PRIVATE ADMONISHMENTS

2009

During trial, a judge contacted one of the counsel's supervisors ex parte to criticize the attorney's performance. The judge also threatened to order the court reporter to stop reporting, which would be contrary to a statute requiring that all proceedings be reported. In another matter, the judge shouted at counsel, failed to comply with the law regarding contempt and engaged in an abuse of authority in conducting the contempt proceeding. In a different case, the judge refused to appoint counsel when required to do so by law. In a separate matter, the judge made an inappropriately personal remark to a lawyer. (Ann. Rept. (2009), Private Admonishment 1, p. 18.) [Abuse of contempt/sanctions; demeanor/decorum; ex parte communications; on-bench abuse of authority in performance of judicial duties; failure to ensure rights.]

A judge engaged in inappropriate fundraising efforts on behalf of a candidate for judicial office, that included distribution of written materials that demeaned the judicial office. The judge also used court resources in connection with campaign activities. (Ann. Rept. (2009), Private Admonishment 2, p. 18.) [Improper political activities; off-bench abuse of office/misuse of court information; misuse of court resources.]

A judge sent a letter to a local business on judicial stationery in which the judge complained about the termination of an employee and stated that the court and the judge would no longer use the business. The Commission found that the letter could be perceived as punitive and bullying. (Ann. Rept. (2009), Private Admonishment 3, p. 18.) [Off-bench abuse of office/misuse of court information.]

2008

A judge used demeaning and unduly harsh language toward a pro per litigant seeking a protective order, and told her that she should blame herself if she could not present her case and should hire a lawyer. On another occasion, in open court, the judge used demeaning and unduly harsh language toward a member of court staff and threatened the individual's employment with the court. (Ann. Rept. (2008), Private Admonishment 1, p. 25.) [Demeanor/decorum.]

A judge appeared at court under the influence of intoxicants. The judge engaged in a course of inappropriate and unwelcome conduct toward a member of court staff. The judge retired from office and agreed not to seek judicial office or sit on assignment. (Ann. Rept. (2008), Private Admonishment 2, p. 25.) [Substance abuse; sexual harassment/inappropriate workplace gender comments.]

A judge engaged in multiple displays of improper demeanor including threatening to slap a deputy sheriff and a lawyer. The judge also told an attorney whose client previously had been released on bail that the judge hoped, if the client reoffended while released, the attorney or someone close to the attorney would be the client's next victim. While presiding over a trial, the judge became embroiled, questioning a witness and sustaining objections in a manner that suggested the judge lacked impartiality. The judge agreed to retire and not to seek judicial office or to sit on assignment. (Ann. Rept. (2008), Private Admonishment 3, p. 25.) [Demeanor/decorum; bias/appearance of bias not directed toward a particular class.]

A judge became impatient with a defendant who had not made restitution payments and claimed to lack the ability to pay. The judge ordered the defendant into custody before allowing him to speak and without ascertaining whether the defendant could make the payments. (Ann. Rept. (2008), Private Admonishment 4, p. 26.) [Demeanor/decorum; failure to ensure rights.]

A judge had a witness taken into custody in a manner that suggested retaliation for the witness's assertion of Fifth Amendment rights. The judge did not follow contempt procedures or procedures to have the witness secured for examination. In another matter, the judge failed to be patient, dignified and courteous to an attorney, and the judge improperly threatened to report the attorney to the State Bar in a manner that gave the appearance of retaliation. (Ann. Rept. (2008), Private Admonishment 5, p. 26.) [On-bench abuse of authority in performance of judicial duties; abuse of contempt/sanctions; demeanor/decorum.]

A judge gave oral instructions to jurors, without a court reporter present, and responded to jurors' inquiries in the jury room in the absence of attorneys or the defendant. (Ann. Rept. (2008), Private Admonishment 6, p. 26.) [Ex parte communications; on-bench abuse of authority in performance of judicial duties.]

A judge failed to recuse or disclose on the record various relationships with attorneys appearing before the judge, including an intimate and prior professional relationship with an attorney whose partners were appearing before the judge, a financial connection with the attorneys' law firm, and ownership of real estate with another member of the firm. (Ann. Rept. (2008), Private Admonishment 7, p. 26.) [Disqualification/disclosure/post-disqualification conduct.]

2007

A judge engaged in a practice of reading police reports prior to arraignments in violation of applicable law. The judge engaged in ex parte communications in two cases and displayed inappropriate demeanor, including using profanity in expressing frustration during a bench conference when a case did not settle. In a separate case, the judge exhibited a lack of impartiality towards a pro per criminal defendant and also displayed inappropriate demeanor, including telling the defendant at the end of the proceeding to "Shut up and get out of here, please." (Ann. Rept. (2007), Private Admonishment 1, p.

30.) [Demeanor/decorum; on-bench abuse of authority in performance of judicial duties; ex parte communications; bias/appearance of bias not directed toward a particular class]

A judge was inconsistent in making disclosures and in disqualification in cases involving the judge's former law partner who was also a close friend. The judge also made inappropriate remarks with sexual overtones to court staff. (Ann. Rept. (2007), Private Admonishment 2, p. 30.) [Disqualification/disclosure/post-disqualification conduct; sexual harassment/inappropriate workplace gender comments.]

A judge delayed in issuing decisions in seven cases over a period of several months. The judge executed three false salary affidavits during this period but stopped executing them when the judge became aware of delays in submitted matters. The judge also failed to disclose information about an out-of-court dispute with a party who appeared regularly before the judge. (Ann. Rept. (2007), Private Admonishment 3, p. 30.) [Disqualification/disclosure/post-disqualification conduct; decisional delay/false salary affidavits.]

A judge made remarks to jurors after trial that constituted improper comment on a pending case. The judge failed to take appropriate corrective action when the judge believed an attorney had engaged in misconduct and also failed to be patient, dignified and courteous in remarks about counsel in the proceeding. (Ann. Rept. (2007), Private Admonishment 4, p. 30.) [Administrative malfeasance; demeanor/decorum; comment on a pending case.]

A judge incarcerated courtroom spectators without following the procedures necessary for the proper imposition of contempt. (Ann. Rept. (2007), Private Admonishment 5, p. 30.) [Abuse of contempt/sanctions.]

In admonishing the defendant in a misdemeanor case about the consequences of not accepting a plea bargain, the judge told the defendant that the judge would immediately remand the defendant into custody to serve the maximum sentence if convicted at trial. After acknowledging the impropriety of the remarks, the judge made similar remarks in two other cases. (Ann. Rept. (2007), Private Admonishment 6, p. 30.) [Failure to ensure rights.]

A judge's comments regarding a pending proceeding violated the prohibition on judges making public comments regarding a pending proceeding or non-public comments that might interfere with a fair trial or hearing. In other matters, the judge failed to disclose the judge's relationship with an attorney and law firm appearing before the judge. The judge also failed to comply with campaign reporting requirements. (Ann. Rept. (2007), Private Admonishment 7, p. 31.) [Comment on a pending case; disqualification/ disclosure/post-disqualification conduct; improper political activities.]

A judge made offensive remarks to counsel and court personnel relating to litigants appearing before the judge. (Ann. Rept. (2007), Private Admonishment 8, p. 31.) [Demeanor/decorum.]

A judge's conduct in public, some of which was alcohol related, demeaned the judicial office. The judge also abused the prestige of judicial office on multiple occasions. The private admonishment was conditioned upon the judge's retirement and agreement not to seek judicial office or assignments. (Ann. Rept. (2007), Private Admonishment 9, p. 31.) [Miscellaneous off-bench conduct; off-bench abuse of office; substance abuse.]

2006

To expedite the calendar, a judge routinely refused to consider own recognizance release of defendants at arraignment in misdemeanor cases, telling defendants not to even ask for one. During the Commission's investigation, the judge ceased that practice. The judge displayed anger and bias and engaged in ex parte communications in a case. The judge then recused, but thereafter communicated with the newly assigned judge and one of the counsel. (Ann. Rept. (2006), Private Admonishment 1, p. 31.) [Bias/appearance of bias not directed toward a particular class; demeanor/decorum; ex parte communications; disqualification/disclosure/post-disqualification conduct; failure to ensure rights; on-bench abuse of authority in performance of judicial duties.]

A judge's off-bench activities with law enforcement over a period of time might have created the impression that the judge had assumed a law-enforcement role and cast doubt on the judge's capacity to act impartially. (Ann. Rept. (2006), Private Admonishment 2, p. 31.) [Miscellaneous off-bench conduct; bias/appearance of bias not directed toward a particular class.]

A judge was irritated at an attorney's insistence on setting separately a minor case the judge thought should trail a more serious case and dismissed or threatened to dismiss the minor case. When the attorney appealed, the judge contacted the attorney ex parte to discuss the appeal. (Ann. Rept. (2006), Private Admonishment 3, p. 31.) [Ex parte communications; on-bench abuse of authority in performance of judicial duties.]

A judge continued issuing orders finding a waiver of a fundamental right despite an unambiguous Court of Appeal decision, in a prior case presided over by the judge, which prohibited such a waiver. (Ann. Rept. (2006), Private Admonishment 4, p. 31.) [On-bench abuse of authority in performance of judicial duties.]

A judge's e-mail to other judges gave the appearance of ethnic bias in the discharge of administrative responsibilities. (Ann. Rept. (2006), Private Admonishment 5, p. 31.) [Bias/appearance of bias toward a particular class.]

A judge had lunch during trial with a juror in the case. (Ann. Rept. (2006), Private Admonishment 6, p. 31.) [Miscellaneous off-bench conduct.]

A judge berated an attorney in front of the attorney's client, opposing counsel and others in the courtroom, and detained the attorney in the courtroom in excess of the judge's authority. In another matter, after being disqualified from the case, the judge reassigned the case to another judge, an action a disqualified judge is not permitted to take. (Ann.

Rept. (2006), Private Admonishment 7, p. 31.) [Abuse of contempt/sanction; disqualification/disclosure/post-disqualification conduct; demeanor/decorum.]

2005

In two matters, a judge failed to disclose on the record the judge's relationship with a party. In orders in which the judge consented to be disqualified from two cases, the judge made gratuitous, harsh comments about the attorneys in the cases. (Ann. Rept. (2005), Private Admonishment 1, p. 25.) [Disqualification/disclosure/post-disqualification conduct.]

A judge's handling of guardianship proceedings gave the appearance of bias in favor of the petitioners, with whom the judge had interacted socially and in volunteer activities for a number of years. (Ann. Rept. (2005), Private Admonishment 2, p. 26.) [Bias/ appearance of bias not directed toward a particular class.]

After forming the impression during jury voir dire that a potential juror was attempting to avoid jury service, a judge ordered the potential juror, who was not selected for the jury panel, to sit through two days of the trial under threat of a contempt finding and without following contempt procedures. (Ann. Rept. (2005), Private Admonishment 3, p. 26.) [Abuse of contempt/sanctions.]

After refusing to cooperate with a judicial colleague and a court administrator, a judge defied a directive of the presiding judge of the court concerning a proceeding not pending before the judge. (Ann. Rept. (2005), Private Admonishment 4, p. 26.) [Administrative malfeasance.]

A judge made inappropriate comments and jokes involving sexual conduct and made improper overtures toward court staff and attorneys in the courthouse. The judge failed to disclose a social relationship with an attorney appearing before the judge. The judge also misused court resources. The discipline included additional conditions. (Ann. Rept. (2005), Private Admonishment 5, p. 26.) [Disqualification/disclosure/post-disqualification conduct; sexual harassment/inappropriate workplace gender comments; miscellaneous off-bench conduct; misuse of court resources; off-bench abuse of office; improper business, financial or fiduciary activities.]

A judge's practices at arraignments failed to ensure defendants' rights in a number of respects. The judge interfered with the attorney-client relationship in one matter. The judge also engaged in ex parte communications and delayed in ruling on a submitted matter. (Ann. Rept. (2005), Private Admonishment 6, p. 26.) [Decisional delay/false salary affidavits; failure to ensure rights; ex parte communications.]

2004

After initiating a perjury complaint, a judge gave the appearance of attempting to influence the district attorney's investigation by contacting witnesses and repeatedly

contacting the district attorney. (Ann. Rept. (2004), Private Admonishment 1, p. 22.) [Off-bench abuse of office.]

In a criminal matter, a judge had ordered the defendant to appear for trial but then set a hearing on a motion to dismiss the case for violation of the defendant's right to a speedy trial. The hearing was set for a date after the scheduled trial date. The defense attorney assumed that the trial date had been vacated and told the defendant not to appear. The judge issued a bench warrant when the defendant did not appear on the trial date. After the defendant was arrested on the warrant, the judge refused to reinstate the defendant's own recognizance release although the defendant's explanation that he relied on counsel's advice was undisputed. In another matter, the judge remanded a spectator into custody, for allegedly contemptuous conduct, without following any contempt procedures; the spectator was held over the lunch hour. (Ann. Rept. (2004), Private Admonishment 2, p. 22.) [Abuse of contempt/sanctions; on-bench abuse of authority in performance of judicial duties.]

While presiding over a trial, a judge investigated one party's expert witness on the Internet, questioned that party's witnesses in an adversarial manner, and made disparaging and intimidating remarks to and about that party's witnesses and counsel, thereby appearing biased against that party. (Ann. Rept. (2004), Private Admonishment 3, p. 22.) [Bias/appearance of bias not directed toward a particular class; demeanor/ decorum.]

A judge served as a private arbitrator in violation of canon 4F. In addition, the judge failed to disclose to the parties the extent of the judge's relationship with one party to the arbitration. The judge also failed to report receipt of a campaign contribution as required by law. The judge lacked candor concerning aspects of the judge's conduct in responding to the Commission's investigation. (Ann. Rept. (2004), Private Admonishment 4, p. 22.) [Miscellaneous off-bench conduct; improper political activities; failure to cooperate/lack of candor with regulatory authorities; improper business, financial or fiduciary activities.]

A judge engaged in extensive use of a court computer during court hours over a period of at least two years for a purpose specifically prohibited by court policy. (Ann. Rept. (2004), Private Admonishment 5, p. 22.) [Misuse of court resources.]

A judge made sarcastic, demeaning and intimidating statements to counsel during court proceedings. The judge had been previously disciplined for similar conduct. (Ann. Rept. (2004), Private Admonishment 6, p. 22.) [Demeanor/decorum.]

A judge failed to disqualify in numerous collection matters involving financial institutions that had pending lawsuits against the judge for unpaid debt which were not contested. In mitigation, the judge's rulings did not evidence bias. (Ann. Rept. (2004), Private Admonishment 7, p. 22.) [Disqualification/disclosure/post-disqualification conduct.]

While ruling on a motion, a judge made a number of statements attempting to deflect responsibility for the ruling to another judge. The judge made these statements to avoid displeasing the party against whom the ruling was made. (Ann. Rept. (2004), Private Admonishment 8, p. 22.) [On-bench abuse of authority in performance of judicial duties.]

2003

A judge made sexually suggestive gestures and comments to a court reporter, an employee of the prosecutor's office and a courthouse visitor. The judge behaved offensively in front of court staff. The judge also failed to disclose when a friend and former law partner appeared before the judge, under circumstances that required disclosure but not recusal. The judge also engaged in an ex parte contact with an attorney immediately prior to a hearing at which the attorney appeared before the judge. (Ann. Rept. (2003), Private Admonishment 1, p. 25.) [Demeanor/decorum; disqualification/ disclosure/post-disqualification conduct; ex parte communications; sexual harassment/ inappropriate workplace gender comments.]

A judge's remarks concerning litigants in two separate matters displayed bias and offensive demeanor. (Ann. Rept. (2003), Private Admonishment 2, p. 25.) [Bias/ appearance of bias toward a particular class; demeanor/decorum.]

2002

In one civil matter, the judge ordered a party's spouse, over whom the judge did not have authority, to appear to defend the party's excuse for being absent. The judge also displayed prejudgment through flattering and solicitous comments to a witness who was testifying in the proceedings. In another case, the judge failed to follow the statutory requirements for due process in conservatorship proceedings, engaged in ex parte communication, displayed bias against an attorney, and made an appointment of counsel despite the counsel's obvious conflict of interest. In a third matter, the judge made remarks evidencing prejudgment and imposed sanctions without affording notice, a hearing, or a statement of reasons. (Ann. Rept. (2002), Private Admonishment 1, p. 22.) [Abuse of contempt/sanctions; ex parte communications; on-bench abuse of authority in performance of judicial duties; failure to ensure rights; bias/appearance of bias not directed toward a particular class.]

In four juvenile dependency matters, the judge violated the parents' due process rights. In one case, the judge removed siblings of a dependent child from their parent's custody at a six-month review hearing without prior notice or the filing of a supplemental dependency petition. In another matter, the judge issued orders affecting parental rights without notice to the affected parent and without making the findings regarding notice that are required by law. In another case, the judge ordered custody of a child transferred from one parent to the other without notice and without a finding that the child was a dependent of the court. In another case, the judge ordered the removal of a child from the custodial grandparents without notice to the parents or the grandparents and without affording them a reasonable opportunity to be heard on the matter. After institution of

formal proceedings by the Commission, the judge retired and stipulated to a private admonishment, which the judge agreed could be made available to the public. The judge also agreed not to serve as a judge in the future by appointment or assignment. (Ann. Rept. (2002), Private Admonishment 2, p. 22.) [Failure to ensure rights.]

A judge failed to recuse or to fully disclose information relevant to the question of disqualification. The judge also received improper gifts from attorneys and engaged in off-bench activities that raised an appearance of partiality. In addition, the judge sent a letter on judicial stationery that did not concern official court business and that detracted from public confidence in the integrity and impartiality of the judiciary. (Ann. Rept. (2002), Private Admonishment 3, p. 22.) [Disqualification/disclosure/post-disqualification conduct; gifts/loans/favors/ticket-fixing; miscellaneous off-bench conduct; off-bench abuse of office; Bias/appearance of bias not directed toward a particular class.]

A judge failed to disclose a past attorney-client relationship with an attorney appearing before the judge. In aggravation, the judge previously had received an advisory letter for a similar failure to disclose. (Ann. Rept. (2002), Private Admonishment 4, p. 22.) [Disqualification/disclosure/post-disqualification conduct.]

A judge initiated an angry and profane confrontation with a member of court staff on courthouse property. On a different occasion, the judge berated another member of court staff in open court. (Ann. Rept. (2002), Private Admonishment 5, p. 22.) [Demeanor/ decorum.]

A judge was convicted of a misdemeanor offense that did not involve alcohol, controlled substances or moral turpitude. (Ann. Rept. (2002), Private Admonishment 6, p. 22.) [Non-substance abuse criminal conduct.]

2001

A judge's off-bench conduct undermined public confidence in the integrity and impartiality of the judiciary. In addition, in a matter over which the judge had presided, the judge made comments that appeared to criticize the jury after its verdict. (Ann. Rept. (2001), Private Admonishment 1, p. 19.) [Bias/appearance of bias not directed toward a particular class; miscellaneous off-bench conduct.]

During a trial, the judge made comments to the jury reflecting bias about the case. In another matter, the judge abused the judge's authority in an order involving payment of fees. In a third matter, the judge improperly threatened an attorney with contempt. (Ann. Rept. (2001), Private Admonishment 2, p. 19.) [Abuse of contempt/sanction; bias/appearance of bias not directed toward a particular class; on-bench abuse of authority in performance of judicial duties.]

In two separate civil matters, the judge made remarks during court proceedings that disparaged the litigants and counsel. Some remarks appeared to advocate one side of the case, and some remarks appeared to reflect bias against a particular class; some of the

remarks had been made in the presence of the jury. In a third matter, the judge demeaned a potential juror. (Ann. Rept. (2001), Private Admonishment 3, p. 19.) [Demeanor/ decorum; bias/appearance of bias toward a particular class; bias/appearance of bias not directed toward a particular class.]

A judge delayed in ruling on four matters and executed an inaccurate salary affidavit. (Ann. Rept. (2001), Private Admonishment 4, p. 19.) [Decisional delay/false salary affidavits.]

At arraignment on a failure to appear, the judge proceeded without appointed counsel despite the defendant's statements that he wanted counsel. The judge made comments that disparaged the defendant's version of the case and fostered the appearance that the judge was attempting to pressure the defendant into pleading guilty. (Ann. Rept. (2001), Private Admonishment 5, p. 19.) [Bias/appearance of bias not directed toward a particular class; demeanor/decorum; on-bench abuse of authority in performance of judicial duties; failure to ensure rights.]

2000

A judge attempted to engage the judge's clerk in questionable financial transactions that would have involved substantial sums of money and were intended to benefit the judge. (Ann. Rept. (2000), Private Admonishment 1, p. 20.) [Improper business, financial or fiduciary activities.]

A judge's response to an inquiry from the Commission lacked candor. The judge misinformed a member of court staff concerning the employee's obligation to speak with the Commission and appeared to be attempting to influence the employee's interview with the Commission. (Ann. Rept. (2000), Private Admonishment 2, p. 20.) [Failure to cooperate/lack of candor with regulatory authorities.]

A judge was arrested for driving under the influence and convicted following a plea of no contest. In mitigation, the judge was cooperative with the police, self-reported to the presiding judge and to the Commission, and issued a public statement expressing embarrassment and remorse. The Commission's investigation revealed no evidence of an on-going alcohol problem. (Ann. Rept. (2000), Private Admonishment 3, p. 20.) [Alcohol or drug related criminal conduct.]

A judge delayed in deciding two matters and improperly signed salary affidavits. In response to the Commission's inquiry, the judge offered defenses that the judge later conceded were disingenuous and misleading. (Ann. Rept. (2000), Private Admonishment 4, p. 20.) [Decisional delay/false salary affidavits; on-bench abuse of authority in performance of judicial duties; failure to cooperate/lack of candor with regulatory authorities.]

A judge used and threatened to use excessive force to control litigants. (Ann. Rept. (2000), Private Admonishment 5, p. 20.) [On-bench abuse of authority in performance of judicial duties.]

A judge engaged in a pattern of erratic and inappropriate conduct toward court personnel and attorneys appearing before the judge. (Ann. Rept. (2000), Private Admonishment 6, p. 20.) [Miscellaneous off-bench conduct; sexual harassment/inappropriate workplace gender comments; off-bench abuse of office; bias/appearance of bias toward a particular class; demeanor/decorum; misuse of court resources.]

1999

In a number of cases, a judge inappropriately introduced religion into the proceedings, creating the appearance that the judge's rulings were influenced by the judge's personal religious views. (Ann. Rept. (1999), Private Admonishment 1, p. 21.) [Bias/appearance of bias toward a particular class.]

A judge conducted a proceeding in such an informal manner that some of the participants were unaware that the judge would rule on the matter at that time; consequently, they did not introduce evidence and testimony. The judge – not wearing the judicial robe – sat at counsel table with the litigants and informally explored their positions. (Ann. Rept. (1999), Private Admonishment 2, p. 21.) [Failure to ensure rights.]

A judge made improper use of court resources and displayed a lack of candor in responding to the Commission's inquiries about the judge's conduct. (Ann. Rept. (1999), Private Admonishment 3, p. 21.) [Failure to cooperate/lack of candor with regulatory authorities; misuse of court resources.]

1998

On the judge's own initiative and after being informed that the action was contrary to law, a judge reduced a misdemeanor charge under circumstances which created the appearance that the judge had acted for the purpose of depriving the defendant of a jury trial and representation by court appointed counsel. (Ann. Rept. (1998), Private Admonishment 1, p. 26.) [Failure to ensure rights; on-bench abuse of authority in performance of judicial duties.]

After receiving an advisory letter from the Commission for similar conduct, a judge displayed a weapon in open court, causing some observers to be concerned or fearful. (Ann. Rept. (1998), Private Admonishment 2, p. 26.) [Demeanor/decorum.]

A judge failed to observe high standards of conduct in the judge's personal, off-bench activities which undermined confidence in the integrity of the judiciary. (Ann. Rept. (1998), Private Admonishment 3, p. 26.) [Miscellaneous off-bench conduct.]

ADVISORY LETTERS

Abuse of Contempt/Sanctions

A judge held a juror in contempt without following required procedures and displayed sarcasm toward the juror. The judge later improperly remanded the juror to a lockup area before adjudicating further contempt by the juror. (Ann. Rept. (2008), Advisory Letter 16, p. 27.) [Abuse of contempt/sanctions; demeanor/decorum.]

In dealing with an alleged indirect contempt — for conduct not occurring in the court's presence — a judge failed to provide due process by not giving the contemnor proper notice of the contempt charge and appointing counsel as required under the circumstances. The judge immediately remanded the contemnor to serve a jail sentence. The Commission took note that the contemnor was a difficult litigant. (Ann. Rept. (2004), Advisory Letter 8, p. 23.)

A judge engaged in an abuse of authority by imposing additional conditions to a sanctions order after the sanctions were paid. (Ann. Rept. (2003), Advisory Letter 9, p. 27.)

A judge commenced a contempt proceeding without affording the alleged contemnor notice of the charges or the hearing, and gave him an opportunity to be heard only after finding him in contempt. Because the judge had become embroiled, the judge should have recused. (Ann. Rept. (2003), Advisory Letter 14, p. 27.) [Abuse of contempt/ sanctions; bias/appearance of bias not directed toward a particular class.]

A judge failed to follow procedures required to sanction indirect contempt. (Ann. Rept. (2001), Advisory Letter 16, p. 21.)

A judge sanctioned an attorney without affording due process. The sanctions order also failed to provide the requisite details of the attorney's conduct, on which the award of sanctions was based. (Ann. Rept. (1999), Advisory Letter 8, p. 22.)

A judge imposed sanctions on attorneys and pro per litigants without notice or hearing for violation of local delay reduction rules. (Ann. Rept. (1999), Advisory Letter 10, p. 22.)

In a civil case, a judge had a litigant handcuffed for contempt without conducting contempt proceedings. (Ann. Rept. (1998), Advisory Letter 14, p. 27.)

A judge had a prospective juror taken into custody by the bailiff for a short period of time for contempt without following proper contempt procedures. The judge's order of contempt failed to recite the facts constituting contempt. (Ann. Rept. (1998), Advisory Letter 15, p. 27.)

A judge ordered a litigant briefly taken into custody for contempt without conducting contempt proceedings. (Ann. Rept. (1998), Advisory Letter 16, p. 27.)

A judge imposed sanctions against attorneys without notice or hearing in two cases, giving the appearance of embroilment and bias. In a separate matter, the judge considered ex parte communications during the case. (Ann. Rept. (1998), Advisory Letter 17, p. 27.) [Abuse of contempt/sanctions; ex parte communications.]

Without notice or a hearing, a judge ordered sanctions against an attorney who failed to attend a mandatory settlement conference. (Ann. Rept. (1998), Advisory Letter 18, p. 27.)

A judge failed to afford notice and to comply with other requirements for issuance of an order to show cause re: sanctions. (Ann. Rept. (1998), Advisory Letter 19, p. 27.)

Administrative Malfeasance/Improper Comments/Treatment of Colleagues and Staff

A supervising judge failed to report a written reprimand of a subordinate judicial officer to the Commission on Judicial Performance as required by California Rules of Court, rule 10.703. (Ann. Rept. (2009), Advisory Letter 12, p. 19.)

A judge who was responsible for the handling of complaints against subordinate judicial officers under California Rules of Court, rule 10.703, failed to ensure the appropriate handling of litigants' complaints about a subordinate judicial officer. (Ann. Rept. (2009), Advisory Letter 13, p. 19.)

A judge who was responsible for handling complaints about subordinate judicial officers under California Rules of Court, rule 10.703, failed to ensure timely responses to litigants' complaints about a subordinate judicial officer. (Ann. Rept. (2009), Advisory Letter 14, p. 19.)

A judge who was responsible for handling complaints against subordinate judicial officers under California Rules of Court, rule 10.703, approved a supervising judge's decision not to report a written reprimand of a subordinate judicial officer to the Commission on Judicial Performance, notwithstanding the reporting requirements of rule 10.703. (Ann. Rept. (2009), Advisory Letter 15, p. 19.)

A judge failed to obtain prior approval from the presiding judge for absences of more than one-half day, as required by California Rules of Court, rule 10.603. (Ann. Rept. (2008), Advisory Letter 15, p. 27.)

A judge participated in the decision to enter into a financial transaction on behalf of the court with an individual who was a close personal friend of the judge and with whom the judge had financial ties. (Ann. Rept. (2005), Advisory Letter 8, p. 27.)

A presiding judge did not respond to a litigant's complaint about a subordinate judicial officer in a timely manner, or to a letter from the Commission inquiring about the status of the matter. (Ann. Rept. (2002), Advisory Letter 1, p. 23.)

A judge failed to take any action when information revealing potential serious wrongdoing by a judicial colleague was before the judge. (Ann. Rept. (2002), Advisory Letter 2, p. 23.)

A judge performed administrative functions in a manner that appeared to reflect abuse of authority and a lack of impartiality. (Ann. Rept. (2001), Advisory Letter 7, p. 20.)

A presiding judge failed to respond in a timely manner to a complaint about a court commissioner. (Ann. Rept. (2000), Advisory Letter 17, p. 22.)

A presiding judge promptly acknowledged and investigated a complaint against a court commissioner and took informal corrective action but delayed five months before notifying the complainant of the outcome of the investigation. (Ann. Rept. (2000), Advisory Letter 18, p. 22.)

A judge was unduly harsh in his treatment of court staff. (Ann. Rept. (1998), Advisory Letter 13, p. 27.)

A judge failed to respond to a complaint against a court commissioner. (Ann. Rept. (1998), Advisory Letter 26, p. 28.)

A judge appeared to retaliate against a court employee for remarks made outside of work by the employee. (Ann. Rept. (1998), Advisory Letter 27, p. 28.)

A supervising judge failed to respond to a complaint against two court commissioners. In another matter, the judge failed to respond timely to a complaint against a court commissioner. There were mitigating circumstances. (Ann. Rept. (1998), Advisory Letter 28, p. 28.)

A supervising judge failed to respond to a complaint about a court commissioner. (Ann. Rept. (1998), Advisory Letter 29, p. 28.)

Bias/Appearance of Bias Toward a Particular Class

A judge used the court computer to forward to judicial officers a satirical e-mail that promoted negative stereotypes about people from a certain country, apparently realizing that it would be offensive to at least one judge whose ancestors were from that country. (Ann. Rept. (2008), Advisory Letter 6, p. 26.)

A judge's remarks in a public setting appeared to reflect negative racial and ethnic stereotypes. (Ann. Rept. (2007), Advisory Letter 12, p. 32.)

During a chambers proceeding in a civil case, a judge referred to the case by the national origin of the litigants and made other comments which appeared to disparage persons from that nation. The judge acknowledged that the remarks were inappropriate and indicated regret for having made them. (Ann. Rept. (1999), Advisory Letter 14, p. 23.)

A judge's remarks about sexual orientation may have created the appearance of bias. (Ann. Rept. (1999), Advisory Letter 16, p. 23.)

A judge made remarks during a court proceeding that gave the appearance of bias against a litigant based on the litigant's country of origin. (Ann. Rept. (1998), Advisory Letter 32, p. 28.)

Bias/Appearance of Bias Not Directed Toward a Particular Class

While meeting with counsel in chambers, a judge professed dislike of one parent in a dependency matter just prior to a hearing regarding custody. (Ann. Rept. (2009), Advisory Letter 4, p. 19.)

Before conducting a hearing directed by the Court of Appeal, a judge made angry remarks to counsel that suggested prejudgment and a lack of impartiality, for example, "Let the Court of Appeal reverse." (Ann. Rept. (2008), Advisory Letter 4, p. 26.)

In a civil matter, a judge appeared to display deference to the defendant, who was a celebrity. When counsel for the plaintiff brought the plaintiff's concerns to the judge's attention, the judge overreacted and displayed a lack of patience and dignity in responding to counsel. (Ann. Rept. (2008), Advisory Letter 5, p. 26.) [Bias/appearance of bias not directed toward a particular class; demeanor/decorum.]

A judge, who had just ordered an arrest warrant and increased bail, suggested to the police officer that the judge should be contacted if the defendant later appeared to be about to make bail. While the judge appeared to be motivated by concern for public safety, the judge's conduct created the appearance of embroilment and lack of impartiality. (Ann. Rept. (2008), Advisory Letter 7, p. 26.)

A judge, while presiding over post-trial proceedings, made comments about the parties and the prospects of settlement that reflected embroilment and created an appearance of lack of impartiality. (Ann. Rept. (2008), Advisory Letter 8, p. 27.)

A judge made remarks suggesting bias against counsel that appeared to be based on off-bench comments made by another judicial officer about the attorney. The judge made additional remarks that were sarcastic and demeaning. (Ann. Rept. (2007), Advisory Letter 10, p. 32.) [Bias/appearance of bias not directed toward a particular class; demeanor/decorum.]

In a dependency matter, a judge made remarks demonstrating bias and remarks that failed to demonstrate patience, dignity and courtesy. (Ann. Rept. (2007), Advisory Letter 11, p. 32.) [Bias/appearance of bias not directed toward a particular class; demeanor/decorum.]

A judge's off-bench conduct might have created the impression that the judge had assumed a law enforcement role, and cast doubt on the judge's capacity to act impartially. The judge expressed contrition. (Ann. Rept. (2006), Advisory Letter 15, p. 33.)

[Miscellaneous off-bench conduct; appearance of bias not directed toward a particular class.]

A judge assigned to a criminal case predicted that the defendant would be convicted and made disparaging comments about the defendant's case that reflected a lack of impartiality and suggested prejudgment. (Ann. Rept. (2004), Advisory Letter 4, p. 23.)

A judge's comments gave the appearance that the judge was biased and embroiled and had prejudged a contempt matter that was to be heard at a later date and the likely sanction. (Ann. Rept. (2004), Advisory Letter 5, p. 23.)

In a civil matter, a judge fraternized with one of the litigants during trial recesses by conversing and examining one of the trial exhibits with the litigant. (Ann. Rept. (2003), Advisory Letter 1, p. 26.)

A judge made disparaging remarks at a hearing about an attorney who was not present but was a member of the firm representing one of the parties. The remarks, made after the attorney had prevailed on a writ, suggested bias against the attorney. (Ann. Rept. (2002), Advisory Letter 3, p. 23.)

A judge's remarks in open court at the outset of a criminal trial about the likelihood that the defendant would be convicted conveyed the appearance of prejudgment and a lack of impartiality. (Ann. Rept. (2002), Advisory Letter 4, p. 23.)

In two juvenile dependency matters, a judge made comments to parents that were demeaning and created the appearance of a lack of impartiality. (Ann. Rept. (2001), Advisory Letter 3, p. 19.)

A judge made rude and disparaging remarks to a witness and improperly raised the prospect of incarceration of the witness in a manner that implied prejudgment. (Ann. Rept. (2001), Advisory Letter 18, p. 21.) [Bias/appearance of bias not directed toward a particular class; demeanor/decorum.]

A judge made remarks during a sentencing hearing that evidenced embroilment and a lack of impartiality. The judge's highly disparaging remarks reflected the judge's personal view that the case – which had resulted in a conviction – should not have been pursued. (Ann. Rept. (2000), Advisory Letter 5, p. 21.)

A judge's letter to the sheriff urging administrative action against an inmate demonstrated embroilment and a lack of impartiality. (Ann. Rept. (2000), Advisory Letter 6, p. 21.)

A judge used a vulgar expression in response to a party's presentation and stated that the judge would rule regardless of the applicable law, which fostered an appearance of prejudgment and bias. (Ann. Rept. (1999), Advisory Letter 17, p. 23.) [Bias/appearance of bias not directed toward a particular class; demeanor/decorum.]

In open court, a judge accused an attorney of unethical conduct. The attorney was not present in court when the remarks were made. The judge's comments were unfounded. (Ann. Rept. (1999), Advisory Letter 18, p. 23.)

After a jury returned a verdict of not guilty, but before the jury was discharged, a judge referred to prejudicial and incriminating facts about the defendant, thereby creating the appearance of a lack of impartiality. The judge's remarks also posed the risk of influencing jurors with respect to future jury service. (Ann. Rept. (1999), Advisory Letter 19, p. 23.)

While a case was still pending but no longer before the judge, the judge initiated a private conversation with one of the litigants about the case when the litigant's counsel was not present. The judge made derogatory comments about the litigant's attorney. When information was sought about the contact in other litigation, the judge gave inaccurate information about the incident. (Ann. Rept. (1999), Advisory Letter 20, p. 23.) [Bias/appearance of bias not directed toward a particular class; disqualification/disclosure /post-disqualification conduct.]

A judge appeared to provide legal assistance outside of court to a pro per litigant in a case pending in another department of the judge's court. (Ann. Rept. (1998), Advisory Letter 31, p. 28.)

During a break in proceedings, a judge left the bench to shake hands in the courtroom with a litigant in the case being tried before the judge. (Ann. Rept. (1998), Advisory Letter 33, p. 28.)

A judge made extraneous remarks to a jury which were determined in a subsequent proceeding to have prejudiced a litigant's rights. (Ann. Rept. (1998), Advisory Letter 35, p. 28.)

A judge's repeated remarks to a jury fostered the appearance of encouraging them to identify with one of the parties. (Ann. Rept. (1998), Advisory Letter 36, p. 28.)

In a criminal case, a judge made disparaging remarks about the defendants and appeared to remand one of the defendants into custody out of pique. (Ann. Rept. (1998), Advisory Letter 37, p. 28.) [Bias/appearance of bias not directed toward a particular class; demeanor/decorum; on-bench abuse of authority in performance of judicial duties.]

Comment on a Pending Case

In a published interview, a judge made comments about a case the judge had heard, which was pending before the Court of Appeal, that violated the prohibition on public comment regarding pending cases. (Ann. Rept. (2009), Advisory Letter 16, p. 20.)

A judge participated in a public meeting where a case pending before the judge and related claims were discussed with both parties to the litigation and non-parties. (Ann. Rept. (2004), Advisory Letter 9, p. 23.)

A judge made an improper public comment on a pending case. (Ann. Rept. (2002), Advisory Letter 5, p. 23.)

A judge made an improper public comment on a pending case. (Ann. Rept. (2001), Advisory Letter 12, p. 20.)

A judge made public comments to the media concerning a pending case. (Ann. Rept. (2000), Advisory Letter 13, p. 22.)

A judge made comments to the media concerning a pending case. (Ann. Rept. (1998), Advisory Letter 23, p. 28.)

A judge made comments to the media concerning a pending case. (Ann. Rept. (1998), Advisory Letter 24, p. 28.)

Decisional Delay/False Salary Affidavits

A judge did not to rule on a habeas petition for six months, and failed to rule on two subsequent habeas petitions filed by the same petitioner shortly before the judge's ruling on the initial petition. (Ann. Rept. (2009), Advisory Letter 17, p. 20.)

A judge delayed ruling in a family law matter for almost a year and a half. There were mitigating circumstances. (Ann. Rept. (2007), Advisory Letter 7, p. 31.)

A judge contributed to excessive delay in a habeas matter by ordering 16 extensions of time for filing the return, over a three-year period. Extensions were requested informally by petitioner's assigned counsel; the judge's orders contained no statement of good cause as required. The judge also failed to take action regarding petitioner's claim that petitioner had been abandoned by counsel. (Ann. Rept. (2006), Advisory Letter 6, p. 32.) [Decisional delay/false salary affidavits; failure to ensure rights.]

A judge failed to issue a decision on a custody issue in a family law case for 112 days after telling the parties a decision would be issued within 10 days. (Ann. Rept. (2006), Advisory Letter 7, p. 32.)

A judge did not decide a motion for child support for almost seven and one half months, and did not decide a request for attorneys' fees in the same case for almost a year. (Ann. Rept. (2006), Advisory Letter 8, p. 32.)

A judge failed to rule on a petition for habeas corpus for nearly seven months. (Ann. Rept. (2005), Advisory Letter 9, p. 27.)

At a time when the law required a judge to act on petitions for writs of habeas corpus within 30 days, a judge failed to take action on a petition for almost six months. (Ann. Rept. (2004), Advisory Letter 6, p. 23.)

Although the law now requires a judge to act on petitions for writs of habeas corpus in 60 days, a judge did not act on a habeas petition for 128 days. The judge issued two extensions of time for the court to act that were not met. (Ann. Rept. (2004), Advisory Letter 7, p. 23.)

A judge failed to render a decision on submitted matters in a family law proceeding for six months and had failed to adequately track the matters. (Ann. Rept. (2002), Advisory Letter 6, p. 23.)

In a family law matter, a judge delayed over five months between the filing of objections to a proposed statement of decision and the issuance of a signed statement. (Ann. Rept. (2001), Advisory Letter 2, p. 19.)

A judge delayed more than a year in issuing a final order on attorneys' fees. A tentative decision had issued earlier. (Ann. Rept. (1999), Advisory Letter 26, p. 24.)

A judge failed to rule for 12 months on a submitted matter, despite inquiries from one of the parties. (Ann. Rept. (1998), Advisory Letter 45, p. 29.)

A judge failed to rule on a submitted matter for over 22 months. (Ann. Rept. (1998), Advisory Letter 46, p. 29.)

A judge failed to rule on submitted matters in a family law case – including child and spousal support – for four months. The judge executed one false salary affidavit. (Ann. Rept. (1998), Advisory Letter 47, p. 29.)

A judge failed to review and act on a habeas petition for over six months. (Ann. Rept. (1998), Advisory Letter 48, p. 29.)

Demeanor/Decorum

In a published interview, a judge used profanity, once in reference to a litigant. (Ann. Rept. (2009), Advisory Letter 1, p. 18.)

A judge took two personal cell phone calls in open court during court proceedings and left the bench for at least five minutes for each call, returning without explanation or apology. The judge also made a disparaging remark to a small claims litigant. (Ann. Rept. (2009), Advisory Letter 2, p. 18.)

A judge inappropriately stated in open court, in the presence of an attorney's client, that the judge was considering reporting the attorney to the State Bar. (Ann. Rept. (2009), Advisory Letter 3, p. 18.)

In the presence of the jury, a judge displayed anger and used profanity toward counsel at a side bar conference for not following the judge's rule requiring attorneys to stand to make objections. (Ann. Rept. (2008), Advisory Letter 1, p. 26.)

In front of other jurors, a judge accused two potential jurors of lying to get out of jury duty. (Ann. Rept. (2008), Advisory Letter 2, p. 26.)

A judge was rude to counsel and litigants in three cases. (Ann. Rept. (2008), Advisory Letter 3, p. 26.)

On three occasions, a judge was loud and demeaning in dealing with court personnel. (Ann. Rept. (2007), Advisory Letter 1, p. 31.)

A judge displayed improper demeanor in two cases, making unduly harsh remarks. Some of the remarks concerned a litigant, others involved a witness, and others were directed to an attorney in a settlement conference. The advisory letter was issued after a six-month period of monitoring revealed no additional incidents of poor demeanor by the judge. (Ann. Rept. (2007), Advisory Letter 2, p. 31.)

A judge made sarcastic and demeaning remarks to a pro per litigant in family court, including mocking the litigant's use of a legal term. (Ann. Rept. (2007), Advisory Letter 3, p. 31.)

A judge used profanity in a sidebar conference with counsel while the jury and others were present in the courtroom. (Ann. Rept. (2007), Advisory Letter 4, p. 31.)

A judge made numerous sarcastic and demeaning remarks to both counsel in the presence of the jury in a criminal case. (Ann. Rept. (2007), Advisory Letter 5, p. 31.)

A judge made a vulgar remark to a pro per respondent in a domestic violence matter. (Ann. Rept. (2007), Advisory Letter 6, p. 31.)

A judge used profanity and vulgar language in two cases. The judge expressed contrition and gave assurances that the conduct would not be repeated. (Ann. Rept. (2006), Advisory Letter 1, p. 32.)

At sentencing, a judge made gratuitous remarks disparaging the criminal justice system in other jurisdictions. The remarks were likely to undermine public confidence in the judiciary, prosecutors and law enforcement. (Ann. Rept. (2006), Advisory Letter 2, p. 32.)

In an angry outburst during court proceedings, a judge expressed frustration with the judicial system and made rude and undignified remarks to a pro per family law litigant. (Ann. Rept. (2006), Advisory Letter 3, p. 32.)

During trial, a judge made numerous sarcastic and demeaning remarks to counsel in the presence of the jury. (Ann. Rept. (2006), Advisory Letter 5, p. 32.)

A judge questioned defense counsel in a criminal matter about the attorney's qualifications and competence. The questioning, some of which was demeaning, was

done in open court, in front of the defendant and over the objection of defense counsel. (Ann. Rept. (2006), Advisory Letter 13, p. 33.)

A judge's treatment of a juror was not patient, dignified and courteous. (Ann. Rept. (2005), Advisory Letter 10, p. 27.)

In two separate matters a judge was rude and harsh toward lawyers. In another incident, the judge reprimanded a court clerk in a manner that was inappropriate under the circumstances. In another matter, during proceedings in open court, the judge suggested – without sufficient basis – that a lawyer had committed malpractice in advice given to a client; the client was present during the judge's remarks. (Ann. Rept. (2004), Advisory Letter 1, p. 23.) [Demeanor/decorum; administrative malfeasance.]

In a public area adjacent to the courthouse, a judge berated and insulted a law enforcement witness in a case pending before the judge for talking with jurors during a break. Later, in open court, the judge also made insulting remarks to the prosecutor. (Ann. Rept. (2004), Advisory Letter 2, p. 23.)

After determining not to pursue contempt proceedings against an attorney, a judge made humiliating and insulting remarks to the attorney. The judge did not allow the attorney to address the judge's accusations. (Ann. Rept. (2004), Advisory Letter 3, p. 23.)

A judge failed to be "patient, dignified and courteous" toward a medical witness, and improperly threatened the witness with contempt. (Ann. Rept. (2003), Advisory Letter 2, p. 26.) [Demeanor/decorum; abuse of contempt/sanctions.]

While ruling on an attorney's request, the judge's treatment of the attorney was discourteous and callous. (Ann. Rept. (2003), Advisory Letter 3, p. 26.)

A judge made a gratuitous comment about sending a pro per litigant to jail that was likely to be perceived as a threat. (Ann. Rept. (2003), Advisory Letter 4, p. 26.)

During jury selection, a judge made disparaging comments about jury service, court administration, and another judge. The judge also made a discourteous remark to a potential juror. (Ann. Rept. (2002), Advisory Letter 7, p. 23.)

A judge made demeaning remarks and expressed hostility in open court toward an attorney who sought correction of an inaccurate order. On another occasion, the judge made gratuitous and disparaging remarks in open court about an attorney, in the attorney's absence. (Ann. Rept. (2001), Advisory Letter 4, p. 20.)

A judge displayed anger and rudeness toward an attorney in open court. (Ann. Rept. (2001), Advisory Letter 5, p. 20.)

A judge displayed sarcasm and derision in remarks toward a pro-per litigant in a civil harassment matter. (Ann. Rept. (2001), Advisory Letter 6, p. 20.)

A judge made demeaning comments to a pro per defendant that impugned the defendant's intelligence. (Ann. Rept. (2000), Advisory Letter 3, p. 21.)

In questioning prospective jurors about their attitudes concerning race in a criminal trial, a judge repeatedly used a racial epithet and negative stereotypes in reference to the defendant's race, with the defendant's apparent consent. The Commission urged the use of other means to accomplish the judge's stated purpose of ferreting out attitudes of racial bias. (Ann. Rept. (1999), Advisory Letter 6, p. 22.)

A judge made undignified and sexually suggestive comments to defendants in two cases. (Ann. Rept. (1999), Advisory Letter 7, p. 22.)

A judge's comment to a jury appeared unduly harsh and punitive toward the jurors. (Ann. Rept. (1998), Advisory Letter 8, p. 27.)

A judge made an insensitive joking comment in a family law matter. (Ann. Rept. (1998), Advisory Letter 9, p. 27.)

During a court session, a judge made harsh and intimidating comments to one pro per defendant and used inappropriate humor in the judge's remarks to three other pro per defendants. (Ann. Rept. (1998), Advisory Letter 11, p. 27.)

A judge presided over a court trial without wearing a judicial robe, in violation of Government Code section 68110. (Ann. Rept. (1998), Advisory Letter 12, p. 27.)

Disqualification/Disclosure/Post-disqualification Conduct

A judge failed to disclose a relationship with an attorney appearing before the judge until the end of a hearing, after the judge had granted the relief sought by the attorney's client. (Ann. Rept. (2008), Advisory Letter 12, p. 27.)

A judge observed a defendant committing a misdemeanor. The following day, the judge initiated proceedings − over which the judge improperly presided − to revoke the defendant's own-recognizance release based on the conduct the judge had observed. (Ann. Rept. (2007), Advisory Letter 8, p. 31.)

A judge presided over a litigant's motion to disqualify another judge without the litigant's agreement, in violation of Code of Civil Procedure section 170.3(c)(5). (Ann. Rept. (2007), Advisory Letter 9, p. 32.)

A judge's disclosure of information relevant to the question of disqualification was not made on the record, as required by canon 3E(1) of the Code of Judicial Ethics. (Ann. Rept. (2006), Advisory Letter 9, p. 32.)

A judge failed to disclose a longtime friendship with an attorney appearing before the judge in a family law matter, even after the issue of a possible undisclosed conflict was raised. (Ann. Rept. (2005), Advisory Letter 11, p. 27.)

A judge presided over a hearing on a motion and issued a ruling before disclosing a conflict of interest. The judge then recused from further proceedings. (Ann. Rept. (2002), Advisory Letter 8, p. 23.)

A judge failed to fully disclose on the record the judge's relationship with one of the counsel, and failed to place the parties' waiver of disqualification on the record. (Ann. Rept. (2001), Advisory Letter 14, p. 20.)

A judge responded to a litigant's exercise of a peremptory challenge by criticizing the litigant's attorney and delaying the transfer of the case to the presiding judge for reassignment. (Ann. Rept. (2001), Advisory Letter 15, p. 20.)

A judge failed to recuse when an attorney who was representing the judge in a civil case appeared before the judge. When the attorney appeared before the judge after the attorney withdrew from the case, the judge failed to recuse and did not disclose that the attorney was the judge's former counsel. (Ann. Rept. (2000), Advisory Letter 2, p. 21.)

A judge failed to disclose that the judge was in a business partnership with a member of a law firm whose associate was appearing before the judge and that the partnership received income from the law firm. (Ann. Rept. (1999), Advisory Letter 1, p. 21.)

At sentencing, a judge failed to disclose an association between the judge and the prosecutor and failed to disclose that the judge and the prosecutor had attended a weekend function the week before the sentencing hearing. (Ann. Rept. (1999), Advisory Letter 2, p. 21.)

A judge appeared to retaliate against attorneys who had disqualified the judge. (Ann. Rept. (1998), Advisory Letter 1, p. 26.)

A judge used profanity in open court concerning a litigant's actions. After recusing for bias, the judge continued to preside over a second proceeding involving the same litigant. (Ann. Rept. (1998), Advisory Letter 2, p. 26.) [Demeanor/decorum; disqualification/ disclosure/post disqualification conduct.]

A judge recused and then discussed the case with a judge who subsequently handled the case. (Ann. Rept. (1998), Advisory Letter 3, p. 26.)

While recusing from a case, a judge made comments which were disparaging and unnecessary, creating an appearance of bias and the perception that a hearing was being conducted for a purpose other than the discharge of judicial duties. (Ann. Rept. (1998), Advisory Letter 4, p. 27.)

A judge ruled upon the merits of a motion for the judge's own disqualification in contravention of Code of Civil Procedure section 170.3(c)(5). (Ann. Rept. (1998), Advisory Letter 5, p. 27.)

Ex Parte Communications

A judge considered multiple ex parte communications from members of the public, including a message left on a court phone line, while presiding over sentencing in a criminal case. (Ann. Rept. (2009), Advisory Letter 18, p. 20.)

A judge acted on an unnoticed, ex parte motion for continuance of a traffic trial. The defense did not have notice of the motion at any time before it was granted, and had no opportunity to object to the continuance or to have any input into setting a new trial date. (Ann. Rept. (2009), Advisory Letter 19, p. 20.)

A judge participated in an ex parte communication by email with a district attorney about a pending case. (Ann. Rept. (2007), Advisory Letter 13, p. 32.)

A supervising judge signed an order in a case to which the judge was not assigned, at the request of a judicial officer, knowing that the judicial officer was recused from the case. (Ann. Rept. (2006), Advisory Letter 10, p. 32.) [Ex parte communications; failure to ensure rights.]

A judge engaged in an improper ex parte communication about a trial over which the judge was presiding. (Ann. Rept. (2006), Advisory Letter 11, p. 32.)

A judge received information ex parte from one party's attorney and, without notice to the other parties, took action in the case based on that information. (Ann. Rept. (2006), Advisory Letter 12, p. 32.) [Ex parte communications; failure to ensure rights.]

A judge received ex parte information about a pending case. The judge then transmitted the information ex parte in a manner that gave the appearance that the judge had been investigating the case and was not impartial. (Ann. Rept. (2005), Advisory Letter 5, p. 26.) [Bias/appearance of bias not directed toward a particular class; ex parte communications.]

A judge twice engaged in ex parte communications about a case pending before the judge and failed to promptly disclose the communications. (Ann. Rept. (2005), Advisory Letter 6, p. 26.)

A judge engaged in an ex parte communication. The judge also improperly received confidential information about a person who was the subject of the ex parte communication but who was not present. (Ann. Rept. (2005), Advisory Letter 7, p. 27.) [Ex parte communications; failure to ensure rights.]

Several hours after a judge presided over a hearing in a family law case at which the judge set the respondent's monthly support payments, the respondent's counsel returned to court and told the judge, in the absence of opposing counsel, that the judge had made mistakes in calculating support. Without notifying the petitioner's counsel, the judge issued an order that significantly reduced the respondent's monthly support obligation.

(Ann. Rept. (2004), Advisory Letter 11, p. 24.) [Ex parte communications; failure to ensure rights.]

Responding to an improper ex parte communication from a party's attorney, a supervising judge, without notice or a hearing, modified a judgment entered against that party by a pro tem judge. (Ann. Rept. (2004), Advisory Letter 12, p. 24.) [Ex parte communications; failure to ensure rights.]

A judge met ex parte with representatives of the prosecution to discuss a pending motion. (Ann. Rept. (2002), Advisory Letter 9, p. 24.)

A judge initiated an ex parte discussion with a juror in a case tried before the judge while post-trial proceedings were pending. (Ann. Rept. (2001), Advisory Letter 17, p. 21.)

A judge initiated an ex parte discussion with attorneys present in court about a legal issue that was pending in another case before the judge. (Ann. Rept. (1999), Advisory Letter 11, p. 22.)

A judge engaged in ex parte communications with a defendant and his attorney about a possible sentence modification and then – without prior notice to the prosecutor – the judge modified the sentence. (Ann. Rept. (1999), Advisory Letter 12, p. 22.) [Ex parte communications; failure to ensure rights.]

A judge assigned to a case discussed the case with a judge who had been disqualified from the case. (Ann. Rept. (1998), Advisory Letter 20, p. 28.)

A judge denied a motion based on an ex parte communication from a litigant. (Ann. Rept. (1998), Advisory Letter 21, p. 28.)

A judge initiated an ex parte contact with an attorney in a family law matter pending before the judge. (Ann. Rept. (1998), Advisory Letter 22, p. 28.)

Failure to Ensure Rights

In a criminal case, a judge refused to hear a motion to suppress that was properly before the judge. (Ann. Rept. (2009), Advisory Letter 8, p. 19.)

A judge imposed an illegal and unconstitutional probation condition that reflected disregard of fundamental rights. (Ann. Rept. (2009), Advisory Letter 9, p. 19.)

During the hearing on an application for a restraining order, a judge denied the petitioner's right to be heard by improperly refusing to consider the statutorily permitted grounds on which the application was based, namely, a pattern of harassing conduct. (Ann. Rept. (2009), Advisory Letter 10, p. 19.)

A judge excused a represented party from the stand without offering the opposing party, a pro per litigant, an opportunity for cross-examination; the judge had offered the

represented party's counsel the opportunity to cross-examine the pro per litigant. (Ann. Rept. (2009), Advisory Letter 11, p. 19.)

When a criminal defendant's counsel of record failed to appear for trial, the judge said that the defendant was nevertheless going to trial or pleading that day. The defendant pled that day, assisted by another attorney. (Ann. Rept. (2008), Advisory Letter 14, p. 27.)

At arraignment, a judge waived a defendant's right to a speedy trial. The judge gave assurances that the conduct would not be repeated. (Ann. Rept. (2006), Advisory Letter 14, p. 33.)

A judge went forward with a brief hearing in the absence of the pro per defendant. (Ann. Rept. (2005), Advisory Letter 1, p. 26.)

A judge failed to ensure fundamental rights of a witness appearing before the court. (Ann. Rept. (2005), Advisory Letter 2, p. 26.)

A judge failed to ensure fundamental rights of a witness appearing before the court. (Ann. Rept. (2005), Advisory Letter 3, p. 26.)

A judge met ex parte with jurors during deliberations. (Ann. Rept. (2003), Advisory Letter 5, p. 26.)

A judge granted an ex parte application for modification of child visitation without notice of the ex parte application having been given to the affected parent. (Ann. Rept. (2003), Advisory Letter 8, p. 26.)

A judge conducted all or portions of some criminal proceedings without the prosecutor being present. (Ann. Rept. (2001), Advisory Letter 8, p. 20.)

A judge imposed attorney's fees on a defendant represented by the public defender's office without holding a hearing or inquiring regarding ability to pay as required by law. (Ann. Rept. (2000), Advisory Letter 4, p. 21.)

After discovering an error in sentencing, the judge changed details of the disposition of the case without notice to the parties or a hearing. (Ann. Rept. (1999), Advisory Letter 4, p. 22.)

In two cases, a judge terminated parental visitation in violation of the parents' fundamental rights. In one of the cases, the parent did not receive either notice or a hearing. (Ann. Rept. (1999), Advisory Letter 13, p. 23.)

A judge modified a defendant's conditions of probation without notice to the parties. The judge also made a remark which suggested a lack of neutrality. (Ann. Rept. (1998), Advisory Letter 6, p. 27.) [Failure to ensure rights; bias/appearance of bias not directed toward a particular class.]

A judge failed to provide a habeas petitioner with notice and an opportunity to be heard, as required by law, regarding information which the judge was authorized to receive ex parte. (Ann. Rept. (1998), Advisory Letter 25, p. 28.)

Gifts/Loans/Favors/Ticket-fixing

While serving as a commissioner and before becoming a judge, the judge handled a traffic matter for the relative of an acquaintance without requiring the relative to be present. The disposition was not lenient or otherwise favorable to the relative. (Ann. Rept. (2002), Advisory Letter 10, p. 24.)

A judge ordered the own-recognizance release of the spouse of a member of the judge's staff after discussing the case with the employee and giving advice about the spouse's release. (Ann. Rept. (2000), Advisory Letter 1, p. 21.)

A judge exchanged gifts with a court vendor whose contract was supervised by the judge. There were mitigating circumstances. (Ann. Rept. (2000), Advisory Letter 14, p. 22.)

A judge appointed an attorney with whom the judge had a social relationship; the judge appointed that attorney far more frequently than the judge appointed other attorneys, giving rise to an appearance of favoritism in appointments. On at least one occasion, the judge failed to disclose the judge's relationship with the attorney. (Ann. Rept. (2000), Advisory Letter 15, p. 22.) [Gifts/loans/favors/ticket-fixing; disqualification/disclosure/ post disqualification conduct.]

A judge ordered the own-recognizance release of a professional acquaintance who called the judge personally to request the release. The defendant was released before being booked and visited the judge in chambers after being released, creating an appearance of preferential treatment. (Ann. Rept. (2000), Advisory Letter 16, p. 22.)

A judge directed the jury commissioner to excuse an employee of a friend of the judge from jury duty without following the court's requirements for release from jury duty. (Ann. Rept. (1999), Advisory Letter 5, p. 22.)

A judge improperly interceded with jail officials to help an acquaintance and contacted the judge assigned to the case. (Ann. Rept. (1999), Advisory Letter 24, p. 23.)

Improper Business, Financial or Fiduciary Activities

A judge served as a trustee and attorney-in-fact for a person who was not a member of the judge's family. (Ann. Rept. (2000), Advisory Letter 9, p. 22.)

A new judge failed to ensure that the judge was no longer counsel of record in a number of cases after taking the bench. (Ann. Rept. (1998), Advisory Letter 43, p. 29.)

A new judge failed to ensure that the judge was no longer counsel of record in a pending

case. The judge remained counsel of record for a lengthy period after taking the bench. (Ann. Rept. (1998), Advisory Letter 44, p. 29.)

Improper Political Activities

A judge's campaign literature misrepresented the judge's professional experience. (Ann. Rept. (2002), Advisory Letter 11, p. 24.)

Miscellaneous Off-bench Conduct

The circumstances of a judge's consumption of alcoholic beverages in a bar during court hours created an appearance of impropriety. (Ann. Rept. (2009), Advisory Letter 7, p. 19.)

A judge failed to cooperate with the presiding judge in administrative matters concerning time off from court. (Ann. Rept. (2008), Advisory Letter 13, p. 27.)

A judge circulated an email over the court's computer system that contained offensive material. Recipients of the email included court personnel. (Ann. Rept. (2007), Advisory Letter 15, p. 32.)

A judge sent inappropriate emails, apparently intended as humor, over the court's computer system. Recipients of the emails included court personnel. (Ann. Rept. (2007), Advisory Letter 16, p. 32.)

A judge served in a non-judicial position incompatible with judicial office. (Ann. Rept. (2002), Advisory Letter 12, p. 24.)

A judge smoked in chambers in violation of law and despite being reminded of the prohibition by the presiding judge. (Ann. Rept. (2001), Advisory Letter 10, p. 20.)

A judge engaged in off-bench activities that appeared to denigrate the judicial system and had the potential to undermine juror respect for the court and public confidence in the judicial system. (Ann. Rept. (2000), Advisory Letter 8, p. 22.) [Administrative malfeasance; miscellaneous off-bench conduct; bias/appearance of bias not directed toward a particular class.]

A judge publicly participated in fundraising in violation of canon 4C. The judge also used court resources for the fundraising. (Ann. Rept. (1999), Advisory Letter 23, p. 23.) [Miscellaneous off-bench conduct; misuse of court resources.]

A judge smoked in chambers in violation of law. (Ann. Rept. (1998), Advisory Letter 39, p. 29.)

A judge smoked in chambers in violation of law. (Ann. Rept. (1998), Advisory Letter 40, p. 29.)

A judge smoked in chambers in violation of law. (Ann. Rept. (1998), Advisory Letter 41, p. 29.)

A judge smoked in chambers in violation of law. (Ann. Rept. (1998), Advisory Letter 42, p. 29.)

Misuse of Court Resources

A judge engaged in a pattern of extensive use of court secretaries and other resources for purposes unrelated to court business, the law, the legal system or the administration of justice. (Ann. Rept. (2000), Advisory Letter 7, p. 21.)

Non-performance of Judicial Functions/Attendance/Sleeping

A judge handled the multiple cases of a pro per probationer without the files and without ascertaining or reciting the case numbers on the record. The judge failed to implement previously promised action in the cases, including vacating future court dates. This failure, combined with errors by others, led to the probationer's being arrested and incarcerated for more than a week. (Ann. Rept. (2009), Advisory Letter 20, p. 20.)

A judge engaged in activities away from the courthouse during working hours that undermined public confidence in the integrity of the judiciary. (Ann. Rept. (2001), Advisory Letter 1, p. 19.) [Non-performance of judicial functions/attendance/sleeping; miscellaneous off-bench conduct.]

A judge was routinely late taking the bench for morning calendars. (Ann. Rept. (2000), Advisory Letter 10, p. 22.)

A judge engaged in activities away from the courthouse during working hours that undermined public confidence in the integrity of the judiciary. (Ann. Rept. (2000), Advisory Letter 11, p. 22.) [Non-performance of judicial functions/attendance/sleeping; miscellaneous off-bench conduct.]

A judge engaged in activities away from the courthouse during working hours that undermined public confidence in the integrity of the judiciary. (Ann. Rept. (2000), Advisory Letter 12, p. 22.) [Non-performance of judicial functions/attendance/sleeping; miscellaneous off-bench conduct.]

A judge appeared to be sleeping during court proceedings. (Ann. Rept. (2000), Advisory Letter 19, p. 22.)

A judge failed to perform certain assigned judicial duties. (Ann. Rept. (1998), Advisory Letter 49, p. 29.)

A judge failed to perform certain assigned judicial duties. (Ann. Rept. (1998), Advisory Letter 50, p. 29.)

A judge failed to perform certain assigned judicial duties. (Ann. Rept. (1998), Advisory Letter 51, p. 29.)

Off-bench Abuse of Office/Misuse of Court Information

A judge used official court stationery to advance a personal business purpose. (Ann. Rept. (2007), Advisory Letter 14, p. 32.)

A judge used stationery bearing the judge's official title for correspondence related to a personal business dispute. (Ann. Rept. (2007), Advisory Letter 17, p. 32.)

A judge sent letters to public officials on judicial stationery concerning a personal dispute. (Ann. Rept. (2002), Advisory Letter 13, p. 24.)

A judge used judicial stationery to obtain an advantage in a personal business matter. (Ann. Rept. (2001), Advisory Letter 9, p. 20.)

A judge used chambers stationery in connection with a personal business dispute. (Ann. Rept. (2001), Advisory Letter 11, p. 20.)

A judge sent two complaint letters to a company regarding its billings, using official court stationery and the judge's title. The language and tone of the letters gave the appearance of trying to obtain special treatment for the judge. (Ann. Rept. (1999), Advisory Letter 22, p. 23.)

On-bench Abuse of Authority in Performance of Judicial Duties

A judge, who was advisor and supervisor of the grand jury, exceeded the judge's authority by sending a letter to individuals who had submitted information and requests to the grand jury, ordering them to "cease and desist" contact with the grand jury on any matter as to which they had been advised that the grand jury no longer needed or desired contact. The letter also advised them that violation of this order could result in sanctions including contempt, which could result in fines or incarceration. (Ann. Rept. (2009), Advisory Letter 5, p. 19.)

A judge issued orders sealing court records without the requisite showing of cause and without following the procedures mandated by law. (Ann. Rept. (2009), Advisory Letter 6, p. 19.)

A judge threatened to terminate the reporting of a juvenile proceeding, contrary to Welfare and Institutions Code section 677 which requires that "all of the testimony and statements and remarks" of the judge and all persons appearing at all juvenile court proceedings be reported. (Ann. Rept. (2008), Advisory Letter 9, p. 27.)

During a probation revocation proceeding, a judge used a bail order for the improper purpose of collecting restitution by setting bail in cash and requiring the bail depositor to sign over the funds deposited as bail to pay restitution. (Ann. Rept. (2008), Advisory

Letter 10, p. 27.)

A judge's use of a research attorney to confer with counsel regarding a motion appeared inconsistent with according the parties a full right to be heard and created an appearance of impropriety. (Ann. Rept. (2008), Advisory Letter 11, p. 27.)

During pretrial discussions with counsel, a judge angrily slapped the judge's hand down on the bench; one attorney then left the courtroom. When the attorney returned, the judge had the bailiff remove the attorney without sufficient cause. (Ann. Rept. (2007), Advisory Letter 19, p. 32.) [Demeanor/decorum; on-bench abuse of authority in performance of judicial duties.]

A judge chastised the attorneys in the presence of the jury and threatened to declare a mistrial over momentary confusion about the availability of a witness. (Ann. Rept. (2006), Advisory Letter 4, p. 32.) [Demeanor/decorum; on-bench abuse of authority in performance of judicial duties.]

On multiple occasions, a judge spoke directly to defendants in Spanish — often on matters of substance and even when interpreters were present — in violation of Code of Civil Procedure section 185(a), which requires all judicial proceedings to be conducted in English. (Ann. Rept. (2006), Advisory Letter 16, p. 33.)

In a case not pending before the judge and without notice to the parties, a judge rescinded another judge's order that a defendant be released on the defendant's own recognizance. (Ann. Rept. (2005), Advisory Letter 12, p. 27.)

A judge improperly invoked judicial authority in addressing an administrative problem. (Ann. Rept. (2003), Advisory Letter 6, p. 26.)

A judge's revocation of a criminal defendant's own-recognizance release gave the appearance of punishing the defendant for delays in the proceedings. (Ann. Rept. (2003), Advisory Letter 7, p. 26.)

While investigating a prospective juror's medical excuse, the judge contacted the juror's supervisor and disclosed the claimed medical excuse. The prospective juror had not consented to the release of this confidential information to the employer. (Ann. Rept. (2002), Advisory Letter 14 p. 24.)

A judge improperly required defendants to address the courtroom audience. (Ann. Rept. (2001), Advisory Letter 13, p. 20.)

After a criminal defendant requested representation by the public defender, the judge directed the bailiff to search the defendant's wallet. (Ann. Rept. (1998), Advisory Letter 7, p. 27.)

Sexual Harassment/Inappropriate Workplace Gender Comments

A judge engaged in conduct toward a member of court staff that reflected unwelcome and excessive personal interest. (Ann. Rept. (1999), Advisory Letter 21, p. 23.)

A judge engaged in displays of affection toward court employees which were unwelcome to some. In mitigation, the judge attended training in appropriate workplace conduct. The judge also made a comment to an attorney appearing before the judge which reflected gender bias. (Ann. Rept. (1998), Advisory Letter 38, p. 29.)

More Than One Type of Misconduct

A judge improperly refused to hear a petition for temporary guardianship, thereby failing to provide the petitioner full right to be heard according to law. The judge also failed to be patient, dignified and courteous toward individuals appearing on the matter on two dates. (Ann. Rept. (2009), Advisory Letter 21, p. 20.) [Demeanor/decorum; failure to ensure rights.]

On several occasions, a judge failed to disclose on the record the close personal relationship between a member of the judge's courtroom staff and an attorney appearing before the judge. In another matter, the judge made demeaning remarks in open court about an attorney in the case. (Ann. Rept. (2009), Advisory Letter 22, p. 20.) [Demeanor/decorum; disqualification/disclosure/post-disqualification conduct.]

In a written recusal order, a judge made disparaging, gratuitous statements about an attorney in the case. The tenor of the remarks the judge made to the attorney before recusing also appeared inconsistent with the judge's duty to be patient, dignified and courteous. (Ann. Rept. (2009), Advisory Letter 23, p. 20.) [Demeanor/decorum; disqualification/disclosure/post-disqualification conduct.]

A judge wrote a letter - not on judicial stationery and not using the judicial title - on behalf of a litigant personally known to the judge for use in a case then pending before another judge in the judge's court. The letter contained what could be considered character testimony. In addition, the judge failed to disclose a relationship with an attorney appearing before the judge. (Ann. Rept. (2009), Advisory Letter 24, p. 20.) [Disqualification/disclosure/post-disqualification conduct; off-bench abuse of office/misuse of court information.]

A judge's conduct at a hearing in a criminal case reflected embroilment. At the outset of the hearing, in open court and on the record, the judge accused the defendant of perjury and his lawyer of submitting false evidence and libeling the court. The judge also accused the attorney of lack of judgment and credibility, reckless disregard for the truth, a lack of integrity, and willingness to aid and abet perjury. The judge then told the attorney he was not welcome in the judge's court. The judge did not recuse until after the hearing, even though grounds for disqualification existed at the beginning of the hearing. (Ann. Rept. (2009), Advisory Letter 25, p. 20.) [Bias/appearance of bias not directed toward a

particular class; demeanor/decorum; disqualification/disclosure/post-disqualification conduct; on-bench abuse of authority in performance of judicial duties.]

During a hearing, when an attorney commented that the court reporter had apparently missed an answer, the judge interrogated counsel in an accusatory manner. In another matter, the judge inappropriately accused a prosecutor of unethical conduct for speaking to a defendant who was represented by counsel. The judge engaged in an abuse of judicial authority by ordering the prosecutor to call the prosecutor's supervisor and remain in the courtroom until the supervisor arrived. The judge's campaign disclosure form also failed to provide the street address of a donor, as required by law. (Ann. Rept. (2008), Advisory Letter 17, p. 28.) [Demeanor/decorum; on-bench abuse of authority in performance of judicial duties; improper political activities.]

In open court, while presiding over a criminal matter, a judge accused the defendant's attorney, who was asserting the client's rights, of being unethical, and stated that the attorney's unethical practices disgraced the legal profession. When the attorney later filed a statement of disqualification, the judge gave the appearance of soliciting the prosecution's assistance in opposing it. (Ann. Rept. (2008), Advisory Letter 18, p. 28.) [Demeanor/decorum; disqualification/disclosure/post-disqualification conduct.]

A judge was discourteous to counsel in three proceedings; in one of the cases, the judge also demonstrated a lack of impartiality. In a fourth proceeding, the judge disregarded a misdemeanant's right to bail. (Ann. Rept. (2007), Advisory Letter 18, p. 32.) [Bias/appearance of bias not directed toward a particular class; demeanor/decorum; failure to ensure rights.]

A judge required an attorney to come into chambers after a preliminary hearing to listen to an explanation of the judge's decision and made comments, in an emotional and argumentative manner, that were intimidating. In a separate matter, the judge made discourteous remarks to one counsel that tended to improperly personalize the matter before the court. (Ann. Rept. (2007), Advisory Letter 20, p. 32.) [Bias/appearance of bias not directed toward a particular class; demeanor/decorum.]

A judge raised the bail of a defendant because a friend or family member of the defendant had caused a disturbance in court, which was not a proper reason to increase bail. In another matter, the judge failed to be patient, dignified and courteous to a defendant. (Ann. Rept. (2005), Advisory Letter 4, p. 26.) [On-bench abuse of authority in performance of judicial duties; demeanor/decorum.]

During a trial, a judge improperly spoke to the jury about another case. The judge told the jury that an attorney who would be appearing on the other case had filed inadequate papers; the judge made comments suggesting prejudgment. When the attorney appeared, the judge was sarcastic and impatient. In another case, the judge made sarcastic, demeaning and disparaging remarks to two attorneys. (Ann. Rept. (2004), Advisory Letter 10, p. 23.) [Demeanor/decorum; ex parte communications; Bias/appearance of bias not directed toward a particular class.]

After a judge declined assignment in one case because of an association with a party, the judge presided over a second case involving the same parties. The judge set aside a default judgment entered against the party with whom the judge was associated, without notice or a hearing. When the other party objected in an ex parte letter, the judge vacated the prior order and set a hearing before another judge. In the order reassigning the case, the judge made statements about the pending motion that appeared intended to influence the decision of the other judge. (Ann. Rept. (2004), Advisory Letter 13, p. 24.) [Disqualification/disclosure/post-disqualification conduct; on-bench abuse of authority in performance of judicial duties; failure to ensure rights; ex parte communications.]

In a family law matter, the judge made remarks concerning the litigants that were undignified and disparaging. In another family law matter, the judge's remarks reflected a pattern of embroilment. The judge responded to criticism of the case in a manner that appeared to constitute an abuse of authority. A more severe sanction was not imposed because the judge agreed to and did attend appropriate educational programs. (Ann. Rept. (2003), Advisory Letter 10, p. 27.) [Bias/appearance of bias not directed toward a particular class; demeanor/decorum; on-bench abuse of authority in performance of judicial duties.]

A judge's treatment of jurors undermined public confidence in the integrity and impartiality of the judiciary. The judge also appeared to engage in campaign activities in the courthouse during court hours. (Ann. Rept. (2003), Advisory Letter 11, p. 27.) [Administrative malfeasance; improper political activities.]

In one matter, the judge failed to disclose on the record a relationship with the defendant's family. In another matter, the judge created the appearance of favoritism by issuing a ruling on the judge's own motion based in part on personal knowledge of the defendant and on information received ex parte. The judge failed to disqualify from the matter, notwithstanding the judge's personal knowledge of evidentiary facts, and failed to disclose on the record that the judge was familiar with the defendant's family. In a third matter, the judge discussed a pending case with an attorney who was not involved in the case. The Commission strongly urged the judge to obtain further ethics education. (Ann. Rept. (2003), Advisory Letter 12, p. 27.) [Bias/appearance of bias not directed toward a particular class; disqualification/disclosure/post-disqualification conduct; ex parte communications.]

In one case, the judge made remarks indicating prejudgment. In another matter, the judge improperly failed to recuse. In a third matter, the judge struck another judge's order disqualifying the judge from the case. In another matter, the judge made a disparaging remark about a government attorneys' office. In addition, the judge's treatment of court staff failed to comply with Canon 3B(4), requiring judges to be "patient, dignified and courteous" toward those with whom they deal in an official capacity. (Ann. Rept. (2003), Advisory Letter 13, p. 27.) [Bias/appearance of bias not directed toward a particular class; demeanor/decorum; disqualification/disclosure/post-disqualification conduct.]

A judge frequently used a member of court staff to assist the judge with personal matters. The judge presided over a criminal matter without disclosing the judge's past friendship

with—and current antipathy toward—the victim. (Ann. Rept. (2003), Advisory Letter 15, p. 27.) [Disqualification/disclosure/post-disqualification conduct; misuse of court resources.]

A judge made misleading public statements that diminished public confidence in the integrity of the judiciary. During a court proceeding, the judge made a disparaging remark about other judicial officers. (Ann. Rept. (2003), Advisory Letter 16, p. 27.) [Demeanor/decorum; administrative malfeasance.]

A presiding judge failed to process a complaint about a court commissioner for nine months. In another matter, when the judge's former law partner appeared before the judge, the judge disclosed only the judge's past professional and financial relationship with the law firm, not the judge's ongoing social relationship with the former law partner. (Ann. Rept. (2002), Advisory Letter 15, p. 24.) [Administrative malfeasance; disqualification/disclosure/post-disqualification conduct.]

A judge failed to recuse or to adequately disclose the judge's prior association in practice with an attorney appearing before the judge. On occasions when the conflict was waived, the judge failed to obtain written waivers of disqualification as required by law. The judge also was verbally abusive toward court staff. (Ann. Rept. (2002), Advisory Letter 16, p. 24.) [Demeanor/decorum; disqualification/disclosure/post-disqualification conduct.]

On several occasions, a judge granted special courtroom privileges to a particular spectator during proceedings, which may have created the impression that the person was in a special position to influence the judge. The judge also used court resources for personal, non-court related purposes. (Ann. Rept. (2002), Advisory Letter 17, p. 24.) [Gifts/loans/favors/ticket-fixing; misuse of court resources.]

A judge failed to disqualify or to disclose to the parties aspects of the judge's relationship with one of the counsel. An appointment by the judge gave rise to an appearance of favoritism. The judge also commented improperly on a pending case. (Ann. Rept. (2001), Advisory Letter 19, p. 21.) [Comment on a pending case; disqualification/ disclosure/post-disqualification conduct; gifts/loans/favors/ticket-fixing.]

A judge presided over matters involving an individual from whom a member of the judge's family was attempting to collect a judgment. In a separate matter, the judge conducted an investigation concerning an issue in the case before the judge. (Ann. Rept. (1999), Advisory Letter 3, p. 21.) [Disqualification/disclosure/post-disqualification conduct; ex parte communications.]

A judge imposed contempt upon a prospective juror without following the requisite procedures. In another case, the judge remanded a misdemeanor defendant into custody out of irritation with what the judge believed to be the defendant's insolent attitude. The judge used the word "contempt" to describe the defendant's remark but failed to follow any of the procedures required for contempt. The judge also made a public comment on

a pending case. (Ann. Rept. (1999), Advisory Letter 9, p. 22.) [Abuse of contempt/ sanctions; comment on a pending case.]

At the conclusion of a hearing in a criminal matter, a judge made injudicious remarks which suggested a lack of impartiality. The judge also commented publicly on the proceedings. (Ann. Rept. (1999), Advisory Letter 15, p. 23.) [Bias/appearance of bias not directed toward a particular class; comment on a pending case.]

A judge mishandled reimbursements the judge received that were owed to the county. The judge also failed to observe high standards of conduct in the judge's personal financial activities, thereby undermining confidence in the judiciary. (Ann. Rept. (1999), Advisory Letter 25, p. 23.) [Miscellaneous off-bench conduct; administrative malfeasance.]

A judge failed to fully disclose a social relationship with an attorney appearing before the judge. The judge also engaged in ex parte communications in two cases. In another matter, after recusing from the case, the judge issued substantive orders. (Ann. Rept. (1999), Advisory Letter 27, p. 24.) [Disqualification/disclosure/post-disqualification conduct; ex parte communications.]

A judge initiated a conversation in court with a victim – outside the attorneys' hearing – on the day before trial. In another case, the judge appeared to engage in an ex parte conversation with the prosecutor, prior to a hearing, but refused to allow defense counsel to make a record of the incident. On a number of occasions, the judge's advisement about a defendant's right to appointed counsel and obligation to pay for appointed counsel was misleading. (Ann. Rept. (1999), Advisory Letter 28, p. 24.) [Bias/ appearance of bias not directed toward a particular class; failure to ensure rights.]

A judge failed to recuse from a matter involving a family member. In a separate matter, the judge failed to handle a habeas petition in a timely manner and did not give the petitioner an opportunity to be heard – as required under rule 260(d), California Rules of Court – regarding information properly received ex parte. (Ann. Rept. (1999), Advisory Letter 29, p. 24.) [Decisional delay/false salary affidavits; failure to ensure rights; disqualification/disclosure/post-disqualification conduct.]

A judge failed to disclose that a member of the judge's court staff was married to an attorney appearing in a case before the judge. In another matter, out of apparent pique, the judge refused to hear a motion involving matters prejudicial to the defendant outside the presence of prospective jurors. In a separate proceeding, the judge reacted in a hostile manner to an attorney seeking to disqualify the judge. In another matter, the judge made statements displaying discourtesy and lack of impartiality toward the litigants. On one occasion, the judge appeared to be under the influence of alcohol during court hours. As to the series of events, there was substantial mitigation. (Ann. Rept. (1999), Advisory Letter 30, p. 24.) [Substance abuse; bias/appearance of bias not directed toward a particular class; disqualification/disclosure/post-disqualification conduct; on-bench abuse of authority in performance of judicial duties.]

A judge made inappropriate comments and exhibited demeaning and abusive behavior toward those appearing before the judge. In one proceeding, the judge created an appearance of retaliation by remanding a defendant after the defendant requested a hearing. (Ann. Rept. (1998), Advisory Letter 10, p. 27.) [Demeanor/decorum; on-bench abuse of authority in performance of judicial duties.]

A judge counseled a witness not to testify in a case pending before the judge. The judge also answered a note from the jury during deliberations without notice to the parties and counsel, and failed to make a record. (Ann. Rept. (1998), Advisory Letter 30, p. 28.) [Bias/appearance of bias not directed toward a particular class; failure to ensure rights.]

A judge made comments which gave an appearance of prejudgment during an arraignment. The judge also made comments to the media about the case. There were mitigating circumstances. (Ann. Rept. (1998), Advisory Letter 34, p. 28.) [Bias/ appearance of bias not directed toward a particular class; comment on a pending case.]

A judge slept – or appeared to be sleeping – while on the bench, and was tardy in commencing court sessions. The judge proposed personal friends as arbitrators. In one case, the judge considered and signed two orders based on ex parte communications from an attorney in a case pending before the judge. (Ann. Rept. (1998), Advisory Letter 52, p. 29.) [Non-performance of judicial functions/attendance/sleeping; ex parte communications; gifts/loans/favors/ticket-fixing.]

A judge was convicted in another state of a Class C misdemeanor and engaged in conduct which may have given the appearance of attempting to intimidate or influence law enforcement officers. On one occasion in court and another in chambers, the judge exhibited poor demeanor. (Ann. Rept. (1998), Advisory Letter 53, p. 29.) [Demeanor/ decorum; non-substance abuse criminal conduct; off-bench abuse of office.]