

## **PUBLIC ADMONISHMENT OF JUDGE JUDITH C. CHIRLIN**

The Commission on Judicial Performance has ordered Judge Judith C. Chirlin publicly admonished for improper conduct within the meaning of Article VI, Section 18 (d) of the California Constitution, as set forth in the following statement of facts and reasons found by the Commission:

In 1993, a jury trial in the case of Main Line Pictures, Inc. v. Kim Basinger, et al. was conducted before Judge Chirlin. The case involved an action for breach of contract based on defendant Basinger's alleged withdrawal from the making of Main Line's movie "Boxing Helena," which was completed and released with a different female lead. The case attracted significant media attention due to the subject matter and the celebrity of the defendant.

There was a verdict for plaintiff Main Line Pictures, Inc. on March 23, 1993. A notice of appeal was filed by defendants Kim Basinger, et al. on July 16, 1993.

In August 1993, Judge Chirlin attended the premiere of the movie Boxing Helena at the invitation of the movie's producer, the plaintiff in Main Line Pictures, Inc. v. Kim Basinger, et al. The premiere consisted of the showing of the movie followed by a reception at a Los Angeles restaurant. Judge Chirlin's attendance at the event was noted in the media.

The commission found that Judge Chirlin's attendance at the premiere was improper in that it contributed to an appearance of bias: due to Judge Chirlin's role in the trial of the lawsuit, the judge was seen as joining in the plaintiff's celebration of the movie's release and the plaintiff's celebration of its legal victory.

An appearance of bias or partiality erodes public confidence in and respect for the judiciary. Canon 2 of the Code of Judicial Conduct requires judges to avoid impropriety and the appearance of impropriety in all of the judge's activities; Canon 3 of the Code of Judicial Conduct requires that judges perform judicial duties without bias; Canon 4 requires that judges conduct even extrajudicial activities so the activities do not cast reasonable doubt on the judge's capacity to act impartially as a judge.

On January 2, 1994, while the appeal of judgment in Main Line Pictures! Inc. v. Kim Basinger, et al. was still pending, an article appeared in the Los Angeles Times Sunday magazine about the case. Judge Chirlin was interviewed for the article and asked about allegations that her rulings during the trial exhibited bias against defendant Basinger. Judge Chirlin was quoted as saying, "The fact of the matter is that throughout the trial, a significant portion of my rulings were in favor of Kim."

The commission found that Judge Chirlin's comments to the reporter about the Main Line Pictures, Inc. v. Kim Basinger, et al. case were in conflict with the provisions of Canon 3 of the Code of Judicial Conduct, which states in part:

"A judge should not make any public comment about a pending or impending proceeding in any court . . . "

At the time of the remarks, an appeal of the judgment was pending. The requirement that judges refrain from commenting about cases continues during any appellate process until final disposition.

In arriving at this disposition, the commission noted that the judge recognized and acknowledged the impropriety of her attendance at the premiere and of her public comments regarding the case.