

**STATE OF CALIFORNIA**  
**BEFORE THE COMMISSION ON JUDICIAL PERFORMANCE**

**INQUIRY CONCERNING FORMER  
JUDGE RONALD C. KLINE,**

**No. 181**

**DECISION AND ORDER  
IMPOSING PUBLIC CENSURE AND  
BAR PURSUANT TO STIPULATION  
(Commission Rule 127)**

**I. INTRODUCTION AND SUMMARY**

This disciplinary matter concerns former Judge Ronald C. Kline (Judge Kline). Judge Kline was appointed to the Orange County Superior Court in 1995 and elected to a six-year term in 1996; he did not seek reelection and his final term of office expired at the end of 2002.

On December 12, 2005, Judge Kline pled guilty to four federal felony counts of possession of child pornography. Pursuant to article VI, section 18, subdivision (c) of the California Constitution, when an *active* judge is convicted of a felony under California or federal law and the conviction becomes final, the commission “shall remove a judge from office.” Under subdivision (e) of section 18, a judge removed by the commission is “ineligible for judicial office, including receiving an assignment, appointment, or reference of work from any California state court, and pending further order of the [California Supreme Court] is suspended from practicing law in this State.” As respects a *former* judge such as Judge Kline, the maximum sanction the commission may impose, based on a final felony conviction, is the imposition of a censure and a bar from receiving

an assignment, appointment, or reference of work from any California state court (censure and bar). (Cal. Const., art. VI, § 18, subd. (d).)

Judge Kline and his counsel, Edward P. George, Jr., Esq., and the examiner for the commission, Jack Coyle, Esq., (the parties) have entered into an agreement by which the commission was requested to commence these formal proceedings against Judge Kline and in which the judge agreed to the imposition of a censure and bar; the judge agreed further that the commission may refer the matter to the State Bar of California. The agreement was presented to the commission on May 10, 2006, which accepted it by a vote of 8 to 0. (Further details concerning the commission vote are set forth at the conclusion of this decision, *post*, at page 4.)

## **II. STIPULATION FOR DISCIPLINE**

The Stipulation, signed by the various parties on April 27 and May 1, 2006, provides that upon acceptance of the agreement by the commission, a Notice of Formal Proceedings (Notice) will be issued by the commission simultaneously with the issuance of the commission's decision. The Notice is to include the charge that Judge Kline was in criminal possession of child pornography on November 5, 2001 in violation of title 18, United States Code, section 2252A(a)(5)(B). (Stipulation, p. 1.)

The parties further agree that pursuant to Commission Rule 127(b), the new inquiry, commenced with the filing of the Notice, be resolved with Judge Kline agreeing to the truth of the stipulated charge, and the imposition of a censure and bar, and further, that the commission may disclose information concerning this matter to the State Bar. (Stipulation, pp. 1, 2.)

According to the terms of the Stipulation, Judge Kline also agrees that in the decision and order imposing a censure and bar, the commission "may articulate the reasons for its decision" and that he will "accept any such explanatory language that the commission deems appropriate." (Stipulation, p. 2.) Pursuant to the Stipulation, Judge Kline "waives hearing, review, and any further proceedings." (*ibid.*)

In connection with the Stipulation, Judge Kline also executed on April 27, 2006, the requisite Affidavit of Consent (Affidavit) under rule 127(d) in which he admitted the

truth of the charge, consented to the imposition of a censure and bar, and waived all further proceedings and review by the California Supreme Court.

This Decision and Order, and the findings and conclusions set forth herein, are based on the Stipulation and Affidavit.

### **III. STIPULATED FACTS AND LEGAL CONCLUSIONS**

On November 5, 2001, law enforcement authorities executed a search warrant on Judge Kline's residence. Images that constituted child pornography, as defined in title 18, United States Code, sections 2256(8)(A) and (C), were found on a computer and computer disks in the residence. As a result, Judge Kline was indicted in *United States v. Ronald C. Kline*, CR No. 02-40(A) – CBM, and on December 12, 2005, in the United States District Court, Judge Kline pleaded guilty to four felony counts of possession of child pornography in violation of title 18, United States Code, section 2252A(a)(5)(B). By pleading guilty, Judge Kline admitted that he is, in fact, guilty. He has not yet been sentenced [as of the date of the Stipulation].

Judge Kline's conduct violated the Code of Judicial Ethics, canons 1 (failing to observe high standards of conduct so that the integrity of the judiciary will be preserved) and 2A (failing to comply with the law and acting at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary), and constituted conduct prejudicial to the administration of justice that brings the judicial office into disrepute. (As Judge Kline was not acting in a judicial capacity, the conduct cannot be considered "willful misconduct in office." *Broadman v. Commission on Judicial Performance* 18 Cal.4th 1079, 1091.)

Commission of a felony, regardless of the underlying facts of the crime, is a sufficient basis upon which to impose the maximum judicial discipline. In the case of a sitting judge, the constitution mandates removal from judicial office upon finality of a felony conviction. (Cal. Const., art. VI, § 18, subd. (c).) However, Judge Kline has not been in judicial office since his last term of office expired at the end of 2002. The commission previously has interpreted the constitution as prohibiting discipline more

severe than a censure and bar for a former judge. (See *Inquiry Concerning Danser*, No. 172 (June 23, 2005) Decision and Order, p. 3.)

#### **IV. DISCIPLINE**

As noted, if Judge Kline were a sitting judge, the commission would be compelled to remove him from office upon his felony conviction becoming final. The stipulated censure and bar is the maximum sanction the commission may impose upon a former judge, such as Judge Kline. (Cal. Const., art. VI, § 6, subd. (d).) Based upon the parties' stipulation, and good cause appearing, the commission hereby censures former Judge Ronald C. Kline and bars him from receiving an assignment, appointment, or reference of work from any California state court.

Commission members Mr. Marshall B. Grossman, Justice Judith D. McConnell, Ms. Patricia Miller, Mr. Jose C. Miramontes, Mrs. Penny Perez, Judge Risë Jones Pichon, Ms. Barbara Schraeger and Mr. Lawrence Simi voted to accept the parties' settlement proposal and to issue this decision and order imposing a censure and bar pursuant to the stipulated agreement. Commission member Judge Frederick P. Horn is recused, and commission members Mr. Michael A. Kahn and Mrs. Crystal Lui did not participate in this matter.

Dated: June 15, 2006

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/s/

Marshall B. Grossman  
Chairperson