom the justice has the arrangement, with whom the justice has previously been employed or served, or with whom the justice is discussing or has discussed the employment or service.**

**For purposes of Canon 3E(5)(h), “participating in discussions” or “has participated in discussions” means that the justice (i) solicited or otherwise indicated an interest in accepting or negotiating possible employment or service as an alternative dispute resolution neutral, or (ii) responded to an unsolicited statement regarding, or an**

**offer of, such employment or service by expressing an interest in that employment or service, making any inquiry regarding the employment or service, or encouraging the person making the statement or offer to provide additional information about that possible employment or service. If a justice’s response to an unsolicited statement regarding a question about, or offer of, prospective employment or other compensated service as a dispute resolution neutral is limited to responding negatively, declining the offer, or declining to discuss such employment or service, that response does not constitute participating in discussions.**

**For purposes of Canon 3E(5)(h), “party” includes the parent, subsidiary, or other legal affiliate of any entity that is a party and is involved in the transaction, contract, or facts that gave rise to the issues subject to the proceeding.**

**For purposes of Canon 3E(5)(h), “dispute resolution neutral” means an arbitrator, a mediator, a temporary judge\* appointed under article VI, section 21 of the California Constitution, a referee appointed under Code of Civil Procedure section 638 or 639, a special master, a neutral evaluator, a settlement officer, or a settlement facilitator.**

**(i) The justice’s spouse or registered domestic partner \*a person within the third degree of relationship\* to the justice or his or her spouse or registered domestic partner,\* or the person’s spouse or registered domestic partner,\* was a witness in the proceeding.**

**(j) The justice has received a campaign contribution of \$5,000 or more from a party or lawyer in a matter that is before the court, and either of the following applies:**

**(i) The contribution was received in support of the justice’s last election, if the last election was within the last six years; or**

**(ii) The contribution was received in anticipation of an upcoming election.**

**Notwithstanding Canon 3E(5)(j), a justice shall disqualify himself or herself based on a contribution of a lesser amount if required by Canon 3E(4).**

**The disqualification required under Canon 3E(5)(j) may be waived if all parties that did not make the contribution agree to waive the disqualification.**

*ADVISORY COMMITTEE COMMENTARY: Canon 3E*

*Canon 3E(1) sets forth the general duty to disqualify applicable to a judge of any court. Sources for determining when recusal or disqualification is appropriate may include the applicable provisions of the Code of Civil Procedure, other provisions of the Code of Judicial Ethics, the Code of Conduct for United States Judges, the American Bar Association’s Model Code of Judicial Conduct, and related case law.*



*The decision whether to disclose information under Canon 3E(2) is a decision based on the facts of the case before the judge. A judge is required to disclose only information that is related to the grounds for disqualification set forth in Code of Civil Procedure section 170.1.*

*Canon 3E(4) sets forth the general standards for recusal of an appellate justice. The term “appellate justice” includes justices of both the Courts of Appeal and the Supreme Court. Generally, the provisions concerning disqualification of an appellate justice are intended to assist justices in determining whether recusal is appropriate and to inform the public why recusal may occur.*

*The rule of necessity may override the rule of disqualification. For example, a judge might be required to participate in judicial review of a judicial salary statute, or might be the only judge available in a matter requiring judicial action, such as a hearing on probable cause or a temporary restraining order. In the latter case, the judge must promptly disclose on the record the basis for possible disqualification and use reasonable efforts to transfer the matter to another judge as soon as practicable.*

*In some instances, membership in certain organizations may have the potential to give an appearance of partiality, although membership in the organization generally may not be barred by Canon 2C, Canon 4, or any other specific canon. A judge holding membership in an organization should disqualify himself or herself whenever doing so would be appropriate in accordance with Canon 3E(1), 3E(4), or 3E(5) or statutory requirements. In addition, in some circumstances, the parties or their lawyers may consider a judge’s membership in an organization relevant to the question of disqualification, even if the judge believes there is no actual basis for disqualification. In accordance with this canon, a judge should disclose to the parties his or her membership in an organization, in any proceeding in which that information is reasonably relevant to the question of disqualification under Code of Civil Procedure section 170.1, even if the judge concludes there is no actual basis for disqualification.*

➤ **Historical Note:**

*Commentary following canon 3E amended effective January 1, 2007; previously amended effective December 13, 2000; adopted effective March 4, 1999.*

**Canon 3E(6)**

**(6) It shall not be grounds for disqualification that the justice:**

**(a) Is or is not a member of a racial, ethnic, religious, sexual, or similar group and the proceeding involves the rights of such a group;**

**(b) Has in any capacity expressed a view on a legal or factual issue presented in the proceeding, except as provided in Canon 3E(5)(a), (b), or (c);**

**(c) Has as a lawyer or public official participated in the drafting of laws\* or in the effort to pass or defeat laws,\* the meaning, effect, or application of which is in issue in the proceeding unless the judge believes that his or her prior involvement was so**



**well known\* as to raise a reasonable doubt in the public mind as to his or her capacity to be impartial.\***

*ADVISORY COMMITTEE COMMENTARY: Canon 3E(6)*

*Canon 3E(6) is substantively the same as Code of Civil Procedure section 170.2, which pertains to trial court judges.*

➤ **Historical Notes:**

*Commentary following canon 3E(6) adopted effective December 1, 2016.*

*Canon 3E amended effective December 1, 2016; previously amended effective August 19, 2015, January 1, 2013, April 29, 2009, January 1, 2008, January 1, 2007, January 1, 2005, December 22, 2003, June 18, 2003, December 13, 2000, March 4, 1999, June 19, 1997, and April 15, 1996; adopted effective January 15, 1996.*

## CANON 4

### **A JUDGE SHALL SO CONDUCT THE JUDGE'S QUASI-JUDICIAL AND EXTRAJUDICIAL ACTIVITIES AS TO MINIMIZE THE RISK OF CONFLICT WITH JUDICIAL OBLIGATIONS**

#### **A. Extrajudicial Activities in General**

**A judge shall conduct all of the judge's extrajudicial activities so that they do not**

- (1) cast reasonable doubt on the judge's capacity to act impartially,\***
- (2) demean the judicial office,**
- (3) interfere with the proper performance of judicial duties, or**
- (4) lead to frequent disqualification of the judge.**

#### **B. Quasi-Judicial and Avocational Activities**

**A judge may speak, write, lecture, teach, and participate in activities concerning legal and nonlegal subject matters, subject to the requirements of this code.**

#### **C. Governmental, Civic, or Charitable Activities**

- (1) A judge shall not appear at a public hearing or officially consult with an executive or legislative body or public official except on matters concerning the law, the legal system, or the administration of justice,\* or in matters involving the judge's private economic or personal interests.**
- (2) A judge shall not accept appointment to a governmental committee or commission or other governmental position that is concerned with issues of fact or policy on matters other than the improvement of the law, the legal system, or the administration of justice.\* A judge may, however, serve in the military reserve or represent a national, state, or local government on ceremonial occasions or in connection with historical, educational, or cultural activities.**
- 3) Subject to the following limitations and the other requirements of this code,**
  - (a) a judge may serve as an officer, director, trustee, or nonlegal advisor of an organization or governmental agency devoted to the improvement of the law, the legal system, or the administration of justice\* provided that such position does not constitute a public office within the meaning of article VI, section 17 of the California Constitution;**

**(b) a judge may serve as an officer, director, trustee, or nonlegal advisor of an educational, religious, charitable, service,\* or civic organization not conducted for profit;**

**(c) a judge shall not serve as an officer, director, trustee, or nonlegal advisor if it is likely that the organization**

**(i) will be engaged in judicial proceedings that would ordinarily come before the judge, or**

**(ii) will be engaged frequently in adversary proceedings in the court of which the judge is a member or in any court subject to the appellate jurisdiction of the court of which the judge is a member.**

**(d) a judge as an officer, director, trustee, nonlegal advisor, or as a member or otherwise**

**(i) may assist such an organization in planning fundraising and may participate in the management and investment of the organization's funds. However, a judge shall not personally participate in the solicitation of funds or other fundraising activities, except that a judge may privately solicit funds for such an organization from members of the judge's family\* or from other judges (excluding court commissioners, referees, court-appointed arbitrators, hearing officers, temporary judges\*, and retired judges who serve in the Temporary Assigned Judges Program, practice law, or provide alternative dispute resolution services);**

**(ii) may make recommendations to public and private fund-granting organizations on projects and programs concerning the law, the legal system, or the administration of justice;\***

**(iii) shall not personally participate in membership solicitation if the solicitation might reasonably be perceived as coercive or if the membership solicitation is essentially a fundraising mechanism, except as permitted in Canon 4C(3)(d)(i);**

**(iv) shall not permit the use of the prestige of his or her judicial office for fundraising or membership solicitation but may be a speaker, guest of honor, or recipient of an award for public or charitable service provided the judge does not personally solicit funds and complies with Canons 4A(1), (2), (3), and (4).**

**(e) A judge may encourage lawyers to provide pro bono publico legal services.**

#### **D. Financial Activities**

**(1) A judge shall not engage in financial and business dealings that**

**(a) may reasonably be perceived to exploit the judge's judicial position, or**

**(b) involve the judge in frequent transactions or continuing business relationships with lawyers or other persons likely to appear before the court on which the judge serves.**

**(2) A judge may, subject to the requirements of this code, hold and manage investments of the judge and members of the judge's family,\* including real estate, and engage in other remunerative activities. A judge shall not participate in, nor permit the judge's name to be used in connection with, any business venture or commercial advertising that indicates the judge's title or affiliation with the judiciary or otherwise lend the power or prestige of his or her office to promote a business or any commercial venture.**

**(3) A judge shall not serve as an officer, director, manager, or employee of a business affected with a public interest, including, without limitation, a financial institution, insurance company, or public utility.**

**(4) A judge shall manage personal investments and financial activities so as to minimize the necessity for disqualification. As soon as reasonably possible, a judge shall divest himself or herself of investments and other financial interests that would require frequent disqualification.**

**(5) Under no circumstance shall a judge accept a gift,\* bequest, or favor if the donor is a party whose interests have come or are reasonably likely to come before the judge. A judge shall discourage members of the judge's family residing in the judge's household\* from accepting similar benefits from parties who have come or are reasonably likely to come before the judge.**

**(6) A judge shall not accept and shall discourage members of the judge's family residing in the judge's household\* from accepting a gift,\* bequest, favor, or loan from anyone except as hereinafter set forth. Gifts\* that are permitted by Canons 4D(6)(a) through (i) may only be accepted if the gift,\* bequest, favor, or loan would neither influence nor reasonably be perceived as intended to influence the judge in the performance of judicial duties:**

**(a) a gift,\* bequest, favor, or loan from a person whose preexisting relationship with the judge would prevent the judge under Canon 3E from hearing a case involving that person;**

**(b) a gift\* for a special occasion from a relative or friend, if the gift\* is fairly commensurate with the occasion and the relationship;**

**(c) commercial or financial opportunities and benefits, including special pricing and discounts, and loans from lending institutions in their regular course of business, if the same opportunities and benefits or loans are made available on the same terms to similarly situated persons who are not judges;**

**(d) any gift\* incidental to a public testimonial, or educational or resource materials supplied by publishers on a complimentary basis for official use, or a discounted or complimentary membership in a bar-related association, or an invitation to the judge and the judge's spouse or registered domestic partner\* or guest to attend a bar-related function or an activity devoted to the improvement of the law, the legal system, or the administration of justice;\***

**(e) advances or reimbursement for the reasonable cost of travel, transportation, lodging, and subsistence that is directly related to participation in any judicial, educational, civic, or governmental program or bar-related function or activity devoted to the improvement of the law, the legal system, or the administration of justice;\***

**(f) a gift,\* award, or benefit incident to the business, profession, or other separate activity of a spouse or registered domestic partner\* or other member of the judge's family residing in the judge's household,\* including gifts,\* awards, and benefits for the use of both the spouse or registered domestic partner\* or other family member and the judge;**

**(g) ordinary social hospitality;**

**(h) an invitation to the judge and the judge's spouse, registered domestic partner,\* or guest to attend an event sponsored by an educational, religious, charitable, service,\* or civic organization with which the judge is associated or involved, if the same invitation is offered to persons who are not judges and who are similarly engaged with the organization.**

**(i) a nominal gift,\* provided the gift\* is not from a lawyer, law firm, or other person likely to appear before the court on which the judge serves, unless one or more of the exceptions in this canon applies.**

**(7) A judge may accept the following, provided that doing so would neither influence nor reasonably be perceived as intended to influence the judge in the performance of judicial duties:**

**(a) a scholarship or fellowship awarded on the same terms and based on the same criteria applied to other applicants;**

**(b) rewards and prizes given to competitors or participants in random drawings, contests, or other events that are open to persons who are not judges.**

### **E. Fiduciary\* Activities**

**(1) A judge shall not serve as executor, administrator, or other personal representative, trustee, guardian, attorney in fact, or other fiduciary,\* except for the estate, trust, or person of a member of the judge’s family,\* and then only if such service will not interfere with the proper performance of judicial duties. A judge may, however, act as a health care representative pursuant to an advance health care directive for a person whose preexisting relationship with the judge would prevent the judge from hearing a case involving that person under Canon 3E(1).**

**(2) A judge shall not serve as a fiduciary\* if it is likely that the judge as a fiduciary\* will be engaged in proceedings that would ordinarily come before the judge, or if the estate, trust, or minor or conservatee will be engaged in contested proceedings in the court on which the judge serves or one under its appellate jurisdiction.**

**(3) The same restrictions on financial activities that apply to a judge personally also apply to the judge while acting in a fiduciary\* capacity.**

### **F. Service as Arbitrator or Mediator**

**A judge shall not act as an arbitrator or mediator or otherwise perform judicial functions in a private capacity unless expressly authorized by law.\***

### **G. Practice of Law**

**A judge shall not practice law.**

### **H. Compensation, Reimbursement, and Honoraria**

**A judge may receive compensation and reimbursement of expenses as provided by law\* for the extrajudicial activities permitted by this code, if the source of such payments does not give the appearance of influencing the judge’s performance of judicial duties or otherwise give the appearance of impropriety.\***

**(1) Compensation shall not exceed a reasonable amount nor shall it exceed what a person who is not a judge would receive for the same activity.**

**(2) Expense reimbursement shall be limited to the actual cost of travel, food, lodging, and other costs reasonably incurred by the judge and, where appropriate to the occasion, by the judge’s spouse, registered domestic partner,\* or guest. Any payment in excess of such an amount is compensation.**

**(3) No judge shall accept any honorarium. “Honorarium” means any payment made in consideration for a speech given, an article published, or attendance at any public or private conference, convention, meeting, social event, meal, or like gathering. “Honorarium” does not include earned income for personal services that are**

**customarily provided in connection with the practice of a bona fide business, trade, or profession, such as teaching or writing for a publisher, and does not include fees or other things of value received pursuant to Penal Code section 94.5 for performance of a marriage. For purposes of this canon, “teaching” includes presentations to impart educational information to lawyers in events qualifying for credit under Minimum Continuing Legal Education, to students in bona fide educational institutions, and to associations or groups of judges.**



## Commentary, Notes, and Annotations to Canon 4

### Canon 4A

#### A. Extrajudicial Activities in General

A judge shall conduct all of the judge's extrajudicial activities so that they do not

- (1) cast reasonable doubt on the judge's capacity to act impartially,\*
- (2) demean the judicial office,
- (3) interfere with the proper performance of judicial duties, or
- (4) lead to frequent disqualification of the judge.

#### *ADVISORY COMMITTEE COMMENTARY: Canon 4A*

*Complete separation of a judge from extrajudicial activities is neither possible nor wise; a judge should not become isolated from the community in which he or she lives. Expressions of bias or prejudice by a judge, even outside the judge's judicial activities, may cast reasonable doubt on the judge's capacity to act impartially\* as a judge. Expressions that may do so include inappropriate use of humor or the use of demeaning remarks. See Canon 2C and accompanying Commentary.*

*Because a judge's judicial duties take precedence over all other activities (see Canon 3A), a judge must avoid extrajudicial activities that might reasonably result in the judge being disqualified.*

#### ➤ **Historical Notes:**

*Commentary following canon 4A amended effective January 1, 2013; adopted effective January 15, 1996.*

*Canon 4A amended effective August 19, 2015; previously amended effective January 1, 2013; adopted effective January 15, 1996.*

#### ➤ **CJP Annotations: Canon 4A**

[Administrative Malfeasance/Improper Comments, Treatment of Colleagues and Staff](#)

[Alcohol or Drug Related Criminal Conduct](#)

[Bias/Appearance of Bias Toward a Particular Class](#)

[Bias/Appearance of Bias Not Directed Toward a Particular Class](#)

[Demeanor/Decorum](#)

[Disqualification/Disclosure/Post-Disqualification Conduct](#)

[Improper Business, Financial, or Fiduciary Activities](#)

[Improper Political Activities](#)

[Miscellaneous Off-Bench Conduct](#)  
[Non-Performance of Judicial Functions/Attendance/Sleeping](#)  
[On-Bench Abuse of Authority in Performance of Judicial Duties](#)  
[Sexual Harassment/Inappropriate Workplace Gender Comments](#)

**Administrative Malfeasance/Improper Comments, Treatment of Colleagues and Staff**

An appellate justice engaged in a pattern of sexual harassment toward numerous women that he encountered at the courts where he worked, including a fellow justice, by, among other things, engaging in unwanted touching, making disparaging statements against women, engaging in undignified conduct while intoxicated in some cases while at the courthouse, and making overly personal sexual remarks. Com. on Jud. Performance, [Decision and Order Removing Justice Jeffrey W. Johnson from Office](#) (2020) pp. 25, 55, 60, 64.

A commissioner made profane and derogatory comments about a court interpreter to other court staff and in the presence of the interpreter. Com. on Jud. Performance, [Public Admonishment of Commissioner Mark Kliszewski](#) (2017) pp. 1-2.

A judge advised an African American court employee who participated in a Halloween costume contest that she should not say that racism was the reason that she did not win the contest. [Inquiry Concerning Judge Gary G. Kreep](#) (2017) 3 Cal.5th CJP Supp 1, 49-50.

A judge had an intimate relationship with his court clerk, including engaging in sexual activity in chambers and sending her notes of a sexual nature during court proceedings. Com. on Jud. Performance, [Decision and Order Imposing Censure on Judge Cory Woodward](#) (2014) pp. 3-4.

Among other things, a judge failed to keep the court informed of his whereabouts when he left the country to start medical school, failed to respond to a judicial secretary's inquiries about where he would conduct his calendar, and falsely obtained extensive sick leaves. [Inquiry Concerning Judge Patrick B. Murphy](#) (2001) 48 Cal.4th CJP Supp 179, 200-201.

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## **Alcohol or Drug Related Criminal Conduct**

A judge drove with a blood alcohol content of twice the legal limit, and was convicted of driving under the influence of alcohol. Com. on Jud. Performance, [\*Public Admonishment of Judge Lillian Vega Jacobs\*](#) (2023) pp. 1-2.

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## **Bias/Appearance of Bias Toward a Particular Class**

A commissioner posted information on his public Facebook page that reflected, among other things, anti-Muslim sentiment, anti-gay marriage sentiment, strong political views, and contempt for the poor. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure on Former Commissioner Joseph J. Gianquinto\*](#) (2018) pp. 21-22.

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## **Bias/Appearance of Bias Not Directed Toward a Particular Class**

A judge knowingly made a false statement on Facebook about the personal life of a deputy district attorney who was running for judicial office. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Jeff Ferguson\*](#) (2017) p. 3.

After a verdict for plaintiff movie producer, a judge went to the premiere of the movie at issue in the litigation at the invitation of the plaintiff. Com. on Jud. Performance, [\*Public Admonishment of Judge Judith C. Chirlin\*](#) (1995) p. 1.

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## **Demeanor/Decorum**

A judge, while presiding over a juvenile dependency calendar involving 20 cases, left the courthouse for almost 25 minutes to pick up his children from school. Com. on Jud. Performance, [\*Public Admonishment of Judge Timothy S. Healy\*](#) (2024) p. 17.

An appellate justice engaged in a pattern of sexual harassment toward numerous women that he encountered at the courts where he worked and at professional functions, including a fellow justice and junior attorneys, by, among other things, engaging in unwanted touching, making disparaging statements against women, engaging in undignified conduct while intoxicated in some cases while at the courthouse, and making overly personal sexual remarks. Com. on Jud. Performance, [\*Decision and Order Removing Justice Jeffrey W. Johnson from Office\*](#) (2020) pp. 25, 55, 60, 64.

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A judge advised an African American court employee who participated in a Halloween costume contest that she should not say that racism was the reason that she did not win the contest. [\*Inquiry Concerning Judge Gary G. Kleep\*](#) (2017) 3 Cal.5th CJP Supp 1, 49-50.

A judge had an intimate relationship with his court clerk, including engaging in sexual activity in chambers and sending her notes of a sexual nature during court proceedings. Com. on Jud. Performance, [\*Decision and Order Imposing Censure on Judge Cory Woodward\*](#) (2014) pp. 3-4.

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### **Disqualification/Disclosure/Post-Disqualification Conduct**

A judge, who assigned himself to preside over the domestic violence restraining order (DVRO) calendar, participated in and endorsed fundraisers hosted by a non-profit organization that assisted victims of domestic violence, assisting petitioners with filings and accompanying petitioners to court for hearings. Com. on Jud. Performance, [\*Decision and Order Removing Judge Tony R. Mallery from Office\*](#) (2024) pp. 91-94.

A judge continued to fail to disclose his personal relationship with an attorney who regularly appeared before him even after receiving an earlier public admonishment. Com. on Jud. Performance, [\*Decision and Order Imposing Severe Public Admonishment on Former Judge David A. Mason\*](#) (2020) p. 10.

A judge heard cases involving matters in which the judge served as a fiduciary. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure and Barring Former Judge William H. Sullivan from Receiving Assignments\*](#) (2002) p. 13.

A judge engaged in a sexual relationship with one of three codefendants while she was his probationer and he was presiding over proceedings against her codefendants. [\*Inquiry Concerning Judge George W. Trammell III\*](#) (1999) 48 Cal.4th CJP Supp 56, 64.

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## Improper Business, Financial, or Fiduciary Activities

A judge used his title, prestige of the office, and court resources, materials, and employees to promote a non-profit he founded, and for which he was the chair of the board and CEO. The judge leveraged his judicial position to market his non-profit organization as a service provider for the judge's DUI collaborative court, and conflated the non-profit program with the DUI court's treatment program. In addition, several of the non-profit organization's board members were also affiliated with private companies that did business with the judge's court. Com. on Jud. Performance, [\*In the Matter Concerning Judge Richard A. Vlavianos\*](#) (2023) pp. 3-7.

Among other things, a judge participated in an investment scheme that he suspected might not be legitimate, and which turned out to be fraudulent, provided assurances to investors when he suspected the investment might not be legitimate and otherwise discouraged them from complaining to government authorities, avoided his financial obligations over a substantial period, and failed to communicate with his creditors. Com. on Jud. Performance, [\*Censure and Stipulated Retirement of Judge James I. Aaron\*](#) (2002) pp. 5, 7, 11.

A judge violated his fiduciary duties to his former clients when he loaned himself client trust funds without permission and misused them for his own benefit. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure and Barring Former Judge William H. Sullivan from Receiving Assignments\*](#) (2002) p. 13.

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## Improper Political Activities

A judge used his judicial title to raise campaign funds and promote his exploratory campaign and actual campaign for Attorney General. Com. on Jud. Performance, [\*Public Censure and Bar of Former Judge Steven C. Bailey\*](#) (2019) p. 28.

During his campaign for reelection, a judge made false and misleading statements in response to questions posed by a reporter and threatened to bring legal action to dissuade the publication of facts concerning him that he knew to be true. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure and Barring Judge Vincent J. McGraw from Receiving Assignments\*](#) (2003) pp. 5-6.

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## Miscellaneous Off-Bench Conduct

A judge, while at a party where he consumed alcohol, hugged and grabbed and/or slapped the rear end of everyone at the party, including an acquaintance who specifically told him not to touch her. [\*Decision and Order Imposing Severe Public Censure and Bar Pursuant to Stipulation on Judge Gregory J. Kreis\*](#) (2024) p. 28.

A judge engaged in inappropriate conduct on Facebook and Twitter including posting commentary or “likes” relating to, among other things, the newly elected Los Angeles County District Attorney, controversial political issues, and various groups’ exercise of constitutional rights. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Michael O’Gara\*](#) (2021) pp. 3, 12.

An appellate justice engaged in a pattern of sexual harassment toward numerous women that he encountered at the courts where he worked and at professional functions, including a fellow justice and junior attorneys, by, among other things, engaging in unwanted touching, making disparaging statements against women, engaging in undignified conduct while intoxicated in some cases while at the courthouse, and making overly personal sexual remarks. Com. on Jud. Performance, [\*Decision and Order Removing Justice Jeffrey W. Johnson from Office\*](#) (2020) pp. 25, 55, 60, 64.

A commissioner posted and re-posted information on his public Facebook page that reflected, among other things, anti-Muslim sentiment, anti-gay marriage sentiment, strong political views, and contempt for the poor. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure on Former Commissioner Joseph J. Gianquinto\*](#) (2018) pp. 21-22.

A judge had an intimate relationship with his court clerk, including engaging in sexual activity in chambers and sending her notes of a sexual nature during court proceedings. Com. on Jud. Performance, [\*Decision and Order Imposing Censure on Judge Cory Woodward\*](#) (2014) pp. 3-4.

Among other things, a judge participated in an investment scheme that he suspected might not be legitimate, and which turned out to be fraudulent, provided assurances to investors when he suspected the investment might not be legitimate and otherwise discouraged them from complaining to government authorities, avoided his financial obligations over a substantial period, and failed to communicate with his creditors. Com. on Jud. Performance, [\*Censure and Stipulated Retirement of Judge James I. Aaron\*](#) (2002) pp. 5, 7, 11.

Among other things, a judge failed to keep the court informed of his whereabouts when he left the country to start medical school, failed to respond to a judicial secretary’s inquiries about where he would conduct his calendar, and falsely

obtained extensive sick leaves. [\*Inquiry Concerning Judge Patrick B. Murphy\*](#) (2001) 48 Cal.4th CJP Supp 179, 200-201.

A judge acted as a private arbitrator during filming of a pilot television program for a possible reality series. [\*Inquiry Concerning Judge Kevin A. Ross\*](#) (2005) 49 Cal.4th CJP Supp 79, 135-137.

A judge violated his fiduciary duties to his former clients when he loaned himself client trust funds without permission and misused them for his own benefit. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure and Barring Former Judge William H. Sullivan from Receiving Assignments\*](#) (2002) p. 13.

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### **Non-Performance of Judicial Functions/Attendance/Sleeping**

A judge was absent from the courthouse, without approval or authorization, for at least 155 days – 87 days beyond those allowed for annual leave – and was not present a single Friday for 18 of those 24 months. Com. on Jud. Performance, [\*Decision and Order Imposing Severe Public Censure Pursuant to Stipulation on Judge Howard J. Shore\*](#) (2023) pp. 2-4.

Among other things, a judge failed to keep the court informed of his whereabouts when he left the country to start medical school, failed to respond to a judicial secretary's inquiries about where he would conduct his calendar, and falsely obtained extensive sick leaves. [\*Inquiry Concerning Judge Patrick B. Murphy\*](#) (2001) 48 Cal.4th CJP Supp 179, 200-201.

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### **On-Bench Abuse of Authority in Performance of Judicial Duties**

A judge engaged in a sexual relationship with one of three codefendants while she was his probationer and he was presiding over proceedings against her codefendants. [\*Inquiry Concerning Judge George W. Trammell III\*](#) (1999) 48 Cal.4th CJP Supp 56, 64.

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### **Sexual Harassment/Inappropriate Workplace Gender Comments**

An appellate justice engaged in a pattern of sexual harassment toward numerous women that he encountered at the courts where he worked and at professional functions, including a fellow justice and junior attorneys, by, among other things, engaging in unwanted touching, making disparaging statements against women, engaging in undignified conduct while intoxicated in some cases while at the



courthouse, and making overly personal sexual remarks. Com. on Jud. Performance, [Decision and Order Removing Justice Jeffrey W. Johnson from Office](#) (2020) pp. 25, 55, 60, 64.

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## Canon 4B

### B. Quasi-Judicial and Avocational Activities

**A judge may speak, write, lecture, teach, and participate in activities concerning legal and nonlegal subject matters, subject to the requirements of this code.**

#### *ADVISORY COMMITTEE COMMENTARY: Canon 4B*

*As a judicial officer and person specially learned in the law,\* a judge is in a unique position to contribute to the improvement of the law, the legal system, and the administration of justice,\* including revision of substantive and procedural law\* and improvement of criminal and juvenile justice. To the extent that time permits, a judge may do so, either independently or through a bar or judicial association or other group dedicated to the improvement of the law.\* It may be necessary to promote legal education programs and materials by identifying authors and speakers by judicial title. This is permissible, provided such use of the judicial title does not contravene Canons 2A and 2B.*

*Judges are not precluded by their office from engaging in other social, community, and intellectual endeavors so long as they do not interfere with the obligations under Canons 2C and 4A.*

#### ➤ **Historical Notes:**

*Commentary following canon 4B adopted effective January 15, 1996.*

*Canon 4B amended effective January 1, 2013; adopted effective January 15, 1996.*

## Canon 4C(1)

### C. Governmental, Civic, or Charitable Activities

**(1) A judge shall not appear at a public hearing or officially consult with an executive or legislative body or public official except on matters concerning the law, the legal system, or the administration of justice,\* or in matters involving the judge's private economic or personal interests.**

#### *ADVISORY COMMITTEE COMMENTARY: Canon 4C(1)*

*When deciding whether to appear at a public hearing or to consult with an executive or legislative body or public official on matters concerning the law, the legal system, or the*

*administration of justice,\* a judge should consider if that conduct would violate any other provisions of this code. For a list of factors to consider, see the explanation of “law, the legal system, or the administration of justice” in the Terminology section. See also Canon 2B regarding the obligation to avoid improper influence.*

➤ **Historical Note:**

*Commentary following canon 4C(1) amended effective January 1, 2013; adopted effective January 15, 1996.*

**Canon 4C(2)**

**(2) A judge shall not accept appointment to a governmental committee or commission or other governmental position that is concerned with issues of fact or policy on matters other than the improvement of the law, the legal system, or the administration of justice.\* A judge may, however, serve in the military reserve or represent a national, state, or local government on ceremonial occasions or in connection with historical, educational, or cultural activities.**

*ADVISORY COMMITTEE COMMENTARY: Canon 4C(2)*

*Canon 4C(2) prohibits a judge from accepting any governmental position except one relating to the law, legal system, or administration of justice\* as authorized by Canon 4C(3). The appropriateness of accepting extrajudicial assignments must be assessed in light of the demands on judicial resources and the need to protect the courts from involvement in extrajudicial matters that may prove to be controversial. Judges shall not accept governmental appointments that are likely to interfere with the effectiveness and independence\* of the judiciary, or that constitute a public office within the meaning of article VI, section 17 of the California Constitution.*

*Canon 4C(2) does not govern a judge’s service in a nongovernmental position. See Canon 4C(3) permitting service by a judge with organizations devoted to the improvement of the law, the legal system, or the administration of justice\* and with educational, religious, charitable, service,\* or civic organizations not conducted for profit. For example, service on the board of a public educational institution, other than a law school, would be prohibited under Canon 4C(2), but service on the board of a public law school or any private educational institution would generally be permitted under Canon 4C(3).*

➤ **Historical Note:**

*Commentary following canon 4C(2) adopted effective January 15, 1996.*

**Canon 4C(3)(a)-(b)**

**(3) Subject to the following limitations and the other requirements of this code,**

**(a) a judge may serve as an officer, director, trustee, or nonlegal advisor of an organization or governmental agency devoted to the improvement of the law, the legal system, or the administration of justice\* provided that such position does not constitute a public office within the meaning of article VI, section 17 of the California Constitution;**

**(b) a judge may serve as an officer, director, trustee, or nonlegal advisor of an educational, religious, charitable, service,\* or civic organization not conducted for profit;**

*ADVISORY COMMITTEE COMMENTARY: Canon 4C(3)*

*Canon 4C(3) does not apply to a judge's service in a governmental position unconnected with the improvement of the law, the legal system, or the administration of justice.\* See Canon 4C(2).*

*Canon 4C(3) uses the phrase, "Subject to the following limitations and the other requirements of this code." As an example of the meaning of the phrase, a judge permitted by Canon 4C(3) to serve on the board of a service organization\* may be prohibited from such service by Canon 2C or 4A if the institution practices invidious discrimination or if service on the board otherwise casts reasonable doubt on the judge's capacity to act impartially\* as a judge.*

*Service by a judge on behalf of a civic or charitable organization may be governed by other provisions of Canon 4 in addition to Canon 4C. For example, a judge is prohibited by Canon 4G from serving as a legal advisor to a civic or charitable organization.*

*Service on the board of a homeowners association or a neighborhood protective group is proper if it is related to the protection of the judge's own economic interests. See Canons 4D(2) and 4D(4). See Canon 2B regarding the obligation to avoid improper use of the prestige of a judge's office.*

➤ **Historical Note:**

*Commentary following canon 4C(3) amended effective January 1, 2013; adopted effective January 15, 1996.*

**Canon 4C(3)(c)**

**(c) a judge shall not serve as an officer, director, trustee, or nonlegal advisor if it is likely that the organization**

**(i) will be engaged in judicial proceedings that would ordinarily come before the judge, or**

**(ii) will be engaged frequently in adversary proceedings in the court of which the judge is a member or in any court subject to the appellate jurisdiction of the court of which the judge is a member.**

*ADVISORY COMMITTEE COMMENTARY: Canon 4C(3)(c)*

*The changing nature of some organizations and of their relationship to the law\* makes it necessary for the judge regularly to reexamine the activities of each organization with which the judge is affiliated to determine if it is proper for the judge to continue the affiliation. Some organizations regularly engage in litigation to achieve their goals or fulfill their purposes. Judges should avoid a leadership role in such organizations as it could compromise the appearance of impartiality.\**

➤ **Historical Note:**

*Commentary following canon 4C(3)(c) adopted effective January 15, 1996.*

**Canon 4C(3)(d)**

**(d) a judge as an officer, director, trustee, nonlegal advisor, or as a member or otherwise**

**(i) may assist such an organization in planning fundraising and may participate in the management and investment of the organization's funds. However, a judge shall not personally participate in the solicitation of funds or other fundraising activities, except that a judge may privately solicit funds for such an organization from members of the judge's family\* or from other judges (excluding court commissioners, referees, court-appointed arbitrators, hearing officers, temporary judges\*, and retired judges who serve in the Temporary Assigned Judges Program, practice law, or provide alternative dispute resolution services);**

**(ii) may make recommendations to public and private fund-granting organizations on projects and programs concerning the law, the legal system, or the administration of justice;\***

**(iii) shall not personally participate in membership solicitation if the solicitation might reasonably be perceived as coercive or if the membership solicitation is essentially a fundraising mechanism, except as permitted in Canon 4C(3)(d)(i);**

**(iv) shall not permit the use of the prestige of his or her judicial office for fundraising or membership solicitation but may be a speaker, guest of honor, or recipient of an award for public or charitable service provided the judge does not personally solicit funds and complies with Canons 4A(1), (2), (3), and (4).**

*ADVISORY COMMITTEE COMMENTARY: Canon 4C(3)(d)*

*A judge may solicit membership or endorse or encourage membership efforts for an organization devoted to the improvement of the law, the legal system, or the administration of justice,\* or a nonprofit educational, religious, charitable, service,\* or civic organization as long as the solicitation cannot reasonably be perceived as coercive and is not essentially a fundraising mechanism. Solicitation of funds or memberships for an organization similarly involves the danger that the person solicited will feel obligated to respond favorably if the solicitor is in a position of influence or control. A judge must not engage in direct, individual solicitation of funds or memberships in person, in writing, or by telephone except in the following cases: (1) a judge may solicit other judges (excluding court commissioners, referees, court-appointed arbitrators, hearing officers, temporary judges\*, and retired judges who serve in the Temporary Assigned Judges Program, practice law, or provide alternative dispute resolution services) for funds or memberships; (2) a judge may solicit other persons for membership in the organizations described above if neither those persons nor persons with whom they are affiliated are likely ever to appear before the court on which the judge serves; and (3) a judge who is an officer of such an organization may send a general membership solicitation mailing over the judge's signature.*

*When deciding whether to make recommendations to public and private fund-granting organizations on projects and programs concerning the law, the legal system, or the administration of justice,\* a judge should consider whether that conduct would violate any other provision of this code. For a list of factors to consider, see the explanation of "law, the legal system, or the administration of justice" in the Terminology section.*

*Use of an organization's letterhead for fundraising or membership solicitation does not violate Canon 4C(3)(d), provided the letterhead lists only the judge's name and office or other position in the organization, and designates the judge's judicial title only if other persons whose names appear on the letterhead have comparable designations. In addition, a judge must also make reasonable efforts to ensure that the judge's staff, court officials, and others subject to the judge's direction and control do not solicit funds on the judge's behalf for any purpose, charitable or otherwise.*

➤ **Historical Note:**

*Commentary following canon 4C(3)(d) amended effective July 1, 2020; previously amended effective January 1, 2013, March 4, 1999; adopted effective January 15, 1996.*

➤ **CJP Annotation: Canon 4C(3)(d)**

A judge allowed his name and likeness to promote two fundraising events with which he had been associated before becoming a judge when he acted as a judge at one event and cooked and cleaned at the other event. Com. on Jud. Performance, [Decision and Order Removing Judge Tony R. Mallery from Office](#) (2024) pp. 91-94.

In organizing annual missionary trips to Africa and auction events to raise money for those trips, a judge solicited donations from fellow judicial officers, law enforcement officers, attorneys, and local businesspeople, solicited attendance at the auction, acted as auctioneer, and used his judicial secretary to create documents relating to fundraising on

court letterhead. Com. on Jud. Performance, [Decision and Order Imposing Public Admonishment on Former Judge Robert D. Quall](#) (2008) p. 7.

### Canon 4C(3)(e)

**(e) A judge may encourage lawyers to provide pro bono publico legal services.**

*ADVISORY COMMITTEE COMMENTARY: Canon 4C(3)(e)*

*In addition to appointing lawyers to serve as counsel for indigent parties in individual cases, a judge may promote broader access to justice by encouraging lawyers to participate in pro bono publico legal services, as long as the judge does not employ coercion or abuse the prestige of judicial office.*

➤ **Historical Notes:**

*Commentary following canon 4C(3)(e) adopted effective January 1, 2013.*

*Canon 4C amended effective July 1, 2020; previously amended effective August 19, 2015, January 1, 2013; adopted effective January 15, 1996.*

### Canon 4D(1)

#### **D. Financial Activities**

**(1) A judge shall not engage in financial and business dealings that**

**(a) may reasonably be perceived to exploit the judge's judicial position, or**

**(b) involve the judge in frequent transactions or continuing business relationships with lawyers or other persons likely to appear before the court on which the judge serves.**

*ADVISORY COMMITTEE COMMENTARY: Canon 4D(1)*

*The Time for Compliance provision of this code (Canon 6F) postpones the time for compliance with certain provisions of this canon in some cases.*

*A judge must avoid financial and business dealings that involve the judge in frequent transactions or continuing business relationships with persons likely to appear either before the judge personally or before other judges on the judge's court. A judge shall discourage members of the judge's family\* from engaging in dealings that would reasonably appear to exploit the judge's judicial position or that would involve family members in frequent transactions or continuing business relationships with persons likely to appear before the judge. This rule is necessary to avoid creating an appearance of exploitation of office or favoritism and to minimize the potential for disqualification.*



*Participation by a judge in financial and business dealings is subject to the general prohibitions in Canon 4A against activities that tend to reflect adversely on impartiality,\* demean the judicial office, or interfere with the proper performance of judicial duties. Such participation is also subject to the general prohibition in Canon 2 against activities involving impropriety\* or the appearance of impropriety\* and the prohibition in Canon 2B against the misuse of the prestige of judicial office.*

*In addition, a judge must maintain high standards of conduct in all of the judge's activities, as set forth in Canon 1.*

➤ **Historical Note:**

*Commentary following canon 4D(1) adopted effective January 15, 1996.*

➤ **CJP Annotations: Canon 4D(1):**

A judge used his title, prestige of the office, and court resources, materials, and employees to promote a non-profit he founded, and for which he was the chair of the board and CEO. The judge leveraged his judicial position to market his non-profit organization as a service provider for the judge's DUI collaborative court, and conflated the non-profit program with the DUI court's treatment program. In addition, several of the non-profit organization's board members were also affiliated with private companies that did business with the judge's court. Com. on Jud. Performance, [\*In the Matter Concerning Judge Richard A. Vlavianos\*](#) (2023) pp. 3-7.

A judge was involved in a fraudulent investment scheme with an attorney who frequently appeared before the court and dissuaded that attorney and others from complaining about the scheme to governmental authorities. Com. on Jud. Performance, [\*Censure and Stipulated Retirement of Judge James I. Aaron\*](#) (2002) pp. 5, 7.

A judge repeatedly appointed an attorney with whom he had a financial relationship to represent criminal defendants. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge John P. Shook\*](#) (1998) p. 3.

A judge requested and received personal loans from a lifelong friend who was also a clerk in the judge's court and from a police lieutenant who regularly presented the judge with complaints and warrant applications. [\*Judge Glenda Kraft Doan, a Judge of the Municipal Court, v. Commission on Judicial Performance\*](#) (1995) 11 Cal.4th 294, 331-332.

A judge owned property with an attorney who regularly appeared before the judge and failed to disclose that property interest in cases involving that attorney. [\*David M. Kennick, a Judge of the Municipal Court v. Commission on Judicial Performance\*](#) (1990) 50 Cal.3d 297, 329 [interpreting former canon 5C(1).]



#### Canon 4D(2)

**(2) A judge may, subject to the requirements of this code, hold and manage investments of the judge and members of the judge's family,\* including real estate, and engage in other remunerative activities. A judge shall not participate in, nor permit the judge's name to be used in connection with, any business venture or commercial advertising that indicates the judge's title or affiliation with the judiciary or otherwise lend the power or prestige of his or her office to promote a business or any commercial venture.**

➤ **CJP Annotation: Canon 4D(2)**

A judge used his judicial title while acting as a private arbitrator during filming of a pilot television program for a possible reality series. [\*Inquiry Concerning Judge Kevin A. Ross\*](#) (2005) 49 Cal.4th CJP Supp 79, 135-136.

#### Canon 4D(3)

**(3) A judge shall not serve as an officer, director, manager, or employee of a business affected with a public interest, including, without limitation, a financial institution, insurance company, or public utility.**

*ADVISORY COMMITTEE COMMENTARY: Canon 4D(3)*

*Although participation by a judge in business activities might otherwise be permitted by Canon 4D, a judge may be prohibited from participation by other provisions of this code when, for example, the business entity frequently appears before the judge's court or the participation requires significant time away from judicial duties. Similarly, a judge must avoid participating in any business activity if the judge's participation would involve misuse of the prestige of judicial office. See Canon 2B.*

➤ **Historical Note:**

*Commentary following canon 4D(3) adopted effective January 15, 1996.*

#### Canon 4D(4)-(5)

**(4) A judge shall manage personal investments and financial activities so as to minimize the necessity for disqualification. As soon as reasonably possible, a judge shall divest himself or herself of investments and other financial interests that would require frequent disqualification.**

**(5) Under no circumstance shall a judge accept a gift,\* bequest, or favor if the donor is a party whose interests have come or are reasonably likely to come before the judge. A judge shall discourage members of the judge's family residing in the judge's**

**household\* from accepting similar benefits from parties who have come or are reasonably likely to come before the judge.**

*ADVISORY COMMITTEE COMMENTARY: Canon 4D(5)*

*In addition to the prohibitions set forth in Canon 4D(5) regarding gifts,\* other laws\* may be applicable to judges, including, for example, Code of Civil Procedure section 170.9 and the Political Reform Act of 1974 (Gov. Code, § 81000 et seq.).*

*Canon 4D(5) does not apply to contributions to a judge's campaign for judicial office, a matter governed by Canon 5, although such contributions may give rise to an obligation by the judge to disqualify or disclose. See Canon 3E(2)(b) and accompanying Commentary and Code of Civil Procedure section 170.1, subdivision (a)(9).*

*Because a gift,\* bequest, or favor to a member of the judge's family residing in the judge's household\* might be viewed as intended to influence the judge, a judge must inform those family members of the relevant ethical constraints upon the judge in this regard and urge them to take these constraints into account when making decisions about accepting such gifts,\* bequests, or favors. A judge cannot, however, reasonably be expected to know or control all of the financial or business activities of all family members residing in the judge's household.\**

*The application of Canon 4D(5) requires recognition that a judge cannot reasonably be expected to anticipate all persons or interests that may come before the court.*

➤ **Historical Note:**

*Commentary following canon 4D(5) amended effective January 1, 2013; previously amended March 4, 1999; adopted effective January 15, 1996.*

➤ **CJP Annotation: Canon 4D(5)**

Among other things, a judge accepted a loan of a laptop computer from an attorney who regularly appeared before him and participated in fishing trips organized by a law firm whose interests regularly came before the court. [Adams v. Commission on Judicial Performance](#) (1995) 10 Cal.4th 866, 899-900 [interpreting former canon 5C(4).]

**Canon 4D(6)**

**(6) A judge shall not accept and shall discourage members of the judge's family residing in the judge's household\* from accepting a gift,\* bequest, favor, or loan from anyone except as hereinafter set forth. Gifts\* that are permitted by Canons 4D(6)(a) through (i) may only be accepted if the gift,\* bequest, favor, or loan would neither influence nor reasonably be perceived as intended to influence the judge in the performance of judicial duties:**

➤ **CJP Annotations: Canon 4D(6)**

A judge accepted gifts of tickets to charity events from an organization that frequently appeared before the judge, accepted gifts, including a round of golf, from an attorney

friend whom the judge appointed as a special master, and accepted a ticket to a charity event from his alma mater. Com. on Jud. Performance, [Public Censure and Bar of Former Judge Steven C. Bailey](#) (2019) p. 17-18.

A judge took financial control over his elderly neighbors' assets and made a loan to himself. Com. on Jud. Performance, [Decision and Order Imposing Public Censure and Bar of Former Judge Paul D. Seeman](#) (2013) p. 6.

#### Canon 4D(6)(a)

**(a) a gift,\* bequest, favor, or loan from a person whose preexisting relationship with the judge would prevent the judge under Canon 3E from hearing a case involving that person;**

*ADVISORY COMMITTEE COMMENTARY: Canon 4D(6)(a)*

*Upon appointment or election as a judge or within a reasonable period of time thereafter, a judge may attend an event honoring the judge's appointment or election as a judge provided that (1) the judge would otherwise be disqualified from hearing any matter involving the person or entity holding or funding the event, and (2) a reasonable person would not conclude that attendance at the event undermines the judge's integrity,\* impartiality,\* or independence.\**

➤ **Historical Note:**

*Commentary following canon 4D(6)(a) adopted effective January 1, 2013.*

#### Canon 4D(6)(b)

**(b) a gift\* for a special occasion from a relative or friend, if the gift\* is fairly commensurate with the occasion and the relationship;**

*ADVISORY COMMITTEE COMMENTARY: Canon 4D(6)(b)*

*A gift\* to a judge, or to a member of the judge's family residing in the judge's household,\* that is excessive in value raises questions about the judge's impartiality\* and the integrity\* of the judicial office and might require disqualification of the judge where disqualification would not otherwise be required. See, however, Canon 4D(6)(a).*

➤ **Historical Note:**

*Commentary following canon 4D(6)(b) adopted effective January 15, 1996.*

**Canon 4D(6)(c)-(e)**

**(c) commercial or financial opportunities and benefits, including special pricing and discounts, and loans from lending institutions in their regular course of business, if the same opportunities and benefits or loans are made available on the same terms to similarly situated persons who are not judges;**

**(d) any gift\* incidental to a public testimonial, or educational or resource materials supplied by publishers on a complimentary basis for official use, or a discounted or complimentary membership in a bar-related association, or an invitation to the judge and the judge's spouse or registered domestic partner\* or guest to attend a bar-related function or an activity devoted to the improvement of the law, the legal system, or the administration of justice;\***

**(e) advances or reimbursement for the reasonable cost of travel, transportation, lodging, and subsistence that is directly related to participation in any judicial, educational, civic, or governmental program or bar-related function or activity devoted to the improvement of the law, the legal system, or the administration of justice;\***

*ADVISORY COMMITTEE COMMENTARY: Canon 4D(6)(e)*

*Acceptance of an invitation to a law-related function is governed by Canon 4D(6)(d); acceptance of an invitation paid for by an individual lawyer or group of lawyers is governed by Canon 4D(6)(g). See also Canon 4H(2) and accompanying Commentary.*

➤ **Historical Note:**

*Commentary following canon 4D(6)(e) adopted effective January 15, 1996.*

**Canon 4D(6)(f)-(g)**

**(f) a gift,\* award, or benefit incident to the business, profession, or other separate activity of a spouse or registered domestic partner\* or other member of the judge's family residing in the judge's household,\* including gifts,\* awards, and benefits for the use of both the spouse or registered domestic partner\* or other family member and the judge;**

**(g) ordinary social hospitality;**

*ADVISORY COMMITTEE COMMENTARY: Canon 4D(6)(g)*

*Although Canon 4D(6)(g) does not preclude ordinary social hospitality, a judge should carefully weigh acceptance of such hospitality to avoid any appearance of impropriety\* or bias or any appearance that the judge is misusing the prestige of judicial office. See Canons 2 and*

2B. A judge should also consider whether acceptance would affect the integrity, \* impartiality, \* or independence\* of the judiciary. See Canon 2A.

➤ **Historical Note:**

*Commentary following Canon 4D(6)(g) amended effective January 1, 2013; adopted effective January 15, 1996.*

➤ **CJP Annotation: Canon 4D(6)(g)**

Dinners hosted by an attorney and attended by a judge, including one to celebrate a sizeable ruling by the judge in favor of the attorney, did not constitute ordinary social hospitality. *Adams v. Commission on Judicial Performance* (1995) 10 Cal.4th 866, 892 [interpreting former canon 5C(4)(b).]

**Canon 4D(6)(h)-(i)**

**(h) an invitation to the judge and the judge’s spouse, registered domestic partner,\* or guest to attend an event sponsored by an educational, religious, charitable, service,\* or civic organization with which the judge is associated or involved, if the same invitation is offered to persons who are not judges and who are similarly engaged with the organization.**

**(i) a nominal gift,\* provided the gift\* is not from a lawyer, law firm, or other person likely to appear before the court on which the judge serves, unless one or more of the exceptions in this canon applies.**

*ADVISORY COMMITTEE COMMENTARY: Canon 4D(6)(i)*

*For example, nominal gifts\* include snacks or a token memento from jurors, keychains or pends provided by vendors at legal conferences, or handicrafts or art projects from students.*

*A judge should carefully weigh acceptance of any nominal gift to avoid any appearance of impropriety\* or bias or any appearance that the judge is misusing the prestige of judicial office. See Canons 2 and 2B. A judge should also consider whether acceptance would affect the integrity, \* impartiality, \* or independence\* of the judiciary. See Canon 2A.*

➤ **Historical Note:**

*Commentary following Canon 4D(6)(i) adopted effective October 10, 2018.*

**Canon 4D(7)**

**(7) A judge may accept the following, provided that doing so would neither influence nor reasonably be perceived as intended to influence the judge in the performance of judicial duties:**

**(a) a scholarship or fellowship awarded on the same terms and based on the same criteria applied to other applicants;**

**(b) rewards and prizes given to competitors or participants in random drawings, contests, or other events that are open to persons who are not judges.**

*ADVISORY COMMITTEE COMMENTARY: Canons 4D(6) and 4D(7)*

*The references to such scholarships, fellowships, rewards, and prizes were moved from Canon 4D(6) to Canon 4D(7) because they are not considered to be gifts\* under this code, and a judge may accept them.*

➤ **Historical Notes:**

*Commentary following canons 4D(6) and 4D(7) adopted effective January 21, 2015.*

*Canon 4D amended effective July 1, 2020; previously amended effective October 10, 2018, August 19, 2015, January 1, 2013, January 1, 2007; adopted effective January 15, 1996.*

**Canon 4E**

**E. Fiduciary\* Activities**

**(1) A judge shall not serve as executor, administrator, or other personal representative, trustee, guardian, attorney in fact, or other fiduciary,\* except for the estate, trust, or person of a member of the judge's family,\* and then only if such service will not interfere with the proper performance of judicial duties. A judge may, however, act as a health care representative pursuant to an advance health care directive for a person whose preexisting relationship with the judge would prevent the judge from hearing a case involving that person under Canon 3E(1).**

**(2) A judge shall not serve as a fiduciary\* if it is likely that the judge as a fiduciary\* will be engaged in proceedings that would ordinarily come before the judge, or if the estate, trust, or minor or conservatee will be engaged in contested proceedings in the court on which the judge serves or one under its appellate jurisdiction.**

**(3) The same restrictions on financial activities that apply to a judge personally also apply to the judge while acting in a fiduciary\* capacity.**

*ADVISORY COMMITTEE COMMENTARY: Canon 4E*

*The Time for Compliance provision of this code (Canon 6F) postpones the time for compliance with certain provisions of this canon in some cases.*

*The restrictions imposed by this canon may conflict with the judge's obligation as a fiduciary.\* For example, a judge shall resign as trustee if detriment to the trust would result*

*from divestiture of trust holdings the retention of which would place the judge in violation of Canon 4D(4).*

➤ **Historical Notes:**

*Commentary following canon 4E adopted effective January 15, 1996.*

*Canon 4E amended effective July 1, 2020; previously amended effective August 19, 2015, January 1, 2013; adopted effective January 15, 1996.*

➤ **CJP Annotations: Canon 4E(1)**

A judge took financial control over his elderly neighbors' assets, acted as their fiduciary, and made a loan to himself. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure and Bar of Former Judge Paul D. Seeman\*](#) (2013) p. 6.

A judge served as a trustee for several trusts of non-family members. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure and Barring Former Judge William H. Sullivan from Receiving Assignments\*](#) (2002) p. 13.

**Canon 4F**

**F. Service as Arbitrator or Mediator**

**A judge shall not act as an arbitrator or mediator or otherwise perform judicial functions in a private capacity unless expressly authorized by law.\***

*ADVISORY COMMITTEE COMMENTARY: Canon 4F*

*Canon 4F does not prohibit a judge from participating in arbitration, mediation, or settlement conferences performed as part of his or her judicial duties.*

➤ **Historical Notes:**

*Commentary following canon 4F adopted effective January 15, 1996.*

*Canon 4F adopted effective January 15, 1996.*

➤ **CJP Annotation: Canon 4F**

A judge acted as a private arbitrator during filming of a pilot television program for a possible reality series. [\*Inquiry Concerning Judge Kevin A. Ross\*](#) (2005) 49 Cal.4th CJP Supp 79, 135.



## Canon 4G

### G. Practice of Law

#### A judge shall not practice law.

##### *ADVISORY COMMITTEE COMMENTARY: Canon 4G*

*This prohibition refers to the practice of law in a representative capacity and not in a pro se capacity. A judge may act for himself or herself in all legal matters, including matters involving litigation and matters involving appearances before or other dealings with legislative and other governmental bodies. However, in so doing, a judge must not abuse the prestige of office to advance the interests of the judge or member of the judge's family.\* See Canon 2B.*

*This prohibition applies to subordinate judicial officers,\* magistrates, special masters, and judges of the State Bar Court.*

#### ➤ Historical Notes:

*Commentary following canon 4G amended effective January 1, 2005; adopted effective January 15, 1996.*

*Canon 4G amended effective January 1, 2005; adopted effective January 15, 1996.*

#### ➤ CJP Annotations: Canon 4G

A judge provided legal advice to a friend regarding family law issues during the four-year period while the judge presided over the family law calendar. [\*Decision and Order Imposing Severe Public Censure and Bar Pursuant to Stipulation on Judge Gregory J. Kreis\*](#) (2024) p. 15.

A judge remained counsel of record in a federal matter after he was sworn in as a judge and rendered an opinion in court on the legal effect of a theft conviction and counseled defendants on what they should say to potential employers about the conviction. [\*Inquiry Concerning Judge Gary G. Kleep\*](#) (2017) 3 Cal.5th CJP Supp 1, 22-24; 38-39.

A judge provided legal advice to the son of his courtroom clerk. [\*Inquiry Concerning Judge Valeriano Saucedo\*](#) (2015) 62 Cal.4th CJP Supp. 1, 43.

## Canon 4H

### H. Compensation, Reimbursement, and Honoraria

**A judge may receive compensation and reimbursement of expenses as provided by law\* for the extrajudicial activities permitted by this code, if the source of such payments does not give the appearance of influencing the judge's performance of judicial duties or otherwise give the appearance of impropriety.\***

**(1) Compensation shall not exceed a reasonable amount nor shall it exceed what a person who is not a judge would receive for the same activity.**

**(2) Expense reimbursement shall be limited to the actual cost of travel, food, lodging, and other costs reasonably incurred by the judge and, where appropriate to the occasion, by the judge's spouse, registered domestic partner,\* or guest. Any payment in excess of such an amount is compensation.**

**(3) No judge shall accept any honorarium. "Honorarium" means any payment made in consideration for a speech given, an article published, or attendance at any public or private conference, convention, meeting, social event, meal, or like gathering. "Honorarium" does not include earned income for personal services that are customarily provided in connection with the practice of a bona fide business, trade, or profession, such as teaching or writing for a publisher, and does not include fees or other things of value received pursuant to Penal Code section 94.5 for performance of a marriage. For purposes of this canon, "teaching" includes presentations to impart educational information to lawyers in events qualifying for credit under Minimum Continuing Legal Education, to students in bona fide educational institutions, and to associations or groups of judges.**

*ADVISORY COMMITTEE COMMENTARY: Canon 4H*

*Judges should not accept compensation or reimbursement of expenses if acceptance would appear to a reasonable person to undermine the judge's integrity,\* impartiality,\* or independence.\**

*A judge must assure himself or herself that acceptance of reimbursement or fee waivers would not appear to a reasonable person to undermine the judge's independence,\* integrity,\* or impartiality.\* The factors a judge should consider when deciding whether to accept reimbursement or a fee waiver for attendance at a particular activity include whether:*

*(a) the sponsor is an accredited educational institution or bar association rather than a trade association or a for-profit entity;*

*(b) the funding comes largely from numerous contributors rather than from a single entity, and whether the funding is earmarked for programs with specific content;*

*(c) the content is related or unrelated to the subject matter of a pending\* or impending\* proceeding before the judge, or to matters that are likely to come before the judge;*

*(d) the activity is primarily educational rather than recreational, and whether the costs of the event are reasonable and comparable to those associated with similar events sponsored by the judiciary, bar associations, or similar groups;*

*(e) information concerning the activity and its funding sources is available upon inquiry;*

*(f) the sponsor or source of funding is generally associated with particular parties or interests currently appearing or likely to appear in the judge's court, thus possibly requiring disqualification of the judge;*

*(g) differing viewpoints are presented;*

*(h) a broad range of judicial and nonjudicial participants are invited; or*

*(i) the program is designed specifically for judges.*

*Judges should be aware of the statutory limitations on accepting gifts.\**

➤ **Historical Notes:**

*Commentary following canon 4H amended effective January 1, 2013; previously amended effective March 4, 1999; adopted effective January 15, 1996.*

*Canon 4H amended effective October 10, 2018; previously amended effective August 19, 2015, January 1, 2013 and January 1, 2007; adopted effective January 15, 1996.*

## **CANON 5**

### **A JUDGE OR CANDIDATE FOR JUDICIAL OFFICE\* SHALL NOT ENGAGE IN POLITICAL OR CAMPAIGN ACTIVITY THAT IS INCONSISTENT WITH THE INDEPENDENCE,\* INTEGRITY,\* OR IMPARTIALITY\* OF THE JUDICIARY**

**Judges and candidates for judicial office\* are entitled to entertain their personal views on political questions. They are not required to surrender their rights or opinions as citizens. They shall, however, not engage in political activity that may create the appearance of political bias or impropriety.\* Judicial independence,\* impartiality,\* and integrity\* shall dictate the conduct of judges and candidates for judicial office.\***

**Judges and candidates for judicial office\* shall comply with all applicable election, election campaign, and election campaign fundraising laws\* and regulations.**

#### **A. Political Organizations\***

**Judges and candidates for judicial office\* shall not**

**(1) act as leaders or hold any office in a political organization;\***

**(2) make speeches for a political organization\* or candidate for nonjudicial office, or publicly endorse or publicly oppose a candidate for nonjudicial office; or**

**(3) personally solicit funds for a political organization\* or nonjudicial candidate; or make contributions to a political party or political organization\* or to a nonjudicial candidate in excess of \$500 in any calendar year per political party or political organization\* or candidate, or in excess of an aggregate of \$1,000 in any calendar year for all political parties or political organizations\* or nonjudicial candidates.**

#### **B. Conduct During Judicial Campaigns and Appointment Process**

**(1) A candidate for judicial office\* or an applicant seeking appointment to judicial office shall not:**

**(a) make statements to the electorate or the appointing authority that commit the candidate or the applicant with respect to cases, controversies, or issues that are likely to come before the courts, or**

**(b) knowingly,\* or with reckless disregard for the truth, make false or misleading statements about the identity, qualifications, present position, or any other fact concerning himself or herself or his or her opponent or other applicants.**

**(2) A candidate for judicial office\* shall review and approve the content of all campaign statements and materials produced by the candidate or his or her campaign committee before its dissemination. A candidate shall take appropriate corrective action if the candidate learns of any misrepresentations made in his or her campaign statements or materials. A candidate shall take reasonable measures to prevent any**

**misrepresentations being made in his or her support by third parties. A candidate shall take reasonable measures to ensure that appropriate corrective action is taken if the candidate learns of any misrepresentations being made in his or her support by third parties.**

**(3) Every candidate for judicial office\* shall complete a judicial campaign ethics course approved by the Supreme Court no earlier than one year before or no later than 60 days after the filing of a declaration of intention by the candidate, the formation of a campaign committee, or the receipt of any campaign contribution, whichever is earliest. If a judge appears on the ballot as a result of a petition indicating that a write-in campaign will be conducted for the office, the judge shall complete the course no later than 60 days after receiving notice of the filing of the petition, the formation of a campaign committee, or the receipt of any campaign contribution, whichever is earliest.**

**Unless a judge forms a campaign committee or solicits or receives campaign contributions, this requirement does not apply to judges who are unopposed for election and will not appear on the ballot.**

**Unless an appellate justice forms a campaign committee or solicits or receives campaign contributions, this requirement does not apply to appellate justices.**

**(4) In judicial elections, judges may solicit campaign contributions or endorsements for their own campaigns or for other judges and attorneys who are candidates for judicial office.\* Judges are permitted to solicit such contributions and endorsements from anyone, including attorneys and other judges, except that a judge shall not solicit campaign contributions or endorsements from California state court commissioners, referees, court-appointed arbitrators, hearing officers, and retired judges serving in the Assigned Judges Program, or from California state court personnel. In soliciting campaign contributions or endorsements, a judge shall not use the prestige of judicial office in a manner that would reasonably be perceived as coercive. See Canons 1, 2, 2A, and 2B.**

### **C. Speaking at Political Gatherings**

**Candidates for judicial office\* may speak to political gatherings only on their own behalf or on behalf of another candidate for judicial office.\***

### **D. Measures to Improve the Law**

**A judge or candidate for judicial office\* may engage in activity in relation to measures concerning improvement of the law, the legal system, or the administration of justice,\* only if the conduct is consistent with this code.**

## Commentary, Notes, and Annotations to Canon 5

### Canon 5

**Judges and candidates for judicial office\* are entitled to entertain their personal views on political questions. They are not required to surrender their rights or opinions as citizens. They shall, however, not engage in political activity that may create the appearance of political bias or impropriety.\* Judicial independence,\* impartiality,\* and integrity\* shall dictate the conduct of judges and candidates for judicial office.\***

**Judges and candidates for judicial office\* shall comply with all applicable election, election campaign, and election campaign fundraising laws\* and regulations.**

*ADVISORY COMMITTEE COMMENTARY: Canon 5*

*The term “political activity” should not be construed so narrowly as to prevent private comment.*

#### ➤ Historical Notes:

*Commentary following canon 5 amended effective August 19, 2015; adopted effective January 15, 1996.*

*Canon 5 amended effective January 1, 2013; adopted effective January 15, 1996.*

#### ➤ CJP Annotations: Canon 5

A judge, during his re-election campaign for judicial office, participated in an online judicial debate where his campaign sign was visible during the debate and videos supporting his campaign were filmed in his chambers. [\*Decision and Order Imposing Severe Public Censure and Bar Pursuant to Stipulation on Judge Gregory J. Kreis\*](#) (2024) p. 32.

A judge actively participated as a member of a large partisan Facebook group to recall the recently elected district attorney of the county in which the judge sat. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Michael O’Gara\*](#) (2021) p. 3.

A judge solicited campaign contributions and endorsements, spoke frequently at political and campaign events as a candidate or potential candidate for Attorney General, and violated California law by soliciting and accepting campaign contributions before filing his Candidate Intention Statement. Com. on Jud. Performance, [\*Public Censure and Bar of Former Judge Steven C. Bailey\*](#) (2019) pp. 28, 36-37.

During his campaign for judicial office, a judge failed to disclose thousands of dollars in accrued campaign expenses and failed to correct that failure before he took the bench. [\*Inquiry Concerning Judge Gary G. Kreep\*](#) (2017) 3 Cal.5th CJP Supp 1, 19-21.

A judge knowingly made a false statement on Facebook about the personal life of a deputy district attorney who was running for judicial office. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Jeff Ferguson\*](#) (2017) p. 3.

A judge failed to report the true source of a significant contribution to her campaign and commingled personal, business, and campaign funds. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment on Judge Tara M. Flanagan\*](#) (2017) p. 3.

A judge recommended that an organization delay its candidate endorsement decision, giving the impression that he was opposing a candidate for nonjudicial office. Com. on Jud. Performance, [\*Decision and Order Imposing Public Admonishment of Former Judge Paul E. Zellerbach\*](#) (2011) p. 4.

A judge commingled campaign and personal funds, concealed the true source of significant campaign contributions, and filed four sworn campaign statements containing false information. [\*Inquiry Concerning Judge Diana R. Hall\*](#) (2006) 49 Cal.4th CJP Supp 146, 162.

During his campaign for reelection, a judge, among other things, solicited signatures of court staff on petitions and left the courthouse before his calendar and arrived late for his calendar after attending to campaign-related activities. Com. On Jud. Performance, [\*Decision and Order Imposing Public Censure and Barring Judge Vincent J. McGraw from Receiving Assignments\*](#) (2003) pp. 6-7.

#### Canon 5A(1)

##### A. Political Organizations\*

Judges and candidates for judicial office\* shall not

**(1) act as leaders or hold any office in a political organization;\***

➤ **CJP Annotation: Canon 5A(1)**

During his campaign for judicial office, a judge failed to resign as president or chairman of several political organizations. [\*Inquiry Concerning Judge Gary G. Kreep\*](#) (2017) 3 Cal.5th CJP Supp 1, 14.

#### Canon 5A(2)

**(2) make speeches for a political organization\* or candidate for nonjudicial office, or publicly endorse or publicly oppose a candidate for nonjudicial office; or**



➤ **CJP Annotations: Canon 5A(2)**

A commissioner posted information on his public Facebook page that reflected, among other things, strong opposition to presidential candidate Hillary Clinton and strong praise for presidential candidate Donald Trump. Com. On Jud. Performance, [Decision and Order Imposing Public Censure on Former Commissioner Joseph J. Gianquinto](#) (2018) p. 22.

During his campaign for judicial office, a judge publicly opposed former President Barack Obama's reelection. [Inquiry Concerning Judge Gary G. Kreep](#) (2017) 3 Cal.5th CJP Supp 1, 19.

A judge recommended that an organization delay its candidate endorsement decision, giving the impression that he was opposing a candidate for nonjudicial office. Com. On Jud. Performance, [Decision and Order Imposing Public Admonishment of Former Judge Paul E. Zellerbach](#) (2011) p. 4.

**Canon 5A(3)**

**(3) personally solicit funds for a political organization\* or nonjudicial candidate; or make contributions to a political party or political organization\* or to a nonjudicial candidate in excess of \$500 in any calendar year per political party or political organization\* or candidate, or in excess of an aggregate of \$1,000 in any calendar year for all political parties or political organizations\* or nonjudicial candidates.**

➤ **CJP Annotations: Canon 5A(3)**

A judge solicited campaign contributions and endorsements and spoke frequently at political and campaign events as a candidate or potential candidate for Attorney General. Com. On Jud. Performance, [Public Censure and Bar of Former Judge Steven C. Bailey](#) (2019) p. 28.

A judge made political contributions from his own campaign funds to nonjudicial candidates. Com. On Jud. Performance, [Public Reproval of Judge Calvin P. Schmidt](#) (1989) p. 2 [interpreting former canon 7.]

*ADVISORY COMMITTEE COMMENTARY: Canon 5A*

*This provision does not prohibit a judge or a candidate for judicial office\* from signing a petition to qualify a measure for the ballot, provided the judge does not use his or her official title.*

*Although attendance at political gatherings is not prohibited, any such attendance should be restricted so that it would not constitute an express public endorsement of a nonjudicial candidate or a measure not affecting the law, the legal system, or the administration of justice\* otherwise prohibited by this canon.*

*Subject to the monetary limitation herein to political contributions, a judge or a candidate for judicial office\* may purchase tickets for political dinners or other similar dinner functions. Any admission price to such a political dinner or function in excess of the actual cost of the meal will be considered a political contribution. The prohibition in Canon 5A(3) does not preclude judges from contributing to a campaign fund for distribution among judges who are candidates for reelection or retention, nor does it apply to contributions to any judge or candidate for judicial office.\**

*Under this canon, a judge may publicly endorse or oppose a candidate for judicial office.\* Such positions are permitted because judicial officers have a special obligation to uphold the integrity,\* impartiality,\* and independence\* of the judiciary and are in a unique position to know the qualifications necessary to serve as a competent judicial officer.*

*Although family members of the judge or candidate for judicial office\* are not subject to the provisions of this code, a judge or candidate for judicial office\* shall not avoid compliance with this code by making contributions through a spouse or registered domestic partner\* or other family member.*

➤ **Historical Notes:**

*Commentary following canon 5A amended effective July 1, 2020; previously amended effective October 10, 2018, August 19, 2015, January 21, 2015, January 1, 2013, July 1, 2006, March 4, 1999; adopted effective January 15, 1996.*

*Canon 5A amended effective August 19, 2015; previously amended effective January 1, 2007; adopted effective January 15, 1996.*

**Canon 5B(1)-(3)**

**B. Conduct During Judicial Campaigns and Appointment Process**

**(1) A candidate for judicial office\* or an applicant seeking appointment to judicial office shall not:**

**(a) make statements to the electorate or the appointing authority that commit the candidate or the applicant with respect to cases, controversies, or issues that are likely to come before the courts, or**

**(b) knowingly,\* or with reckless disregard for the truth, make false or misleading statements about the identity, qualifications, present position, or any other fact concerning himself or herself or his or her opponent or other applicants.**

**(2) A candidate for judicial office\* shall review and approve the content of all campaign statements and materials produced by the candidate or his or her campaign committee before its dissemination. A candidate shall take appropriate corrective action if the candidate learns of any misrepresentations made in his or her campaign statements or materials. A candidate shall take reasonable measures to prevent any**

**misrepresentations being made in his or her support by third parties. A candidate shall take reasonable measures to ensure that appropriate corrective action is taken if the candidate learns of any misrepresentations being made in his or her support by third parties.**

**(3) Every candidate for judicial office\* shall complete a judicial campaign ethics course approved by the Supreme Court no earlier than one year before or no later than 60 days after the filing of a declaration of intention by the candidate, the formation of a campaign committee, or the receipt of any campaign contribution, whichever is earliest. If a judge appears on the ballot as a result of a petition indicating that a write-in campaign will be conducted for the office, the judge shall complete the course no later than 60 days after receiving notice of the filing of the petition, the formation of a campaign committee, or the receipt of any campaign contribution, whichever is earliest.**

**Unless a judge forms a campaign committee or solicits or receives campaign contributions, this requirement does not apply to judges who are unopposed for election and will not appear on the ballot.**

**Unless an appellate justice forms a campaign committee or solicits or receives campaign contributions, this requirement does not apply to appellate justices.**

*ADVISORY COMMITTEE COMMENTARY: Canon 5B*

*The purpose of Canon 5B is to preserve the integrity\* of the appointive and elective process for judicial office and to ensure that the public has accurate information about candidates for judicial office.\* Compliance with these provisions will enhance the integrity,\* impartiality,\* and independence\* of the judiciary and better inform the public about qualifications of candidates for judicial office.\**

*This code does not contain the “announce clause” that was the subject of the United States Supreme Court’s decision in Republican Party of Minnesota v. White (2002) 536 U.S. 765. That opinion did not address the “commit clause,” which is contained in Canon 5B(1)(a). The phrase “appear to commit” has been deleted because, although candidates for judicial office\* cannot promise to take a particular position on cases, controversies, or issues prior to taking the bench and presiding over individual cases, the phrase may have been overinclusive.*

*Canon 5B(1)(b) prohibits knowingly making false or misleading statements, during an election campaign because doing so would violate Canons 1 and 2A, and may violate other canons.*

*The time limit for completing a judicial campaign ethics course in Canon 5B(3) is triggered by the earliest of one of the following: the filing of a declaration of intention, the formation of a campaign committee, or the receipt of any campaign contribution. If a judge’s name appears on the ballot as a result of a petition indicating that a write-in campaign will be conducted, the time limit for completing the course is triggered by the earliest of one of the following: the notice of the filing of the petition, the formation of a campaign committee, or the receipt of any campaign contribution. A financial contribution by a candidate for judicial office\* to his or her own campaign constitutes receipt of a campaign contribution.*

➤ **Historical Note:**

*Commentary following canon 5A amended effective October 10, 2018; previously amended effective December 1, 2016, August 19, 2015, January 21, 2015 and January 1, 2013; adopted effective January 15, 1996.*

➤ **CJP Annotations: Canon 5B**

A judge, during his re-election campaign for judicial office, participated in an online judicial debate where he stated that he had “never been disciplined” even though he had been disciplined by the Commission on Judicial Performance approximately five years earlier. [\*Decision and Order Imposing Severe Public Censure and Bar Pursuant to Stipulation on Judge Gregory J. Kreis\*](#) (2024) pp. 31-32.

During his campaign for judicial office, a judge failed to ensure the accuracy of statements made on his campaign website. [\*Inquiry Concerning Judge Gary G. Kreep\*](#) (2017) 3 Cal.5th CJP Supp 1, 10-12, 15.

During his campaign for reelection, a judge made false and misleading statements in response to questions posed by a reporter and threatened to bring a legal action to dissuade questions posed by a television reporter and to dissuade the publication of facts concerning him that he knew to be true. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure and Barring Judge Vincent J. McGraw from Receiving Assignments\*](#) (2003) pp. 2-6.

A judge made false statements regarding his qualifications for judicial office on several personal data questionnaires and made false statements to other judges about his status as a veteran. [\*Inquiry Concerning Judge Patrick Couwenberg\*](#) (2001) 48 Cal.4th CJP Supp. 205, 220-221.

**Canon 5B(4)**

**(4) In judicial elections, judges may solicit campaign contributions or endorsements for their own campaigns or for other judges and attorneys who are candidates for judicial office.\* Judges are permitted to solicit such contributions and endorsements from anyone, including attorneys and other judges, except that a judge shall not solicit campaign contributions or endorsements from California state court commissioners, referees, court-appointed arbitrators, hearing officers, and retired judges serving in the Assigned Judges Program, or from California state court personnel. In soliciting campaign contributions or endorsements, a judge shall not use the prestige of judicial office in a manner that would reasonably be perceived as coercive. See Canons 1, 2, 2A, and 2B.**

*ADVISORY COMMITTEE COMMENTARY: Canon 5B(4)*

*Regarding campaign contributions for a judge's own campaign, see Canon 3E(2)(b) and accompanying Commentary addressing disclosure of campaign contributions. See also Code of Civil Procedure section 170.1, subdivision (a)(9), which provides that a judge is disqualified if the judge has received a campaign contribution exceeding \$1,500 from a party or an attorney in the proceeding. Although it is improper for a judge to receive a gift\* from an attorney subject to exceptions noted in Canon 4D(6), a judge's campaign may receive attorney contributions. See also Government Code section 8314, which prohibits any elected state or local officer from using public resources, including buildings, telephones, and state-compensated time, for a campaign activity. Under section 8314, subdivision (b)(2), "campaign activity" does not include "the incidental and minimal use of public resources, such as equipment or office space, for campaign purposes, including the referral of unsolicited political mail, telephone calls, and visitors to private political entities."*

*Even though it is permissible for a judge to solicit endorsements and campaign funds for attorneys who are candidates for judicial office,\* the judge must be cautious. Such solicitation may raise issues of disqualification and disclosure under Code of Civil Procedure section 170.1, subdivision (a), and Canon 3E. Even if the judge is not disqualified, disclosure may be required under Canon 3E(2)(a). For example, a judge who has solicited campaign funds or endorsements for a candidate who is an attorney must consider disclosing that solicitation in all cases in which the attorney candidate appears before the judge. The judge should also consider Canon 4A(1) and Canon 4A(4), which require a judge to conduct extrajudicial activities so they do not cast reasonable doubt on the judge's capacity to act impartially\* or lead to frequent disqualification.*

*"Judicial elections" includes recall elections.*

➤ **Historical Notes:**

*Commentary following canon 5B(4) amended effective July 1, 2020; adopted effective October 10, 2018.*

*Canon 5B amended effective October 10, 2018; previously amended effective December 1, 2016, August 19, 2015, January 1, 2013, and December 22, 2003; adopted effective January 15, 1996.*

**Canon 5C**

**C. Speaking at Political Gatherings**

**Candidates for judicial office\* may speak to political gatherings only on their own behalf or on behalf of another candidate for judicial office.\***

➤ **Historical Note:**

*Canon 5C adopted effective January 15, 1996.*

## Canon 5D

### D. Measures to Improve the Law

**A judge or candidate for judicial office\* may engage in activity in relation to measures concerning improvement of the law, the legal system, or the administration of justice,\* only if the conduct is consistent with this code.**

#### *ADVISORY COMMITTEE COMMENTARY: Canon 5D*

*When deciding whether to engage in activity relating to measures concerning the law, the legal system, or the administration of justice,\* such as commenting publicly on ballot measures, a judge must consider whether the conduct would violate any other provisions of this code. See the explanation of “law, the legal system, or the administration of justice” in the Terminology section.*

#### ➤ **Historical Notes:**

*Commentary following canon 5D adopted effective January 1, 2013.*

*Canon 5D amended effective January 1, 2013; adopted effective January 15, 1996.*

#### ➤ **CJP Annotation: Canon 5D**

A commissioner posted information on his public Facebook page that demonstrated, among other things, lack of respect for the federal justice system. Com. on Jud. Performance, [\*Decision and Order Imposing Public Censure on Former Commissioner Joseph J. Gianquinto\*](#) (2018) pp. 21-22.

## CANON 6

### COMPLIANCE WITH THE CODE OF JUDICIAL ETHICS

#### A. Judges

Anyone who is an officer of the state judicial system and who performs judicial functions including, but not limited to, a subordinate judicial officer,\* a magistrate, a court-appointed arbitrator, a judge of the State Bar Court, a temporary judge,\* or a special master, is a judge within the meaning of this code. All judges shall comply with this code except as provided below.

#### B. Retired Judge Serving in the Assigned Judges Program

A retired judge who has filed an application to serve on assignment, meets the eligibility requirements set by the Chief Justice for service, and has received an acknowledgment of participation in the Assigned Judges Program shall comply with all provisions of this code, except for the following:

4C(2)--Appointment to governmental positions

4E--Fiduciary\* activities

#### C. Retired Judge as Arbitrator or Mediator

A retired judge serving in the Temporary Assigned Judges Program is not required to comply with Canon 4F of this code relating to serving as an arbitrator or mediator, or performing judicial functions in a private capacity, except as otherwise provided in the Standards and Guidelines for Judicial Assignments promulgated by the Chief Justice.

#### D. Temporary Judge,\* Referee, or Court-Appointed Arbitrator<sup>1</sup>

A temporary judge,\* a person serving as a referee pursuant to Code of Civil Procedure section 638 or 639, or a court-appointed arbitrator shall comply only with the following code provisions:

(1) A temporary judge,\* a referee, or a court-appointed arbitrator shall comply with Canons 1 [integrity\* and independence\* of the judiciary], 2A [promoting public confidence], 3B(3) [order and decorum], 3B(4) [patient, dignified, and courteous treatment], 3B(6) [require\* lawyers to refrain from manifestations of any form of bias or prejudice], 3D(1) [action regarding misconduct by another judge], and 3D(2) [action regarding misconduct by a lawyer], when the temporary judge,\* referee, or court-

<sup>1</sup> Reference should be made to relevant commentary to analogous or individual canons cited or described in this canon and appearing elsewhere in this code.



**appointed arbitrator is actually presiding in a proceeding or communicating with the parties, counsel, or staff or court personnel while serving in the capacity of a temporary judge,\* referee, or court-appointed arbitrator in the case.**

**(2) A temporary judge,\* referee, or court-appointed arbitrator shall, from the time of notice and acceptance of appointment until termination of the appointment:**

**(a) Comply with Canons 2B(1) [not allow family or other relationships to influence judicial conduct], 3B(1) [hear and decide all matters unless disqualified], 3B(2) [be faithful to and maintain competence in the law\*], 3B(5) [perform judicial duties without bias or prejudice], 3B(7) [accord full right to be heard to those entitled; avoid ex parte communications, except as specified], 3B(8) [dispose of matters fairly and promptly], 3B(12) [remain impartial\* and not engage in coercive conduct during efforts to resolve disputes], 3C(1) [discharge administrative responsibilities without bias and with competence and cooperatively], 3C(3) [require\* staff and court personnel to observe standards of conduct and refrain from bias and prejudice], and 3C(5) [make only fair, necessary, and appropriate appointments];**

**(b) Not personally solicit memberships or donations for religious, service,\* educational, civic, or charitable organizations from the parties and lawyers appearing before the temporary judge,\* referee, or court-appointed arbitrator;**

**(c) Under no circumstance accept a gift,\* bequest, or favor if the donor is a party, person, or entity whose interests are reasonably likely to come before the temporary judge,\* referee, or court-appointed arbitrator. A temporary judge,\* referee, or court-appointed arbitrator shall discourage members of the judge's family residing in the judge's household\* from accepting benefits from parties who are reasonably likely to come before the temporary judge,\* referee, or court-appointed arbitrator.**

**(3) A temporary judge\* shall, from the time of notice and acceptance of appointment until termination of the appointment, disqualify himself or herself in any proceeding as follows:**

**(a) A temporary judge\*--other than a temporary judge solely conducting settlement conferences--is disqualified to serve in a proceeding if any one or more of the following are true:**

**(i) the temporary judge\* has personal knowledge\* (as defined in Code of Civil Procedure section 170.1, subdivision (a)(1)) of disputed evidentiary facts concerning the proceeding;**

**(ii) the temporary judge\* has served as a lawyer (as defined in Code of Civil Procedure section 170.1, subdivision (a)(2)) in the proceeding;**

**(iii) the temporary judge,\* within the past five years, has given legal advice to, or served as a lawyer (as defined in Code of Civil Procedure section 170.1,**

subdivision (a)(2)), except that this provision requires disqualification if the temporary judge\* represented a party in the past five years rather than the two-year period specified in section 170.1, subdivision (a)(2)) for a party in the present proceeding;

(iv) the temporary judge\* has a financial interest (as defined in Code of Civil Procedure sections 170.1, subdivision (a)(3) and 170.5) in the subject matter in the proceeding or in a party to the proceeding;

(v) the temporary judge,\* or the spouse or registered domestic partner\* of the temporary judge,\* or a person within the third degree of relationship\* to either of them, or the spouse or registered domestic partner\* of such a person is a party to the proceeding or is an officer, director, or trustee of a party;

(vi) a lawyer or a spouse or registered domestic partner\* of a lawyer in the proceeding is the spouse, former spouse, registered domestic partner,\* former registered domestic partner,\* child, sibling, or parent of the temporary judge\* or the temporary judge's spouse or registered domestic partner,\* or if such a person is associated in the private practice of law with a lawyer in the proceeding;

(vii) for any reason:

(A) the temporary judge\* believes his or her recusal would further the interests of justice;

(B) the temporary judge\* believes there is a substantial doubt as to his or her capacity to be impartial;\* or

(C) a person aware of the facts might reasonably entertain a doubt that the temporary judge\* would be able to be impartial.\* Bias or prejudice toward an attorney in the proceeding may be grounds for disqualification; or

(viii) the temporary judge\* has received a campaign contribution of \$1,500 or more from a party or lawyer in a matter that is before the court and the contribution was received in anticipation of an upcoming election.

(b) A temporary judge\* before whom a proceeding was tried or heard is disqualified from participating in any appellate review of that proceeding.

(c) If the temporary judge\* has a current arrangement concerning prospective employment or other compensated service as a dispute resolution neutral or is participating in, or, within the last two years has participated in, discussions

regarding prospective employment or service as a dispute resolution neutral, or has been engaged in such employment or service, and any of the following applies:

- (i) The arrangement or current employment is, or the prior employment or discussion was, with a party to the proceeding;
- (ii) The temporary judge\* directs the parties to participate in an alternative dispute resolution process in which the dispute resolution neutral will be an individual or entity with whom the temporary judge\* has the arrangement, is currently employed or serves, has previously been employed or served, or is discussing or has discussed the employment or service;
- (iii) The temporary judge\* will select a dispute resolution neutral or entity to conduct an alternative dispute resolution process in the matter before the temporary judge,\* and among those available for selection is an individual or entity with whom the temporary judge\* has the arrangement, is currently employed or serves, has previously been employed or served, or is discussing or has discussed the employment or service.

For the purposes of Canon 6D(3)(c), the definitions of “participating in discussions,” “has participated in discussions,” “party,” and “dispute resolution neutral” are set forth in Code of Civil Procedure section 170.1, subdivision (a)(8), except that the words “temporary judge” shall be substituted for the word “judge” in such definitions.

(d) A lawyer is disqualified from serving as a temporary judge\* in a family law or unlawful detainer proceeding if in the same type of proceeding:

- (i) the lawyer holds himself or herself out to the public as representing exclusively one side; or
- (ii) the lawyer represents one side in 90 percent or more of the cases in which he or she appears.

(4) After a temporary judge\* who has determined himself or herself to be disqualified from serving under Canon 6D(3)(a)-(d) has disclosed the basis for his or her disqualification on the record, the parties and their lawyers may agree to waive the disqualification and the temporary judge\* may accept the waiver. The temporary judge\* shall not seek to induce a waiver and shall avoid any effort to discover which lawyers or parties favored or opposed a waiver.

(5) A temporary judge,\* referee, or court-appointed arbitrator shall, from the time of notice and acceptance of appointment until termination of the appointment:

- (a) In all proceedings, disclose in writing or on the record information as required by law,\* or information that is reasonably relevant to the question of

disqualification under Canon 6D(3), including personal or professional relationships known\* to the temporary judge,\* referee, or court-appointed arbitrator, that he or she or his or her law firm has had with a party, lawyer, or law firm in the current proceeding, even though the temporary judge,\* referee, or court-appointed arbitrator concludes that there is no actual basis for disqualification; and

(b) In all proceedings, disclose in writing or on the record membership of the temporary judge,\* referee, or court-appointed arbitrator in any organization that practices invidious discrimination on the basis of race, sex, gender, religion, national origin, ethnicity, or sexual orientation, except for membership in a religious organization.

(6) A temporary judge,\* referee, or court-appointed arbitrator, from the time of notice and acceptance of appointment until the case is no longer pending in any court, shall not make any public comment about a pending\* or impending\* proceeding in which the temporary judge,\* referee, or court-appointed arbitrator has been engaged, and shall not make any nonpublic comment that might substantially interfere with such proceeding. The temporary judge,\* referee, or court-appointed arbitrator shall require\* similar abstention on the part of staff and court personnel subject to his or her control. This canon does not prohibit the following:

(a) Statements made in the course of the official duties of the temporary judge,\* referee, or court-appointed arbitrator; and

(b) Explanations about the procedures of the court.

(7) From the time of appointment and continuing for two years after the case is no longer pending\* in any court, a temporary judge,\* referee, or court-appointed arbitrator shall under no circumstances accept a gift,\* bequest, or favor from a party, person, or entity whose interests have come before the temporary judge,\* referee, or court-appointed arbitrator in the matter. The temporary judge,\* referee, or court-appointed arbitrator shall discourage family members residing in the household of the temporary judge,\* referee, or court-appointed arbitrator from accepting any benefits from such parties, persons or entities during the time period stated in this subdivision. The demand for or receipt by a temporary judge,\* referee, or court-appointed arbitrator of a fee for his or her services rendered or to be rendered would not be a violation of this canon.

(8) A temporary judge,\* referee, or court-appointed arbitrator shall, from the time of notice and acceptance of appointment and continuing indefinitely after the termination of the appointment:

(a) Comply with Canon 3B(11) [no disclosure of nonpublic information\* acquired in a judicial capacity] (except as required by law\*);

**(b) Not commend or criticize jurors sitting in a proceeding before the temporary judge,\* referee, or court-appointed arbitrator for their verdict other than in a court order or opinion in such proceeding, but may express appreciation to jurors for their service to the judicial system and the community; and**

**(c) Not lend the prestige of judicial office to advance his, her, or another person's pecuniary or personal interests and not use his or her judicial title in any written communication intended to advance his, her, or another person's pecuniary or personal interests, except to show his, her, or another person's qualifications.**

**(9) (a) A temporary judge\* appointed under rule 2.810 of the California Rules of Court, from the time of the appointment and continuing indefinitely after the termination of the appointment, shall not use his or her title or service as a temporary judge\* (1) as a description of the lawyer's current or former principal profession, vocation, or occupation on a ballot designation for judicial or other elected office, (2) in an advertisement about the lawyer's law firm or business, or (3) on a letterhead, business card, or other document that is distributed to the public identifying the lawyer or the lawyer's law firm.**

**(b) This canon does not prohibit a temporary judge\* appointed under rule 2.810 of the California Rules of Court from using his or her title or service as a temporary judge\* on an application to serve as a temporary judge,\* including an application in other courts, on an application for employment or for an appointment to a judicial position, on an individual resume or a descriptive statement submitted in connection with an application for employment or for appointment or election to a judicial position, or in response to a request for information about the public service in which the lawyer has engaged.**

**(10) A temporary judge,\* referee, or court-appointed arbitrator shall comply with Canon 6D(2) until the appointment has been terminated formally or until there is no reasonable probability that the temporary judge,\* referee, or court-appointed arbitrator will further participate in the matter. A rebuttable presumption that the appointment has been formally terminated will arise if, within one year from the appointment or from the date of the last hearing scheduled in the matter, whichever is later, neither the appointing court nor counsel for any party in the matter has informed the temporary judge,\* referee, or court-appointed arbitrator that the appointment remains in effect.**

**(11) A lawyer who has been a temporary judge,\* referee, or court-appointed arbitrator in a matter shall not accept any representation relating to the matter without the informed written consent of all parties.**

**(12) When by reason of serving as a temporary judge,\* referee, or court-appointed arbitrator in a matter, he or she has received confidential information from a party, the person shall not, without the informed written consent of the party, accept employment in another matter in which the confidential information is material.**

#### **E. Judicial Candidate**

**A candidate for judicial office\* shall comply with the provisions of Canon 5.**

#### **F. Time for Compliance**

**A person to whom this code becomes applicable shall comply immediately with all provisions of this code except Canons 4D(4) and 4E and shall comply with Canons 4D(4) and 4E as soon as reasonably possible and in any event within a period of one year.**

**G. (Canon 6G repealed effective June 1, 2005; adopted December 30, 2002.)**

#### **H. Judges on Leave Running for Other Public Office**

**A judge who is on leave while running for other public office pursuant to article VI, section 17 of the California Constitution shall comply with all provisions of this code, except for the following, insofar as the conduct relates to the campaign for public office for which the judge is on leave:**

**2B(2)--Lending the prestige of judicial office to advance the judge's personal interest**

**4C(1)--Appearing at public hearings**

**5--Engaging in political activity (including soliciting and accepting campaign contributions for the other public office).**

## Commentary, Notes, and Annotations to Canon 6

### Canon 6A

#### A. Judges

**Anyone who is an officer of the state judicial system and who performs judicial functions including, but not limited to, a subordinate judicial officer,\* a magistrate, a court-appointed arbitrator, a judge of the State Bar Court, a temporary judge,\* or a special master, is a judge within the meaning of this code. All judges shall comply with this code except as provided below.**

*ADVISORY COMMITTEE COMMENTARY: Canon 6A*

*For the purposes of this canon, if a retired judge is serving in the Assigned Judges Program, the judge is considered to “perform judicial functions.” Because retired judges who are privately retained may perform judicial functions, their conduct while performing those functions should be guided by this code.*

#### ➤ Historical Notes:

*Commentary following canon 6A adopted effective January 15, 1996.*

*Canon 6A amended effective August 19, 2015; previously amended effective January 1, 2013 and January 1, 2005; adopted effective January 15, 1996.*

### Canon 6B

#### B. Retired Judge Serving in the Assigned Judges Program

**A retired judge who has filed an application to serve on assignment, meets the eligibility requirements set by the Chief Justice for service, and has received an acknowledgment of participation in the Assigned Judges Program shall comply with all provisions of this code, except for the following:**

**4C(2)--Appointment to governmental positions**

**4E--Fiduciary\* activities**

#### ➤ Historical Note:

*Canon 6B amended effective January 1, 2013; previously amended effective January 1, 2005; adopted effective January 15, 1996.*



## Canon 6C

### C. Retired Judge as Arbitrator or Mediator

**A retired judge serving in the Temporary Assigned Judges Program is not required to comply with Canon 4F of this code relating to serving as an arbitrator or mediator, or performing judicial functions in a private capacity, except as otherwise provided in the Standards and Guidelines for Judicial Assignments promulgated by the Chief Justice.**

#### *ADVISORY COMMITTEE COMMENTARY: Canon 6C*

*Article VI, section 6 of the California Constitution provides that a “retired judge who consents may be assigned to any court” by the Chief Justice. Retired judges who are serving in the Assigned Judges Program pursuant to the above provision are bound by Canon 6B, including the requirement of Canon 4G barring the practice of law. Other provisions of California law,\* and standards and guidelines for eligibility and service set by the Chief Justice, further define the limitations on who may serve on assignment.*

#### ➤ **Historical Notes:**

*Commentary following canon 6C adopted effective January 15, 1996.*

*Canon 6C amended effective January 1, 2013; adopted effective January 15, 1996.*

## Canon 6D(1)-(3)(a)(iii)

### D. Temporary Judge,\* Referee, or Court-Appointed Arbitrator<sup>1</sup>

**A temporary judge,\* a person serving as a referee pursuant to Code of Civil Procedure section 638 or 639, or a court-appointed arbitrator shall comply only with the following code provisions:**

**(1) A temporary judge,\* a referee, or a court-appointed arbitrator shall comply with Canons 1 [integrity\* and independence\* of the judiciary], 2A [promoting public confidence], 3B(3) [order and decorum], 3B(4) [patient, dignified, and courteous treatment], 3B(6) [require\* lawyers to refrain from manifestations of any form of bias or prejudice], 3D(1) [action regarding misconduct by another judge], and 3D(2) [action regarding misconduct by a lawyer], when the temporary judge,\* referee, or court-appointed arbitrator is actually presiding in a proceeding or communicating with the parties, counsel, or staff or court personnel while serving in the capacity of a temporary judge,\* referee, or court-appointed arbitrator in the case.**

<sup>1</sup> Reference should be made to relevant commentary to analogous or individual canons cited or described in this canon and appearing elsewhere in this code.

**(2) A temporary judge,\* referee, or court-appointed arbitrator shall, from the time of notice and acceptance of appointment until termination of the appointment:**

**(a) Comply with Canons 2B(1) [not allow family or other relationships to influence judicial conduct], 3B(1) [hear and decide all matters unless disqualified], 3B(2) [be faithful to and maintain competence in the law\*], 3B(5) [perform judicial duties without bias or prejudice], 3B(7) [accord full right to be heard to those entitled; avoid ex parte communications, except as specified], 3B(8) [dispose of matters fairly and promptly], 3B(12) [remain impartial\* and not engage in coercive conduct during efforts to resolve disputes], 3C(1) [discharge administrative responsibilities without bias and with competence and cooperatively], 3C(3) [require\* staff and court personnel to observe standards of conduct and refrain from bias and prejudice], and 3C(5) [make only fair, necessary, and appropriate appointments];**

**(b) Not personally solicit memberships or donations for religious, service,\* educational, civic, or charitable organizations from the parties and lawyers appearing before the temporary judge,\* referee, or court-appointed arbitrator;**

**(c) Under no circumstance accept a gift,\* bequest, or favor if the donor is a party, person, or entity whose interests are reasonably likely to come before the temporary judge,\* referee, or court-appointed arbitrator. A temporary judge,\* referee, or court-appointed arbitrator shall discourage members of the judge's family residing in the judge's household\* from accepting benefits from parties who are reasonably likely to come before the temporary judge,\* referee, or court-appointed arbitrator.**

**(3) A temporary judge\* shall, from the time of notice and acceptance of appointment until termination of the appointment, disqualify himself or herself in any proceeding as follows:**

**(a) A temporary judge\*--other than a temporary judge solely conducting settlement conferences--is disqualified to serve in a proceeding if any one or more of the following are true:**

**(i) the temporary judge\* has personal knowledge\* (as defined in Code of Civil Procedure section 170.1, subdivision (a)(1)) of disputed evidentiary facts concerning the proceeding;**

**(ii) the temporary judge\* has served as a lawyer (as defined in Code of Civil Procedure section 170.1, subdivision (a)(2)) in the proceeding;**

**(iii) the temporary judge,\* within the past five years, has given legal advice to, or served as a lawyer (as defined in Code of Civil Procedure section 170.1, subdivision (a)(2)), except that this provision requires disqualification if the temporary judge\* represented a party in the past five years rather than the two-year period specified in section 170.1, subdivision (a)(2)) for a party in the present proceeding;**

*ADVISORY COMMITTEE COMMENTARY: Canon 6D(3)(a)(iii)*

*The application of Canon 6D(3)(a)(iii), providing that a temporary judge\* is disqualified if he or she has given legal advice or served as a lawyer for a party to the proceeding in the past five years, may depend on the type of assignment and the amount of time available to investigate whether the temporary judge\* has previously represented a party. If time permits, the temporary judge\* must conduct such an investigation. Thus, if a temporary judge\* is privately compensated by the parties or is presiding over a particular matter known\* in advance of the hearing, the temporary judge\* is presumed to have adequate time to investigate. If, however, a temporary judge\* is assigned to a high volume calendar, such as traffic or small claims, and has not been provided with the names of the parties prior to the assignment, the temporary judge\* may rely on his or her memory to determine whether he or she has previously represented a party.*

➤ **Historical Note:**

*Commentary following canon 6D(3)(a)(iii) adopted effective January 21, 2015.*

**Canon 6D(3)(a)(iv)-(d)(ii)**

**(iv) the temporary judge\* has a financial interest (as defined in Code of Civil Procedure sections 170.1, subdivision (a)(3) and 170.5) in the subject matter in the proceeding or in a party to the proceeding;**

**(v) the temporary judge,\* or the spouse or registered domestic partner\* of the temporary judge,\* or a person within the third degree of relationship\* to either of them, or the spouse or registered domestic partner\* of such a person is a party to the proceeding or is an officer, director, or trustee of a party;**

**(vi) a lawyer or a spouse or registered domestic partner\* of a lawyer in the proceeding is the spouse, former spouse, registered domestic partner,\* former registered domestic partner,\* child, sibling, or parent of the temporary judge\* or the temporary judge's spouse or registered domestic partner,\* or if such a person is associated in the private practice of law with a lawyer in the proceeding;**

**(vii) for any reason:**

**(A) the temporary judge\* believes his or her recusal would further the interests of justice;**

**(B) the temporary judge\* believes there is a substantial doubt as to his or her capacity to be impartial;\* or**

**(C) a person aware of the facts might reasonably entertain a doubt that the temporary judge\* would be able to be impartial.\* Bias or**

**prejudice toward an attorney in the proceeding may be grounds for disqualification; or**

**(viii) the temporary judge\* has received a campaign contribution of \$1,500 or more from a party or lawyer in a matter that is before the court and the contribution was received in anticipation of an upcoming election.**

**(b) A temporary judge\* before whom a proceeding was tried or heard is disqualified from participating in any appellate review of that proceeding.**

**(c) If the temporary judge\* has a current arrangement concerning prospective employment or other compensated service as a dispute resolution neutral or is participating in, or, within the last two years has participated in, discussions regarding prospective employment or service as a dispute resolution neutral, or has been engaged in such employment or service, and any of the following applies:**

**(i) The arrangement or current employment is, or the prior employment or discussion was, with a party to the proceeding;**

**(ii) The temporary judge\* directs the parties to participate in an alternative dispute resolution process in which the dispute resolution neutral will be an individual or entity with whom the temporary judge\* has the arrangement, is currently employed or serves, has previously been employed or served, or is discussing or has discussed the employment or service; or**

**(iii) The temporary judge\* will select a dispute resolution neutral or entity to conduct an alternative dispute resolution process in the matter before the temporary judge,\* and among those available for selection is an individual or entity with whom the temporary judge\* has the arrangement, is currently employed or serves, has previously been employed or served, or is discussing or has discussed the employment or service.**

**For the purposes of Canon 6D(3)(c), the definitions of “participating in discussions,” “has participated in discussions,” “party,” and “dispute resolution neutral” are set forth in Code of Civil Procedure section 170.1, subdivision (a)(8), except that the words “temporary judge” shall be substituted for the word “judge” in such definitions.**

**(d) A lawyer is disqualified from serving as a temporary judge\* in a family law or unlawful detainer proceeding if in the same type of proceeding:**

**(i) the lawyer holds himself or herself out to the public as representing exclusively one side; or**

**(ii) the lawyer represents one side in 90 percent or more of the cases in which he or she appears.**

*ADVISORY COMMITTEE COMMENTARY: Canon 6D(3)(d)*

*Under Canon 6D(3)(d), “one side” means a category of persons such as landlords, tenants, or litigants exclusively of one gender.*

➤ **Historical Note:**

*Commentary following canon 6D(3)(d) adopted effective July 1, 2006.*

**Canon 6D(4)**

**(4) After a temporary judge\* who has determined himself or herself to be disqualified from serving under Canon 6D(3)(a)-(d) has disclosed the basis for his or her disqualification on the record, the parties and their lawyers may agree to waive the disqualification and the temporary judge\* may accept the waiver. The temporary judge\* shall not seek to induce a waiver and shall avoid any effort to discover which lawyers or parties favored or opposed a waiver.**

*ADVISORY COMMITTEE COMMENTARY: Canon 6D(4)*

*Provisions addressing waiver of mandatory disqualifications or limitations, late discovery of grounds for disqualification or limitation, notification of the court when a disqualification or limitation applies, and requests for disqualification by the parties are located in rule 2.818 of the California Rules of Court. Rule 2.818 states that the waiver must be in writing, must recite the basis for the disqualification or limitation, and must state that it was knowingly\* made. It also states that the waiver is effective only when signed by all parties and their attorneys and filed in the record.*

➤ **Historical Note:**

*Commentary following canon 6D(4) adopted effective July 1, 2006.*

**Canon 6D(5)-(12)**

**(5) A temporary judge,\* referee, or court-appointed arbitrator shall, from the time of notice and acceptance of appointment until termination of the appointment:**

**(a) In all proceedings, disclose in writing or on the record information as required by law,\* or information that is reasonably relevant to the question of disqualification under Canon 6D(3), including personal or professional relationships known\* to the temporary judge,\* referee, or court-appointed arbitrator, that he or she or his or her law firm has had with a party, lawyer, or law firm in the current proceeding, even though the temporary judge,\* referee, or court-appointed arbitrator concludes that there is no actual basis for disqualification; and**

**(b) In all proceedings, disclose in writing or on the record membership of the temporary judge,\* referee, or court-appointed arbitrator in any organization that practices invidious discrimination on the basis of race, sex, gender, religion, national origin, ethnicity, or sexual orientation, except for membership in a religious organization.**

**(6) A temporary judge,\* referee, or court-appointed arbitrator, from the time of notice and acceptance of appointment until the case is no longer pending in any court, shall not make any public comment about a pending\* or impending\* proceeding in which the temporary judge,\* referee, or court-appointed arbitrator has been engaged, and shall not make any nonpublic comment that might substantially interfere with such proceeding. The temporary judge,\* referee, or court-appointed arbitrator shall require\* similar abstention on the part of staff and court personnel subject to his or her control. This canon does not prohibit the following:**

**(a) Statements made in the course of the official duties of the temporary judge,\* referee, or court-appointed arbitrator; and**

**(b) Explanations about the procedures of the court.**

**(7) From the time of appointment and continuing for two years after the case is no longer pending\* in any court, a temporary judge,\* referee, or court-appointed arbitrator shall under no circumstances accept a gift,\* bequest, or favor from a party, person, or entity whose interests have come before the temporary judge,\* referee, or court-appointed arbitrator in the matter. The temporary judge,\* referee, or court-appointed arbitrator shall discourage family members residing in the household of the temporary judge,\* referee, or court-appointed arbitrator from accepting any benefits from such parties, persons or entities during the time period stated in this subdivision. The demand for or receipt by a temporary judge,\* referee, or court-appointed arbitrator of a fee for his or her services rendered or to be rendered would not be a violation of this canon.**

**(8) A temporary judge,\* referee, or court-appointed arbitrator shall, from the time of notice and acceptance of appointment and continuing indefinitely after the termination of the appointment:**

**(a) Comply with Canon 3B(11) [no disclosure of nonpublic information\* acquired in a judicial capacity] (except as required by law\*);**

**(b) Not commend or criticize jurors sitting in a proceeding before the temporary judge,\* referee, or court-appointed arbitrator for their verdict other than in a court order or opinion in such proceeding, but may express appreciation to jurors for their service to the judicial system and the community; and**

**(c) Not lend the prestige of judicial office to advance his, her, or another person's pecuniary or personal interests and not use his or her judicial title in any written**

communication intended to advance his, her, or another person's pecuniary or personal interests, except to show his, her, or another person's qualifications.

(9) (a) A temporary judge\* appointed under rule 2.810 of the California Rules of Court, from the time of the appointment and continuing indefinitely after the termination of the appointment, shall not use his or her title or service as a temporary judge\* (1) as a description of the lawyer's current or former principal profession, vocation, or occupation on a ballot designation for judicial or other elected office, (2) in an advertisement about the lawyer's law firm or business, or (3) on a letterhead, business card, or other document that is distributed to the public identifying the lawyer or the lawyer's law firm.

(b) This canon does not prohibit a temporary judge\* appointed under rule 2.810 of the California Rules of Court from using his or her title or service as a temporary judge\* on an application to serve as a temporary judge,\* including an application in other courts, on an application for employment or for an appointment to a judicial position, on an individual resume or a descriptive statement submitted in connection with an application for employment or for appointment or election to a judicial position, or in response to a request for information about the public service in which the lawyer has engaged.

(10) A temporary judge,\* referee, or court-appointed arbitrator shall comply with Canon 6D(2) until the appointment has been terminated formally or until there is no reasonable probability that the temporary judge,\* referee, or court-appointed arbitrator will further participate in the matter. A rebuttable presumption that the appointment has been formally terminated will arise if, within one year from the appointment or from the date of the last hearing scheduled in the matter, whichever is later, neither the appointing court nor counsel for any party in the matter has informed the temporary judge,\* referee, or court-appointed arbitrator that the appointment remains in effect.

(11) A lawyer who has been a temporary judge,\* referee, or court-appointed arbitrator in a matter shall not accept any representation relating to the matter without the informed written consent of all parties.

(12) When by reason of serving as a temporary judge,\* referee, or court-appointed arbitrator in a matter, he or she has received confidential information from a party, the person shall not, without the informed written consent of the party, accept employment in another matter in which the confidential information is material.

*ADVISORY COMMITTEE COMMENTARY: Canon 6D*

*Any exceptions to the canons do not excuse a judicial officer's separate statutory duty to disclose information that may result in the judicial officer's recusal or disqualification.*



➤ **Historical Notes:**

*Commentary following canon 6D adopted effective March 4, 1999.*

*Canon 6D amended effective January 21, 2016; previously amended effective August 19, 2015, January 1, 2013, January 1, 2008, January 1, 2007, July 1, 2006, March 4, 1999, and April 15, 1996; adopted effective January 15, 1996.*

**Canon 6E**

**E. Judicial Candidate**

**A candidate for judicial office\* shall comply with the provisions of Canon 5.**

➤ **Historical Note:**

*Canon 6E adopted effective January 15, 1996.*

**Canon 6F**

**F. Time for Compliance**

**A person to whom this code becomes applicable shall comply immediately with all provisions of this code except Canons 4D(4) and 4E and shall comply with Canons 4D(4) and 4E as soon as reasonably possible and in any event within a period of one year.**

*ADVISORY COMMITTEE COMMENTARY: Canon 6F*

*If serving as a fiduciary\* when selected as a judge, a new judge may, notwithstanding the prohibitions in Canon 4E, continue to serve as a fiduciary\* but only for that period of time necessary to avoid adverse consequences to the beneficiary of the fiduciary\* relationship and in no event longer than one year.*

➤ **Historical Notes:**

*Commentary following canon 6F amended effective January 1, 2013; adopted effective January 15, 1996.*

*Canon 6F amended effective August 19, 2015; previously amended effective January 1, 2013; adopted effective January 15, 1996.*

**Canon 6G**

**G. (Canon 6G repealed effective June 1, 2005; adopted December 30, 2002.)**

## Canon 6H

### H. Judges on Leave Running for Other Public Office

A judge who is on leave while running for other public office pursuant to article VI, section 17 of the California Constitution shall comply with all provisions of this code, except for the following, insofar as the conduct relates to the campaign for public office for which the judge is on leave:

2B(2)--Lending the prestige of judicial office to advance the judge's personal interest

4C(1)--Appearing at public hearings

5--Engaging in political activity (including soliciting and accepting campaign contributions for the other public office).

#### *ADVISORY COMMITTEE COMMENTARY: Canon 6H*

*These exceptions are applicable only during the time the judge is on leave while running for other public office. All of the provisions of this code will become applicable at the time a judge resumes his or her position as a judge. Conduct during elections for judicial office is governed by Canon 5.*

#### ➤ **Historical Notes:**

*Commentary following canon 6H adopted effective January 15, 1996.*

*Canon 6H amended effective January 1, 2013; previously amended effective January 1, 2005; adopted effective January 15, 1996.*

#### ➤ **CJP Annotation: Canon 6H**

The commission noted that canon 6H means that a judge must take a leave of absence before using a judicial title or the prestige of judicial office in a campaign for nonjudicial office. Com. on Jud. Performance, [\*Public Censure and Bar of Former Judge Steven C. Bailey\*](#) (2019) p. 34-35.

Rev. August 13, 2024