

# PRIVATE DISCIPLINE SUMMARIES

Private admonishments are categorized by year. To access a particular year, click on the listing for that year in the table of contents.

Advisory letters are categorized by misconduct type with the most recent cases listed first. If a case involved more than one type of misconduct, it may be listed in the More Than One Type of Misconduct category. To access a particular misconduct type, click on the listing for that misconduct in the table of contents.

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# PRIVATE DISCIPLINE

## PRIVATE ADMONISHMENTS

**2017**

In multiple family law cases, the judge made discourteous remarks to counsel and to self-represented litigants. In one case, the judge made comments that suggested prejudice and embroilment. The judge also failed to allow a litigant to present evidence and to accord that litigant a full right to be heard. The judge also appeared not to have undertaken the preparation necessary to preside over the matter. (Ann. Rept. (2017), Private Admonishment 1, p. 23.) [Bias/appearance of bias not directed toward a particular class; Demeanor/decorum; Failure to ensure rights.]

In multiple criminal cases, the judge failed to advise defendants of their right to court-appointed counsel and the right against self-incrimination before questioning them. The judge also made an improper independent investigation of the facts in one of the cases. (Ann. Rept. (2017), Private Admonishment 2, p. 23.) [Ex parte communications; Failure to ensure rights.]

In multiple family law matters, the judge made remarks to litigants that were discourteous and sometimes undignified. On one occasion, the judge improperly threatened a litigant. The judge failed to recuse from a case in which the judge's disqualification was required by law. The judge also engaged in improper political activity at the courthouse. The discipline included additional conditions. (Ann. Rept. (2017), Private Admonishment 3, p. 23.) [Demeanor/decorum; Disqualification/disclosure/post-disqualification conduct; Improper political activities; On-bench abuse of authority in performance of judicial duties.]

A judge engaged in an abuse of authority by making an appointment not permitted by law and in violation of a litigant's rights without affording the litigant notice and an opportunity to be heard. The judge also failed to comply with disclosure requirements for judicial campaign contributions. (Ann. Rept. (2017), Private Admonishment 4, p. 23.) [Disqualification/disclosure/post-disqualification conduct; Failure to ensure rights; On-bench abuse of authority in performance of judicial duties.]

A judge engaged in a course of conduct that violated canon 4F, which prohibits a judge from acting as an arbitrator or mediator or otherwise performing judicial functions in a private capacity unless expressly authorized by law. (Ann. Rept. (2017), Private Admonishment 5, p. 23.) [Miscellaneous Off-bench conduct.]

Without any matter pending before the court, a judge issued an order purporting to exempt an individual from a particular regulation. (Ann. Rept. (2017), Private Admonishment 6, p. 23.) [On-bench abuse of authority in performance of judicial duties.]

A judge used the court's email and mailing address in connection with business activities unrelated to court business. The judge also misused the prestige of office in communicating with law enforcement about a matter not related to official court business. (Ann. Rept. (2017), Private

Admonishment 7, p. 24.) [Misuse of court resources; Off-bench abuse of office/misuse of court information.]

A judge engaged in improper charitable activities and improper political activity. (Ann. Rept. (2017), Private Admonishment 8, p. 24.) [Improper political activities; Miscellaneous Off-bench conduct .]

A judge made repeated remarks about female attorneys that were discourteous and unjudicial. (Ann. Rept. (2017), Private Admonishment 9, p. 24.) [Demeanor/decorum.]

A judge issued an order that a judge knew was beyond the judge's lawful authority for an improper purpose. (Ann. Rept. (2017), Private Admonishment 10, p. 24.) [On-bench abuse of authority in performance of judicial duties.]

A judge engaged in conduct that could reasonably be perceived as bias or sexual harassment. The judge also misused court resources. The judge displayed a lack of candor during the investigation of the judge's conduct. The discipline included additional conditions. (Ann. Rept. (2017), Private Admonishment 11, p. 24.) [Administrative malfeasance/improper comments/treatment of colleagues and staff; Bias/appearance of bias toward a particular class; Demeanor/decorum; Misuse of court resources; Sexual harassment/inappropriate workplace gender comments.]

A judge engaged in decisional delay in two matters and submitted five false salary affidavits (Ann. Rept. (2017), Private Admonishment 12, p. 24.) [Decisional delay/false salary affidavits .]

A judge's orders, denying a criminal defendant a fundamental right, reflected embroilment and appeared to retaliate against the defendant. (Ann. Rept. (2017), Private Admonishment 13, p. 24.) [Failure to ensure rights; On-bench abuse of authority in performance of judicial duties .]

## **2016**

A judge initiated an ex parte communication with a prosecutor regarding the merits of anticipated motions and settlement prospects in a criminal case pending before the judge. In another case, the judge made comments at sentencing that gave the appearance that the judge rejected probation department recommendations based on considerations outside the record. (Ann. Rept. (2016), Private Admonishment 1, p. 26.) [Bias/appearance of bias not directed toward a particular class; ex parte communications.]

A judge's treatment of a criminal defense attorney gave rise to an appearance of embroilment. Without an adequate legal basis, the judge set a hearing for an order to show cause re contempt against the attorney, but then failed to follow the procedures required for an order to show cause. When the attorney filed a motion to disqualify the judge for cause, the judge improperly questioned witnesses and argued with the attorney about the facts alleged in the motion. (Ann. Rept. (2016), Private Admonishment 2, p. 26.) [Abuse of contempt/sanctions; disqualification/disclosure/post-disqualification conduct; bias/appearance of bias not directed toward a particular class.]

During *Marsden* hearings, the judge made comments that conveyed that the judge had a special relationship with defense counsel and made discourteous remarks about the prosecutor that gave the appearance of a lack of impartiality. The judge exceeded the scope of the authorization for ex parte communications in a *Marsden* hearing by discussing the merits of the case and the defense, stating negative opinions about the governing law, and giving advice to the defendant. In another case, the judge threatened to revoke a defendant's pro per status without sufficient grounds and handled the defendant's complaints about access to the law library without giving the defendant the opportunity to have the matter fairly adjudicated. The judge also disparaged the defendant for representing himself. (Ann. Rept. (2016), Private Admonishment 3, p. 26.) [Bias/appearance of bias not directed toward a particular class; failure to ensure rights; ex parte communications; demeanor/decorum.]

In multiple criminal cases, the judge failed to disclose a social relationship with the prosecutor. In a traffic matter, the judge did not schedule a hearing to settle the statement on appeal until seven months after the proposed statement was filed, in violation of the rule of court that requires the court to promptly set a hearing date. (Ann. Rept. (2016), Private Admonishment 4, p. 27.) [Disqualification/disclosure/post-disqualification conduct; decisional delay/false salary affidavits.]

A judge made a disparaging remark to a defendant and appeared to be reacting punitively by refusing to recall a bench warrant or allowing the defendant's attorney to be heard about bail. In other cases, the judge made gratuitous, discourteous remarks to prosecutors. (Ann. Rept. (2016), Private Admonishment 5, p. 27.) [Demeanor/decorum; failure to ensure rights; on-bench abuse of authority in performance of judicial duties.]

During a pretrial hearing, the judge threatened to relieve defense counsel without adequate grounds. The judge also made statements that highlighted defense counsel's lack of experience and that were likely to undermine the attorney-client relationship. In another case, the judge's demeaning remarks in open court about a defense attorney who was not in court gave the appearance of retaliation. (Ann. Rept. (2016), Private Admonishment 6, p. 27.) [Demeanor/decorum; on-bench abuse of authority in performance of judicial duties; failure to ensure rights.]

A judge misused the prestige of office in connection with a personal legal matter in a manner that gave the appearance that the judge was seeking to advance the judge's personal interest. (Ann. Rept. (2016), Private Admonishment 7, p. 27.) [Off-bench abuse of office/misuse of court information.]

During remarks delivered prior to the start of calendars, the judge made derogatory comments about small claims litigants and the small claims process and repeatedly announced an arbitrary time limit for presentation of cases, which gave the impression that litigants should not expect a full and fair opportunity to be heard. (Ann. Rept. (2016), Private Admonishment 8, p. 27.) [Demeanor/decorum; bias/appearance of bias not directed toward a particular class.]

A judge submitted information ex parte to the reviewing court about a case decided by the judge. (Ann. Rept. (2016), Private Admonishment 9, p. 27.) [Ex parte communications.]

A judge used a court clerk for personal business and gave instructions to the clerk which could reasonably be construed as a directive to issue an order in a matter from which the judge was disqualified. The judge failed to fulfill continuing professional obligations to a former client. While under investigation by the commission, the judge approached the clerk about the investigation in a manner that carried the potential to improperly influence the clerk. (Ann. Rept. (2016), Private Admonishment 10, p. 27.) [Misuse of court resources; miscellaneous off-bench conduct; administrative malfeasance/improper comments, treatment of colleagues and staff.]

A judge signed and submitted a letter to a sentencing judge on behalf of a defendant, whom the judge knew personally. (Ann. Rept. (2016), Private Admonishment 11, p. 27.) [Off-bench abuse of office/misuse of court information.]

## 2015

A judge engaged in various off-bench activities which created an appearance of bias, cast reasonable doubt on the judge's capacity to act impartially or otherwise created an appearance of impropriety. Some activities also involved a misuse of court resources. The judge failed to avoid nepotism. The judge accepted a gift from a lawyer that did not fall within an exception in the Code of Judicial Ethics, which also created an appearance of impropriety and gave the impression that the attorney was in a special position to influence the judge. The judge also failed to disclose certain discounts as gifts on the judge's Statement of Economic Interests. (Ann. Rept. (2015), Private Admonishment 1, p. 23.) [Administrative malfeasance/improper comments, treatment of colleagues and staff; bias/appearance of bias not directed toward a particular class; gifts/loans/favors/ticket-fixing.]

In multiple dependency proceedings over an extended period, a judge made rude and demeaning remarks to parents, social workers, and lawyers. In one case, the judge made a remark suggesting that the judge was considering matters outside of the court record. In another matter, the judge made comments improperly suggesting that where a victim's allegations of sexual abuse are standing alone and disputed, they are presumptively insufficient to establish abuse. (Ann. Rept. (2015), Private Admonishment 2, p. 23.) [Bias/appearance of bias not directed toward a particular class; demeanor/decorum.]

Without any involvement of a prosecutor, a judge added criminal contempt charges to a defendant's misdemeanor cases after the defendant failed to surrender to jail to serve the defendant's sentence. After a peremptory challenge was filed, the judge recused from the cases but reassigned the cases to another judge, rather than sending them to the presiding judge for reassignment, as required by statute. (Ann. Rept. (2015), Private Admonishment 3, p. 23.) [Disqualification/disclosure/post-disqualification conduct; on-bench abuse of authority in performance of judicial duties.]

A judge created an appearance of impropriety by publicly discussing a "hypothetical" case that was virtually identical to a case pending before the judge. During another public presentation, the judge made remarks that created the appearance of bias against a particular group of people, and disclosed confidential information. In a civil case, the judge made statements about an attorney when dismissing an order to show cause re: sanctions that gave the appearance that the judge was embroiled in the matter. (Ann. Rept. (2015), Private Admonishment 4, p. 23.)

[Bias/appearance of bias not directed toward a particular class; comment on a pending case; miscellaneous off-bench conduct; off-bench abuse of office/misuse of court information.]

A judge failed to respect criminal defendants' right to counsel by questioning them directly when they had counsel or had the right to have counsel appointed. The judge also allowed a defendant in a criminal matter to serve as interpreter for a co-defendant, even though the individual was not qualified. (Ann. Rept. (2015), Private Admonishment 5, p. 24.) [Failure to ensure rights.]

A judge failed to issue a decision on a submitted matter for 190 days. During the period that the case was under submission for more than 90 days, the judge twice signed salary affidavits stating that the judge had no matters under submission for more than 90 days. (Ann. Rept. (2015), Private Admonishment 6, p. 24.) [Decisional delay/false salary affidavits.]

A judge failed to make reasonable efforts to keep informed about the judge's personal financial interests and failed to disqualify from multiple cases while the judge held stock worth over \$2,000 in a party. (Ann. Rept. (2015), Private Admonishment 7, p. 24.) [Disqualification/disclosure/post-disqualification conduct.]

In two criminal cases, the judge made remarks to defendants at sentencing that improperly injected religion into the proceedings. (Ann. Rept. (2015), Private Admonishment 8, p. 24.) [Bias/appearance of bias not directed toward a particular class.]

After the Court of Appeal reversed a criminal conviction, the judge who had presided over the trial sent the prosecutor an ex parte email that was apparently intended to influence the prosecution to seek review in the Supreme Court. (Ann. Rept. (2015), Private Admonishment 9, p. 24.) [Ex parte communications.]

A judge made rude and sarcastic remarks to an attorney, in open court and, in the presence of the attorney's client, threatened to relieve the attorney as counsel and report the attorney to the State Bar, when the attorney sought to continue a preliminary hearing on the day of the hearing (without advance notice to prosecution) and contended that the attorney was unable to proceed. (Ann. Rept. (2015), Private Admonishment 10, p. 24.) [Bias/appearance of bias not directed toward a particular class; demeanor/decorum.]

A defendant appeared before the judge with counsel and submitted forms to plead guilty to DUI. The judge dismissed the case on the court's own motion, contrary to law, and made remarks creating the impression that the judge was dismissing the case based upon the defendant's occupation. (Ann. Rept. (2015), Private Admonishment 11, p. 24.) [Bias/appearance of bias not directed toward a particular class; on-bench abuse of authority in performance of judicial duties.]

## **2014**

In pretrial and jury trial proceedings in a criminal case involving a pro per defendant, the judge made comments disparaging the defendant and the defendant's defense, made a statement reflecting bias against pro per defendants, and sometimes appeared to assume a prosecutorial role in questioning the defendant. In another criminal case, the judge engaged in a pattern of discourteous treatment toward defense counsel, and asked a witness a question that created the

appearance that the judge was not impartial and was biased against the defendant. (Ann. Rept. (2014), Private Admonishment 1, p. 21.) [Bias/appearance of bias not directed toward a particular class; demeanor/decorum.]

After a prospective juror failed to return to court during jury selection, the judge held the juror in contempt without giving the juror an opportunity to explain or apologize. There were aggravating factors. (Ann. Rept. (2014), Private Admonishment 2, p. 21.) [Abuse of contempt/sanctions.]

A judge made a gratuitous disparaging remark about a defendant in a criminal matter. There were aggravating factors. (Ann. Rept. (2014), Private Admonishment 3, p. 21.) [Demeanor/decorum.]

In numerous cases, mostly involving pro per litigants, the judge injected the judge's personal views or made remarks that were discourteous or created the appearance that the judge was acting as an advocate or lacked impartiality. There were mitigating factors, including corrective measures taken by the judge to change the judge's behavior. (Ann. Rept. (2014), Private Admonishment 4, p. 21.) [Bias/appearance of bias not directed toward a particular class; demeanor/decorum.]

A judge threatened to report an attorney to the State Bar without a valid basis. In another case, the judge failed to disclose information relevant to the issue of disqualification. The judge also left court early on multiple occasions to play sports. (Ann. Rept. (2014), Private Admonishment 5, p. 21.) [Non-performance of judicial functions/attendance/sleeping; disqualification/disclosure/post-disqualification conduct; on-bench abuse of authority in performance of judicial duties.]

A judge issued a restraining order in a confidential matter without jurisdiction over the restrained individual and without affording due process. The judge later engaged in an improper discussion of the matter with a non-party. In another case, the judge made a comment that conveyed the impression that a defendant's employer was in a position to influence the judge. In other proceedings, the judge made discourteous remarks to litigants or to counsel. (Ann. Rept. (2014), Private Admonishment 6, p. 21.) [Bias/appearance of bias not directed toward a particular class; demeanor/decorum; on-bench abuse of authority in performance of judicial duties.]

Without jurisdiction, a judge required an attorney to appear in the judge's courtroom for an unauthorized proceeding, at which the judge failed to advise the attorney of the nature of the proceeding or of the attorney's rights. (Ann. Rept. (2014), Private Admonishment 7, p. 21.) [Failure to ensure rights; on-bench abuse of authority in performance of judicial duties.]

A judge issued what was tantamount to a restraining order against an individual over whom the judge lacked jurisdiction, without providing the individual notice or an opportunity to be heard. At a later hearing at which the order was rescinded, the judge made a statement that created the appearance that the judge was requiring a party to accept responsibility for the restrained individual's future conduct in exchange for rescinding the restraining order. The judge also made a remark at the hearing reflecting gender bias. (Ann. Rept. (2014), Private Admonishment

8, p. 21.) [Bias/appearance of bias toward a particular class; failure to ensure rights; on-bench abuse of authority in performance of judicial duties.]

A judge's handling of an administrative matter gave rise to an appearance of partiality. (Ann. Rept. (2014), Private Admonishment 9, p. 21.) [Administrative malfeasance/improper comments, treatment of colleagues and staff; bias/appearance of bias not directed toward a particular class.]

## 2013

A judge displayed poor demeanor toward counsel and embroilment, and assumed a prosecutorial role in various criminal proceedings. The judge made demeaning and discourteous remarks to a defendant and made undignified remarks about court personnel. The judge also criticized a jury's verdict, in violation of canon 3B(10). (Ann. Rept. (2013), Private Admonishment 1, p. 20.) [Bias/appearance of bias not directed toward a particular class; demeanor/decorum; sexual harassment/inappropriate workplace gender comments.]

A judge made demeaning and sarcastic remarks to counsel during trial. There were aggravating factors. (Ann. Rept. (2013), Private Admonishment 2, p. 20.) [Demeanor/decorum.]

A judge failed to timely decide multiple family law matters that had been taken under submission. The judge also received salary in violation of law and submitted false salary affidavits while matters were under submission for more than 90 days; however, there was no evidence that any affidavit was knowingly false. There were mitigating factors, including that the judge self-reported the affidavits and most of the delays to the commission. (Ann. Rept. (2013), Private Admonishment 3, p. 20.) [Decisional delay/false salary affidavits.]

A judge used the prestige of office and court resources to advance the pecuniary and personal interests of a relative. (Ann. Rept. (2013), Private Admonishment 4, p. 20.) [Off-bench abuse of office/misuse of court information.]

A judge responded to the filing of peremptory challenges against another judge in a manner that appeared retaliatory. The judge engaged in political activity on behalf of a candidate for a nonjudicial office that was contrary to canon 5; the activity also involved abuse of the prestige of office. (Ann. Rept. (2013), Private Admonishment 5, p. 20.) [Disqualification/disclosure/post-disqualification conduct; improper political activities; off-bench abuse of office/misuse of court information.]

When the defendant's attorney announced ready for trial, the judge made a remark about sentencing that created the appearance that the judge was attempting to coerce a plea. There were aggravating factors. (Ann. Rept. (2013), Private Admonishment 6, p. 20.) [Bias/appearance of bias not directed toward a particular class.]

A judge directed court staff to place the court's official certification on a document that was not a court record, to help a relative. (Ann. Rept. (2013), Private Admonishment 7 p. 20.) [Misuse of court resources; off-bench abuse of office/misuse of court information.]



## 2012

A judge independently conducted online investigations and considered information not part of the record and not properly subject to judicial notice. The judge also relied on and drew inferences from this information before giving the parties notice or an opportunity to be heard, thereby prejudging the matter. (Ann. Rept. (2012), Private Admonishment 1, p. 24.) [Failure to ensure rights; ex parte communications.]

While presiding over a family law matter, a judge made remarks that failed to promote public confidence in the integrity and impartiality of the judiciary. For example, the judge suggested that newer judges made rulings on the basis of whom they do not like, rather than on the merits. The judge also made other remarks that were undignified or discourteous. (Ann. Rept. (2012), Private Admonishment 2, p. 24.) [Demeanor/decorum.]

On the date that a dissolution trial was scheduled to resume, a judge who was soon to be transferred, declared a mistrial without taking the bench. The judge did not give the parties, who were present and ready to proceed, the opportunity to be heard on this issue. Prior to this date, the parties had not been informed of the possibility of a mistrial, and the case had been pending before the judge for over three years. (Ann. Rept. (2012), Private Admonishment 3, p. 24.) [Failure to ensure rights.]

A judge disregarded a litigant's right to notice and a hearing and engaged in an abuse of authority when the judge improperly vacated the litigant's fee waiver application on the stated ground that the litigant had counsel. The judge improperly disclosed in open court confidential information submitted in the fee waiver application. The judge also made rude and disparaging remarks in open court about the plaintiff's attorney. The judge also issued a sanctions order that included an order to show cause as to why the sanctions had not been paid, although there had been no failure to pay at that point. (Ann. Rept. (2012), Private Admonishment 4, p. 24.) [Abuse of contempt/sanctions; demeanor/decorum; failure to ensure rights.]

A judge imposed an enhanced sentence based on the judge's belief that a defendant, who had not testified at trial, had lied to defense counsel. There were no facts concerning the defendant's alleged dishonesty in the record at trial. The judge's conduct and remarks at sentencing gave an appearance of retaliation for the defendant's exercise of the right to trial. The judge also routinely locked the courtroom door during arraignments and told a defense attorney that the judge "preferred" that the defense attorney not be present in the courtroom during pro pro arraignments. (Ann. Rept. (2012), Private Admonishment 5, p. 24.) [On-bench abuse of authority in performance of judicial duties.]

A judge failed to disclose or to disqualify from post-trial proceedings in a case in which the judge commenced a social relationship with an alternate juror between the verdict and sentencing. In another matter, the judge improperly accused an attorney of misconduct in front of the jury. (Ann. Rept. (2012), Private Admonishment 6, p. 24.) [Demeanor/decorum; disqualification/disclosure/post-disqualification conduct.]

## 2011

In a family law case, the judge ordered a change of custody at a hearing without prior notice to the parties and failed to rule on one party's request for accommodations under the Americans with Disabilities Act. In another family law case, the judge made inappropriate, overly personal remarks to a child during a chambers interview. The judge improperly sealed the transcript of the chambers interview over the objection of counsel and without complying with court rules governing the sealing of court records. (Ann. Rept. (2011), Private Admonishment 1, p. 23.) [Demeanor/decorum; failure to ensure rights; on-bench abuse of authority in performance of judicial duties; decisional delay/false salary affidavits.]

A judge used sexist and demeaning terms and gestures to female court staff. The judge sent an inappropriate flirtatious email to another female court employee. The judge also used a court secretary to prepare personal correspondence and improperly used judicial stationery for the letters. In one of the letters, the judge abused the prestige of judicial office to advance the personal interests of another. (Ann. Rept. (2011), Private Admonishment 2, p. 23.) [Misuse of court resources; off-bench abuse of office/misuse of court information; sexual harassment/inappropriate workplace gender comments.]

On the date a criminal case was set for trial, after relieving the defendant's attorney, the judge remanded the defendant for failing to obey the judge's order to be quiet, without following any of the procedures required for contempt. Before new counsel appeared, on the judge's own motion and off the record, the judge increased the defendant's bail significantly, which gave the appearance that the judge was acting out of pique and trying to coerce a guilty plea from the defendant. (Ann. Rept. (2011), Private Admonishment 3, p. 23.) [Abuse of contempt/sanctions; failure to ensure rights.]

After becoming a candidate for judicial office, the judge did not promptly remove endorsements of non-judicial candidates which the judge had made prior to becoming a candidate. When contacted by the State Bar about these endorsements, the judge provided a date on which the judge became a candidate, without ensuring that the date was accurate. The date provided was inaccurate, which created the impression that the judge had promptly removed the improper endorsements. The judge also failed to file the paperwork required by law to begin soliciting campaign contributions. After taking office, to assist an attorney, the judge asked a specialized legal question of a judicial colleague and then forwarded the response to the attorney. (Ann. Rept. (2011), Private Admonishment 4, p. 23.) [Failure to cooperate/lack of candor with regulatory authorities; improper political activities; ex parte communications; off-bench abuse of office/misuse of court information.]

While presiding over two related cases, a judge engaged in a course of conduct that gave the appearance that the judge was embroiled. The judge contacted one litigant at home in the absence of counsel or any representative and discussed the case. The judge contended the parties consented to ex parte communications; however, there was no clear record of the consent of all parties, nor was the consent specific. The judge dismissed one of the proceedings without prior notice to the parties. The judge treated the attorneys who appealed that decision rudely, and made a comment in an order that undermined the integrity of the judicial system. In a separate matter, the judge bought stock in a company while that company was a party in a case pending

before the judge, which necessitated the judge's recusal from the case. (Ann. Rept. (2011), Private Admonishment 5, p. 23.) [Demeanor/decorum; disqualification/disclosure/post-disqualification conduct; ex parte communications; failure to ensure rights; bias/appearance of bias not directed toward a particular class.]

A judge publicly commented in news articles on a case pending in another court. The judge also appointed counsel in a case without disclosing a past professional relationship between the judge and counsel, and engaged in an improper ex parte communication with the attorney about the case. The judge also improperly struck a motion to disqualify the judge for cause, and made comments in an order on another disqualification motion that appeared to be false, undermining public confidence in the integrity of the judiciary. (Ann. Rept. (2011), Private Admonishment 6, p. 24.) [Comment on a pending case; disqualification/disclosure/post-disqualification conduct; ex parte communications.]

A judge threatened to order parties and attorneys to appear at monthly settlement conferences if they did not agree to mediation, creating an appearance of coercion. (Ann. Rept. (2011), Private Admonishment 7, p. 24.) [On-bench abuse of authority in performance of judicial duties.]

A judge had a pro per litigant taken into custody without following proper contempt procedures. The judge claimed the litigant had failed to follow an order by the judge, but no clear order was disobeyed. (Ann. Rept. (2011), Private Admonishment 8, p. 24.) [Abuse of contempt/sanctions.]

A presiding judge failed to take appropriate corrective action after receiving reliable information about serious wrongdoing by another judge on the court. (Ann. Rept. (2011), Private Admonishment 9, p. 24.) [Administrative malfeasance/improper comments, treatment of colleagues and staff.]

A judge issued a peremptory writ of mandate without setting a briefing schedule as required by law, and before the time to respond to the petition had expired. (Ann. Rept. (2011), Private Admonishment 10, p. 24.) [Failure to ensure rights.]

## **2010**

In two civil cases, a judge failed to be patient, dignified and courteous, and engaged in conduct giving rise to an appearance that the judge was not impartial. In one of the cases, the judge made a statement that reflected prejudgment while a party was testifying before the jury. In the other case, the judge made sarcastic and discourteous comments to an attorney at a hearing. Later at the jury trial, the judge chastised a testifying party and that party's expert witness, and made statements that made it appear that the judge was assuming an adversarial role. The judge also delayed decision in four civil cases; delays ranged from a few days to more than three months beyond the 90-day limit. Also, in a number of cases, the judge required jurors to return daily at 10:00 a.m. even though the judge's morning calendar did not finish until late morning and sometimes trial did not resume until after lunch, causing the jurors to wait in the hallway for several hours. (Ann. Rept. (2010), Private Admonishment 1, p. 23.) [Administrative malfeasance/improper comments, treatment of colleagues and staff; bias/appearance of bias not directed toward a particular class; demeanor/decorum; decisional delay/false salary affidavits.]

A judge failed to appreciate limits to the judge's role in certain matters. The judge tried to order a juvenile to court to check up on the juvenile when no case was pending. In another matter, the judge enlisted court staff to drive a juvenile, whose case was pending before the judge, to a medical appointment. The judge also attended the appointment and participated in the execution of a medical release form. In a criminal matter, the judge applauded while sentencing a defendant to prison and encouraged courtroom spectators to wave good-bye. In another criminal case, the judge improperly completed a report for a state agency that only the prosecutor was authorized to complete. (Ann. Rept. (2010), Private Admonishment 2, p. 24.) [Bias/appearance of bias not directed toward a particular class; miscellaneous off-bench conduct; misuse of court resources; on-bench abuse of authority in performance of judicial duties.]

During restraining order proceedings, a judge ordered the respondent into custody without following any contempt procedures or imposing a sentence for contempt, and improperly kept the respondent in custody for about six hours before conducting a hearing. (Ann. Rept. (2010), Private Admonishment 3, p. 24.) [Abuse of contempt/sanctions.]

A judge engaged in an abuse of authority by issuing an overbroad restraining order. (Ann. Rept. (2010), Private Admonishment 4, p. 24.) [On-bench abuse of authority in performance of judicial duties.]

For over a year, in collection cases in which the defendant had been granted a full or partial fee waiver, a judge maintained a practice of requiring the prevailing plaintiff to pay the defendant's first appearance fee before a judgment would be issued. The appearance fee was then added to the judgment to be recovered from the defendant. There was no legal authority for such fee shifting. (Ann. Rept. (2010), Private Admonishment 5, p. 24.) [On-bench abuse of authority in performance of judicial duties.]

Due to embroilment, a judge failed to appoint a deputy public defender ("DPD") in a case, contrary to law; failed to subsequently disqualify from the DPD's cases; stated, in open court, that the DPD was incompetent; and had an ex parte discussion about a pending case with the DPD's supervisor. (Ann. Rept. (2010), Private Admonishment 6, p. 24.) [Bias/appearance of bias not directed toward a particular class; demeanor/ decorum; disqualification/disclosure/post-disqualification conduct; ex parte communications; on-bench abuse of authority in performance of judicial duties.]

A judge repeatedly used profanity while being interviewed by a reporter and the profanity appeared in the newspaper article. The judge used profanity with counsel in chambers. (Ann. Rept. (2010), Private Admonishment 7, p. 24.) [Demeanor/decorum.]

A judge delegated responsibility to conduct case management conferences and status conferences to the judge's clerk. On one occasion, the judge used stationery imprinted with the judge's official title and court address to advance the judge's personal interests. The judge also used the judge's official title and court address on the judge's personal checks. (Ann. Rept. (2010), Private Admonishment 8, p. 24.) [Off-bench abuse of office/misuse of court information; on-bench abuse of authority in performance of judicial duties.]

## 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 prejudice 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 imposed a sanction not authorized by law for an attorney's failure to appear. (Ann. Rept. (2014), Advisory Letter 1, p. 21.)

After a court proceeding, the bailiff asked if a court spectator had recorded the proceeding. The spectator denied having done so. The judge ordered the spectator taken into custody; the individual was handcuffed and detained briefly. The judge then questioned the individual about recording the proceedings, without advising that contempt was being contemplated. The judge apologized to the spectator at a later date, and reported the incident to the commission. (Ann. Rept. (2013), Advisory Letter 1, p. 21.)

At a settlement conference in a family law case, after learning of misconduct by an attorney in the handling of discovery in the case, a judge sanctioned the attorney without providing the attorney notice or an opportunity to be heard. (Ann. Rept. (2012), Advisory Letter 1, p. 24.)

After courtroom spectators had been detained for allegedly speaking with an in-custody defendant, a judge stated to them that they could resolve their case that day for a \$150 fine or hire an attorney and have a hearing, which did not constitute an opportunity to be heard prior to imposition of sanctions and appeared coercive. (Ann. Rept. (2012), Advisory Letter 2, p. 25.)

A judge sanctioned an attorney without giving notice and an opportunity to be heard and failed to issue an order setting forth the conduct that gave rise to the sanctions, as required by law. (Ann. Rept. (2012), Advisory Letter 3, p. 25.)

A judge sanctioned an attorney for an alleged direct contempt without complying with statutory or due process requirements for contempt or sanctions. (Ann. Rept. (2012), Advisory Letter 4, p. 25.)

A judge issued two sanctions orders to a party without notice in the manner prescribed by law. (Ann. Rept. (2011), Advisory Letter 1, p. 24.)

A judge granted a motion to set aside a dismissal for excusable neglect by plaintiff's counsel. In the attorney's absence and without providing notice or a hearing, the judge ordered the attorney to pay sanctions. Also, the minute order failed to specify the reason for the sanctions. (Ann. Rept. (2011), Advisory Letter 2, p. 24.)

During a hearing at which the opposing party and counsel were appearing by telephone, a litigant hit the mute button, briefly preventing the opposing party and attorney from hearing or participating in the proceedings. The judge immediately imposed monetary sanctions, without providing the litigant notice or an opportunity to be heard as required by law. (The transcript showed the litigant was seeking to tell the judge privately about the litigant's mental and medical issues that were hampering the litigant's participation in the proceedings.) (Ann. Rept. (2011), Advisory Letter 3, p. 24.)

A judge engaged in an abuse of authority by issuing sanctions without following due process procedures. (Ann. Rept. (2010), Advisory Letter 5, p. 25.)

A judge's conduct in contempt proceedings against counsel gave rise to an appearance of embroilment and lack of impartiality. The judge did not follow procedures required for indirect contempt and failed to disqualify from the contempt proceedings when disqualification was required. In the order to show cause re: contempt and in verified answers to statements of disqualification, the judge made statements that were factually inaccurate and that made allegations against counsel appear more egregious. The advisory was strong. (Ann. Rept. (2010), Advisory Letter 6, p. 25.) [Abuse of contempt/sanctions; disqualification/disclosure.]

A judge held an attorney in contempt without adhering to the substantive and procedural requirements for contempt. The judge was new to the bench. The advisory was strong. (Ann. Rept. (2010), Advisory Letter 7, p. 25.)

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 judge failed to take appropriate corrective action when made aware that another judge was engaged in conduct that violated the Code of Judicial Ethics. (Ann. Rept. (2017), Advisory Letter 1, p. 24.)

A presiding judge failed to diligently discharge administrative responsibilities with respect to case management and timely disposition of cases. (Ann. Rept. (2015), Advisory Letter 1, p. 24.)

A judge was absent from court for two days without notice to or permission from the presiding judge. (Ann. Rept. (2015), Advisory Letter 2, p. 24.)

A judge permitted the judge's close relative to remain employed in the judge's courtroom for a substantial period of time. (Ann. Rept. (2014), Advisory Letter 2, p. 22.)

A presiding judge did not properly respond to a complaint about a delay of more than a year in the issuance of a final statement of decision by a commissioner in a family law case. The judge's closing letter to the litigant stated there was no merit to the complaint even though the commissioner had admitted the substantial delay. (Ann. Rept. (2010), Advisory Letter 22, p. 27.)

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**

A presiding judge made remarks about a litigant that created an appearance of bias. (Ann. Rept. (2016), Advisory Letter 1, p. 27.)

During a criminal calendar not staffed by the district attorney's office, the judge made comments to a defendant that gave the appearance that the judge was not impartial and was trying to give the defendant an advantage in the proceedings. In another matter, the judge made statements about refiling a case that appeared to intrude on the district attorney's charging decision. (Ann. Rept. (2016), Advisory Letter 2, p. 27.)

A judge made remarks that gave the appearance that the judge had prejudged a motion and decided to deny it before it was filed. In another matter, the judge made comments to attorneys that created the impression that the judge believed that an attorney, who was not present, had been deliberately untruthful in an unrelated case. (Ann. Rept. (2014), Advisory Letter 3, p. 22.)

A judge's off-bench activities gave rise to an appearance of impropriety and cast reasonable doubt on the judge's capacity to act impartially. (Ann. Rept. (2014), Advisory Letter 4, p. 22.)

A judge usurped the prosecutorial role and gave the appearance of bias when the judge required a defendant to plead guilty to an uncharged misdemeanor failure to appear in order to resolve pending charges. There were mitigating factors. (Ann. Rept. (2014), Advisory Letter 5, p. 22.)

A judge's treatment of a witness gave the appearance that the witness had special access to the judge or that the judge was coaching the witness. (Ann. Rept. (2014), Advisory Letter 6, p. 22.)

A judge's off-bench activities gave rise to an appearance of impropriety and cast reasonable doubt on the judge's capacity to act impartially. (Ann. Rept. (2014), Advisory Letter 7, p. 22.)

A judge's remarks at sentencing created the appearance that the sentence was based in part on considerations not relevant to sentencing, such as the defendant's ethnicity or family's national origin. The judge also made sarcastic remarks directed to the defendant's parents. (Ann. Rept. (2014), Advisory Letter 8, p. 22.) [Bias/appearance of bias not directed toward a particular class; demeanor/decorum.]

A judge's social media activities created an appearance of impropriety and an appearance of partiality. (Ann. Rept. (2014), Advisory Letter 9, p. 22.) [Bias/appearance of bias not directed toward a particular class; disqualification/disclosure/post-disqualification conduct.]

During a jury trial with a difficult pro per criminal defendant, the judge made a number of statements in the presence of the jury to the effect that the defendant was misrepresenting facts and was attempting to manipulate the proceedings; this created an appearance of lack of impartiality. (Ann. Rept. (2011), Advisory Letter 4, p. 24.)

During a traffic calendar, the judge announced that the judge wanted to meet with the police officers privately. When one of the traffic defendants expressed concern about the meeting, the judge called the defendant a demeaning name. The judge previously had met with law enforcement supervisors about their ticketing practices and presentation of evidence, which gave the appearance of alignment with law enforcement. (Ann. Rept. (2011), Advisory Letter 5, p. 24.) [Bias/appearance of bias not directed toward a particular class; demeanor/decorum.]

During a telephonic appearance, a pro per inmate plaintiff was able to hear the judge and the opposing counsel, but they could not hear the inmate and believed the inmate was not on the line. The judge made remarks that created the appearance the judge was coaching counsel about responding to the inmate's legal position. The judge also made a remark about the inmate's case being no different from other inmate cases, suggesting stereotyping of inmates' cases. (Ann. Rept. (2011), Advisory Letter 6, p. 25.)

In setting a probation violation hearing, a judge told the probationer that the judge was going to send the probationer to prison, and made other remarks that reflected prejudgment and a lack of impartiality. (Ann. Rept. (2010), Advisory Letter 1, p. 24.)

During the lengthy criminal trial of an obstreperous pro per defendant, a judge made disparaging and demeaning comments to the defendant and made improper threats, sometimes in the presence of the jury, in an attempt to control the defendant. At one point, the judge ordered the out-of-custody defendant placed in a holding cell without following proper procedures. The judge engaged in conduct suggesting assumption of a prosecutorial role rather than that of an impartial arbiter. The advisory was strong. (Ann. Rept. (2010), Advisory Letter 2, p. 24.) [Bias/appearance of bias not directed toward a particular class; demeanor/decorum; failure to ensure rights; abuse of contempt.]

After learning that a defendant's probation had terminated, a judge made several remarks that reflected embroilment, including asking the prosecutor to "keep tabs" on the defendant. The judge also failed to promote public confidence in the impartiality of the judiciary by suggesting that the judge would not hear challenges to an order the judge had signed when the judge lacked jurisdiction. (Ann. Rept. (2010), Advisory Letter 3, p. 25.)

After a preliminary hearing, a judge ordered a defendant to undergo drug testing in a manner that suggested that the judge was assuming a law enforcement role rather than that of a neutral magistrate. The judge engaged in an ex parte communication with a sheriff's deputy about the testing. The advisory was strong. (Ann. Rept. (2010), Advisory Letter 4, p. 25.) [Bias/appearance of bias not directed toward a particular class; ex parte communications.]

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**

A judge commented publicly on pending proceedings involving another judge. (Ann. Rept. (2014), Advisory Letter 10, p. 22.)

A judge gave advice to an attorney friend about a case over which a different judge on the judge's court was presiding. (Ann. Rept. (2014), Advisory Letter 11, p. 22.)

A judge made a comment to a news reporter in support of a federal judge's ruling while the case was on appeal. (Ann. Rept. (2012), Advisory Letter 22, p. 26.)

A judge made public comments about the litigants in a pending, highly publicized case. (Ann. Rept. (2010), Advisory Letter 25, p. 27.)

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**

In a family law case, a judge's post-trial statement of decision was not issued for six months after briefing concluded. (Ann. Rept. (2017), Advisory Letter 2, p. 24.)

A judge delayed issuing decisions on submitted matters in two family law cases. The decisions were issued approximately 110 days after submission. (Ann. Rept. (2016), Advisory Letter 3, p. 28.)

A judge delayed in ruling on a submitted matter in a family law matter. The decision was issued about 120 days after the matter was submitted. The judge also signed one salary affidavit while the matter was under submission. There was no showing that the affidavit was knowingly false. (Ann. Rept. (2016), Advisory Letter 4, p. 28.)

A judge engaged in substantial delays in ruling on two habeas petitions. The delays were each about seven months long. (Ann. Rept. (2016), Advisory Letter 5, p. 28.)

Instead of either denying or returning post-conviction motions for discovery that were deficient and not properly served, the judge delayed acting on the motions for almost 10 months and then issued an order that did not dispose of any of the motions. (Ann. Rept. (2016), Advisory Letter 6, p. 28.)

A judge signed a prospective salary affidavit declaring that no cause remained pending and undetermined that had been submitted to the judge for decision for a period of 90 days prior to the effective date of the affidavit, at which time an undecided matter would be pending for 92 days. The judge also received judicial salary in violation of law when the same undecided matter was pending for more than 90 days. (Ann. Rept. (2015), Advisory Letter 3, p. 24.)

A judge delayed signing a proposed judgment in a civil case for more than nine months. (Ann. Rept. (2014), Advisory Letter 12, p. 22.)

A judge failed to timely rule on two requests for needs-based attorney's fees. (Ann. Rept. (2013), Advisory Letter 2, p. 21.)

A judge delayed making decisions in numerous cases by issuing orders designated as "tentative rulings" that contained no substantive rulings and only delayed hearing dates or postponed issuance of tentative rulings indefinitely. (Ann. Rept. (2013), Advisory Letter 3, p. 21.)

A judge did not rule on a habeas petition for more than 18 months after the judge received it. Although the underlying case file was missing for most of that time, the commission believed that the judge should have made a greater effort to locate the documents needed to make a ruling given the length of the delay and the fact that the judge was aware of the delay. (Ann. Rept. (2012), Advisory Letter 5, p. 25.)

A judge failed to rule on two motions until 137 days after they were taken under submission. During the period that the matters were under submission for more than 90 days, the judge signed one false salary affidavit and received one month's salary in violation of law. There was no showing that the affidavit was knowingly false. (Ann. Rept. (2012), Advisory Letter 6, p. 25.)

A judge failed to rule promptly on five peremptory challenges. The delays ranged between 12 and 42 days. (Ann. Rept. (2011), Advisory Letter 7, p. 25.)

A judge ruled on a habeas petition 114 days after it was filed; Rule of Court 4.551(a)(3)(A) requires a ruling within 60 days. (Ann. Rept. (2011), Advisory Letter 8, p. 25.)

A judge delayed 10 months in deciding a motion to disqualify another judge, which had been assigned by the Judicial Council. (Ann. Rept. (2011), Advisory Letter 9, p. 25.)



A pro per family law litigant brought a motion to modify child support which was heard the same day as the opposing party's motion to modify spousal support. The judge gave the parties two weeks for further briefing, after which the motions would be deemed submitted. Two months later, the judge decided only the spousal support motion. Two months thereafter, the pro per litigant began inquiring about the child support motion. The judge took no action until three months later, when the judge ordered a further hearing on child support issues. (Ann. Rept. (2010), Advisory Letter 23, p. 27.)

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**

A judge made a gratuitous reference to malpractice in describing an attorney's conduct during a hearing in open court. (Ann. Rept. (2017), Advisory Letter 3, p. 24.)

A judge made discourteous remarks to a self-represented litigant during trial. (Ann. Rept. (2017), Advisory Letter 4, p. 24.)

A judge made sarcastic remarks to a witness during trial in the presence of the jury. (Ann. Rept. (2017), Advisory Letter 5, p. 24.)

A judge made a profane remark while conducting court business. (Ann. Rept. (2017), Advisory Letter 6, p. 24.)

During court proceedings, the judge made discourteous, demeaning and disparaging remarks to an attorney, many of which were likely to undermine the attorney-client relationship. (Ann. Rept. (2017), Advisory Letter 7, p. 24.)

A judge's remark to a self-represented litigant demonstrated a lack of patience, dignity, and courtesy. (Ann. Rept. (2017), Advisory Letter 8, p. 24.)

A judge's remark in open court about an absent attorney demonstrated a lack of patience, dignity, and courtesy. (Ann. Rept. (2017), Advisory Letter 9, p. 25.)

A supervising judge chastised and disparaged an individual for complaining about a subordinate judicial officer's handling of a case because the complainant was not a party to the case. (Ann. Rept. (2016), Advisory Letter 7, p. 28.)

In a family law case, the judge made an undignified and discourteous remark about a pro per litigant's weight during a hearing on the litigant's motion to reduce support payments. (Ann. Rept. (2014), Advisory Letter 13, p. 23.)

A judge made sarcastic remarks ridiculing an unemployed parent who was seeking to reduce child support payments. (Ann. Rept. (2013), Advisory Letter 4, p. 21.)

During a criminal trial, in the presence of the jury, the judge made a remark expressing a negative personal opinion of the defense attorney. (Ann. Rept. (2013), Advisory Letter 5, p. 21.)

In the presence of an attorney's client, a judge criticized the attorney and threatened to refer the attorney to the State Bar, in a manner that appeared to interfere with the attorney-client relationship. (Ann. Rept. (2012), Advisory Letter 7, p. 25.)

A judge tossed small rewards from the bench to drug court participants. The commission did not take issue with giving these items to defendants, but emphasized concern that they be delivered in a manner that does not either demean the defendants or diminish the dignity of the court. (Ann. Rept. (2012), Advisory Letter 8, p. 25.)

A family law judge made denigrating remarks to an attorney, including questioning where the attorney went to law school and in what country the attorney thought the attorney was practicing law. (Ann. Rept. (2012), Advisory Letter 9, p. 25.)

During a hearing, the judge made a denigrating remark about a minor seeking a protective order. (Ann. Rept. (2011), Advisory Letter 10, p. 25.)

A judge made denigrating comments to a pro per litigant who said he was an attorney in another state, but had a different profession here. The judge's comments included a statement that the judge hoped the litigant was better at his other profession than at practicing law. (Ann. Rept. (2011), Advisory Letter 11, p. 25.)

A judge made disparaging comments about an attorney during a hearing on the attorney's motion for attorney's fees and in a tentative ruling that the judge posted on the court's Web site. (Ann. Rept. (2010), Advisory Letter 14, p. 26.)

At the conclusion of a settlement conference in a civil case, a judge made a disparaging remark to the plaintiff, to the effect that the plaintiff should be institutionalized. (Ann. Rept. (2010), Advisory Letter 15, p. 26.)

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**

After being disqualified, the judge initiated an inappropriate communication about the disqualification. (Ann. Rept. (2017), Advisory Letter 10, p. 25.)

After being disqualified, the judge's contact with another judge created the appearance that the disqualified judge was choosing the successor judge. (Ann. Rept. (2016), Advisory Letter 8, p. 28.)

After being disqualified from a case, the judge responded to an inquiry from the successor judge about the basis for an earlier ruling in the case. (Ann. Rept. (2016), Advisory Letter 9, p. 28.)

Over an extended period, the judge failed to disclose a relative's employment with the district attorney's office when attorneys from that office appeared before the judge. (Ann. Rept. (2016), Advisory Letter 10, p. 28.)

After an attorney filed a disqualification motion, the judge questioned the attorney about the attorney's intention to proceed. (Ann. Rept. (2016), Advisory Letter 11, p. 28.)

A judge failed to disclose a close personal relationship with an attorney who supervised other attorneys appearing before the judge. (Ann. Rept. (2016), Advisory Letter 12, p. 28.)

A judge failed to disclose on the record a relationship with a witness in a case before the judge. (Ann. Rept. (2015), Advisory Letter 4, p. 25.)

A judge failed to recuse from cases in which a public entity was a party despite representation of the public entity by the judge's former law firm within the previous two years. (Ann. Rept. (2015), Advisory Letter 5, p. 25.)

A judge failed to disclose out-of-court activities with attorneys who had cases pending before the judge at the time; the activities were relevant to the issue of disqualification. (Ann. Rept. (2014), Advisory Letter 14, p. 23.)

A judge presided over proceedings without disclosing financial dealings with one of the litigants that may have required disqualification. (Ann. Rept. (2014), Advisory Letter 15, p. 23.)

A judge failed to make reasonable efforts to keep informed of personal financial interests and failed to disqualify from multiple cases involving a corporation in which the judge owned stock valued at over \$100,000. (Ann. Rept. (2014), Advisory Letter 16, p. 23.)

A judge failed to disclose in a criminal matter investigated by a law enforcement agency that the judge's close relative was employed by the agency, although the close relative was not involved in the case. (Ann. Rept. (2014), Advisory Letter 17, p. 23.)

A judge failed to disclose on the record in open court that the judge's child works for the local district attorney's office. (Ann. Rept. (2013), Advisory Letter 6, p. 21.)

A judge entered into a financial transaction with an attorney and failed to disqualify when the attorney appeared before the judge or to disclose the pending transaction on the record when members of the attorney's office appeared before the judge. The judge canceled the transaction when questions were raised and reported the conduct to the commission. (Ann. Rept. (2013), Advisory Letter 7 p. 21.)

A judge failed to timely recuse when the judge had a disqualifying financial conflict of interest. (Ann. Rept. (2013), Advisory Letter 8, p. 21.)

A judge failed to timely recuse when the judge had a disqualifying financial conflict of interest. (Ann. Rept. (2013), Advisory Letter 9, p. 21.)

By transferring a new trial motion alleging judicial misconduct during trial to another judge, a judge was disqualified from the case. When the judge later presided over the same case after the second judge ruled on the motion, the judge presided while disqualified. (Ann. Rept. (2012), Advisory Letter 10, p. 25.)

A judge ruled on two habeas petitions relating to a criminal case in which the judge had appeared nine times as a deputy district attorney seven to eight years earlier, including at the change of plea. (Ann. Rept. (2012), Advisory Letter 11, p. 25.)

A judge had a romantic relationship with a deputy district attorney whose colleagues appeared before the judge in criminal cases. The judge did not disclose the relationship on the record at all relevant times. (Ann. Rept. (2012), Advisory Letter 12, p. 25.)

In a criminal case, the judge failed to disclose until the first day of trial that the judge's spouse worked for the district attorney's office. The defendant had made multiple appearances before the judge prior to trial. (Ann. Rept. (2011), Advisory Letter 12, p. 25.)

A judge ruled upon a post-conviction petition without disclosing that the judge was married to the individual who, as district attorney, had prosecuted the petitioner. The judge's conflict was apparent from the file. (Ann. Rept. (2011), Advisory Letter 13, p. 25.)

A judge disclosed to the parties in a civil matter that one of the law firms in the case was representing a member of the judge's family, but did not disclose either that the judge had previously shared office space with the law firm or that the judge had social contacts with one of the firm's partners. (Ann. Rept. (2010), Advisory Letter 24, p. 27.)

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 engaged in ex parte communications with a prosecutor concerning a matter pending before the judge. (Ann. Rept. (2017), Advisory Letter 11, p. 25.)

A judge contacted an individual ex parte about a temporary restraining order that the judge had signed, which resulted in the judge's disqualification from further proceedings. (Ann. Rept. (2016), Advisory Letter 13, p. 28.)

A judge engaged in an ex parte meeting with a prosecutor about a pending case. (Ann. Rept. (2016), Advisory Letter 14, p. 28.)

A judge contacted a probation officer ex parte about a report the probation officer had submitted. (Ann. Rept. (2016), Advisory Letter 15, p. 28.)

A judge communicated with the judge who had been disqualified from the case about the basis of an order made by the disqualified judge. (Ann. Rept. (2015), Advisory Letter 6, p. 25.)

Before a pro per defendant was brought into the courtroom for a preliminary examination, the judge permitted the prosecutor and the complaining witness to talk to the judge about the witness's fear of testifying. The judge then encouraged and ordered the witness to testify and made remarks that gave the appearance of lack of impartiality. In addition to engaging in an improper ex parte communication, the judge failed to promptly inform the defendant of the discussion or give the defendant an opportunity to respond, as required by the Code of Judicial Ethics. (Ann. Rept. (2015), Advisory Letter 7, p. 25.) [Bias/appearance of bias not directed toward a particular class; ex parte communications.]

A judge engaged in an improper ex parte communication. (Ann. Rept. (2014), Advisory Letter 18, p. 23.)

During a hearing in drug court, the judge engaged in a sidebar conference with a deputy district attorney and a representative of a residential drug treatment program. The defendant, who was present in court in custody but whose counsel was not present, was not included. The judge then considered and acted upon the ex parte information. (Ann. Rept. (2013), Advisory Letter 10, p. 21.)

A judge met with two attorneys and discussed a disqualification challenge filed against the judge by another attorney in the case, outside the presence of that attorney. The judge also solicited declarations from the attorneys to be filed in opposition to the disqualification motion. (Ann. Rept. (2012), Advisory Letter 13, p. 25.)

A judge engaged in multiple ex parte communications with attorneys and others while presiding over a criminal case, which ultimately necessitated the judge's recusal from the case. The ex parte communications exceeded the scope and terms of the attorneys' consent. (Ann. Rept. (2011), Advisory Letter 14, p. 25.)

Without counsel present, a judge spoke in chambers with a juror during deliberations in a homicide case. (Ann. Rept. (2010), Advisory Letter 16, p. 26.)

After conducting a hearing and making a ruling, a judge advised a litigant ex parte, through a court clerk, that the litigant could submit additional evidence. The opposing party was not informed of these discussions or that the judge's ruling might be changed. Later that day, the judge changed the ruling based on the judge's ex parte review of the additional evidence. (Ann. Rept. (2010), Advisory Letter 17, p. 26.) [Ex parte communications; failure to ensure rights.]

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**

A judge renewed a restraining order without notice to the restrained party and an opportunity to be heard. (Ann. Rept. (2017), Advisory Letter 12, p. 25.)

A judge improperly allowed an attorney to be present with a party for a small claims proceeding after earlier advising the party that attorneys were not allowed to appear in small claims. (Ann. Rept. (2016), Advisory Letter 16, p. 28.)

Over a year, the judge repeatedly extended a temporary conservatorship and continued the hearing on the conservatorship petition without ever requiring or receiving a current medical

report or capacity declaration or directing that the conservatee be brought to court to be advised of the conservatee's rights. (Ann. Rept. (2016), Advisory Letter 17, p. 28.)

A judge regularly advised traffic defendants that traffic school was not generally available after trial, although judges had made exceptions to this practice. The advisory was strongly worded, pointing out that the law requires a court to base its decision to grant or deny traffic school on the individual circumstances of the case, that attendance should be authorized if the court believes a defendant's circumstances indicate that the defendant would benefit from attending traffic school, and that it is an abuse of discretion to rely on court policy to deny a defendant permission to attend traffic school after trial. The commission pointed out that the court may not punish defendants for exercise of their right to trial or discourage them from exercising their right to trial by telling them they will receive harsher sentences if convicted at trial. (Ann. Rept. (2015), Advisory Letter 8, p. 25.)

The judge, in a small claims trial, believing the plaintiff's evidence was insufficient to prove one theory of recovery, did not allow the plaintiff, whose claim included other theories, to speak at all. (Ann. Rept. (2015), Advisory Letter 9, p. 25.)

During a hearing, a judge disclosed confidential information submitted by one party in connection with an application for a fee waiver in another proceeding, thereby violating the party's right of privacy. The judge relied on the confidential information in making a ruling, without affording the party notice or an opportunity to be heard. (Ann. Rept. (2013), Advisory Letter 11, p. 22.)

A judge's handling of a defendant's motion to discharge privately retained counsel reflected intentional disregard of the applicable law and disregard of the defendant's right to counsel of choice. (Ann. Rept. (2012), Advisory Letter 14, p. 26.)

A judge improperly refused to hold a hearing on a defendant's motion to discharge appointed counsel, under circumstances that reflected prejudgment and disregard of the litigant's full right to be heard according to law. (Ann. Rept. (2012), Advisory Letter 15, p. 26.)

A judge delayed turning over to counsel a note from a juror pertaining to possible juror misconduct. (Ann. Rept. (2011), Advisory Letter 15, p. 25.)

During a criminal trial, the judge summarily precluded the defense from presenting surrebuttal evidence, improperly ruling that the defense has no such right. The judge displayed impatience toward the defense attorney when the attorney objected. (Ann. Rept. (2011), Advisory Letter 16, p. 25.) [Failure to ensure rights; demeanor/decorum.]

At sentencing after a negotiated plea, the judge failed to afford the crime victim the opportunity to present a victim impact statement in person in open court, as required by law. The judge had read a victim impact statement submitted earlier. (Ann. Rept. (2011), Advisory Letter 17, p. 26.)

A judge with administrative responsibilities adopted procedures for filings by pro per litigants that raised an appearance that the litigants received unequal treatment based on their indigency or lack of counsel. (Ann. Rept. (2011), Advisory Letter 18, p. 26.)

While presiding over a misdemeanor probation violation, the judge refused the defendant's attorney's request to be heard on the issue of bail, denied the defendant bail and remanded the defendant into custody. (Ann. Rept. (2011), Advisory Letter 19, p. 26.)

A judge to whom a case had been assigned for all purposes told the attorneys that their case was not going to trial because the judge settles every case, which appeared coercive and intended to deny their clients' right to trial. (Ann. Rept. (2011), Advisory Letter 20, p. 26.)

A judge heard that a judgment debtor, who had failed to appear at a debtor's examination and therefore was subject to arrest, was going to be in the courthouse at a particular time on other business. Without notice to the debtor, the judge had a clerk telephone the plaintiff's attorney ex parte and set another debtor's examination at the time the debtor was expected to be at court. While the debtor was at the courthouse, the judge had the debtor escorted to the judge's courtroom for the examination. (Ann. Rept. (2010), Advisory Letter 18, p. 26.) [Ex parte communications; failure to ensure rights.]

A judge allowed a member of the judge's family to attend a juvenile dependency calendar in the judge's courtroom, although the litigants were entitled to have proceedings be confidential. (Ann. Rept. (2010), Advisory Letter 19, p. 26.)

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-recognition 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 engaged in improper political activity in the courthouse. (Ann. Rept. (2017), Advisory Letter 13, p. 25.)

A judge failed to comply with a Political Reform Act regulation regarding election campaign committees. (Ann. Rept. (2016), Advisory Letter 18, p. 29.)

A judge failed to comply with a Political Reform Act regulation regarding election campaign committees. (Ann. Rept. (2016), Advisory Letter 19, p. 29.)



A judge made a misrepresentation in campaign materials regarding the judge's experience. (Ann. Rept. (2015), Advisory Letter 10, p. 25.)

A judge used the court's email system to send an email to court personnel endorsing a judicial candidate. (Ann. Rept. (2014), Advisory Letter 19, p. 23.)

While a judge was a candidate for judicial office, the judge's campaign materials created a false impression about the judge's prior judicial experience. (Ann. Rept. (2011), Advisory Letter 21, p. 26.)

A judge engaged in improper political activity during the judge's campaign for judicial office by distributing campaign literature on county property. (Ann. Rept. (2010), Advisory Letter 8, p. 25.)

A judge publicly endorsed a candidate for non-judicial office. The judge promptly arranged to have the endorsement removed. (Ann. Rept. (2010), Advisory Letter 9, p. 25.)

A candidate for judicial office misrepresented the qualifications and present position of an opponent in the campaign. (Ann. Rept. (2010), Advisory Letter 10, p. 25.)

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

### **Miscellaneous Off-bench Conduct**

A judge failed to make reasonable efforts to keep informed about the judge's spouse's law firm and failed to disclose required information about the judge's financial interests in the law firm on Statements of Economic Interests filed with the Fair Political Practices Commission over a three-year period. (Ann. Rept. (2012), Advisory Letter 16, p. 26.)

A judge met with an officer seeking issuance of a warrant on a weekend when the judge was serving as duty judge. After the judge signed the warrant, the judge's teenage child expressed interest in accompanying the officer when the warrant was executed. The judge ascertained that it was acceptable to the officer for the judge's child to accompany the officer. The judge's child was thereby able to bypass the ordinary process for going on a police ride-along. (Ann. Rept. (2011), Advisory Letter 23, p. 26.)

A judge's active participation in a civil deposition of the person to whom the judge was engaged created the appearance that the judge was using the prestige of office to benefit that person and was acting as a legal advocate. Although the judge was not identified as a judge at the deposition, both parties knew of the judge's judicial position. When agreeing to testify at trial, the judge failed to exercise diligence to prevent the use of the judge's position and title at trial. The advisory was strong. (Ann. Rept. (2010), Advisory Letter 11, p. 25.)

Under circumstances that warranted inquiry, a judge failed to inquire whether benefits from a lender might have been extended based on the judge's judicial status. The judge also failed to

keep informed of the judge's financial interests and failed to accurately report those interests on the judge's Statements of Economic Interests. The advisory was strong. (Ann. Rept. (2010), Advisory Letter 12, p. 25.) [Gifts/loans/favors/ticket-fixing; improper business, financial or fiduciary activities; 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 fell asleep during portions of trials. (Ann. Rept. (2017), Advisory Letter 14, p. 25.)  
The judge frequently arrived at the courthouse after the judge's calendar was scheduled to start. (Ann. Rept. (2016), Advisory Letter 20, p. 29.)

Due to a lack of diligence, a judge issued an order in excess of the court's jurisdiction. (Ann. Rept. (2016), Advisory Letter 21, p. 29.)

A judge was repeatedly late arriving at court in the morning, over an extended period of time. (Ann. Rept. (2013), Advisory Letter 12, p. 22.)

A judge was habitually late in taking the bench for the morning calendar. (Ann. Rept. (2010), Advisory Letter 26, p. 27.)

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 misused the prestige of office to advance the judge's personal interests. (Ann. Rept. (2017), Advisory Letter 15, p. 25.)

A judge misused the prestige of office to advance the personal interests of another person. (Ann. Rept. (2017), Advisory Letter 16, p. 25.)

A judge, while visiting a private building, failed to adhere to a directive from security personnel. (Ann. Rept. (2015), Advisory Letter 11, p. 25.)

A judge participated in the auction of donated goods at a fundraiser and failed to take steps to ensure that the judge's name and title were not used during the auction and in the promotional materials for the fundraiser. (Ann. Rept. (2015), Advisory Letter 12, p. 25.)

A judge failed to observe high standards of conduct in having certain personal material delivered by mail to the judge at the courthouse. (Ann. Rept. (2015), Advisory Letter 13, p. 25.)

A judge invoked the judge's judicial title during a traffic stop. (Ann. Rept. (2015), Advisory Letter 14, p. 25.)

A judge sent a letter to the district attorney concerning problematic conduct by a deputy district attorney. The wording of the letter created the appearance that the judge was not merely taking appropriate corrective action but encouraging the district attorney to reassign the deputy district attorney and/or take disciplinary action against the attorney. The judge sent copies of the letter to other judges and court administrators. (Ann. Rept. (2015), Advisory Letter 15, p. 26.)

A judge served as an auctioneer at a fundraising event, contrary to canon 4C(3)(d). (Ann. Rept. (2013), Advisory Letter 13, p. 22.)

A judge invoked the judicial office while reporting another driver to law enforcement. (Ann. Rept. (2013), Advisory Letter 14, p. 22.)

A judge used judicial stationery to write to a court in another county regarding payment of the judge's traffic ticket because the judge was having trouble getting the court clerk to acknowledge that payment had been made. (Ann. Rept. (2011), Advisory Letter 22, p. 26.)

A judge became involved in litigation in another county concerning a member of the judge's family. The judge filed a complaint with the Commission on Judicial Performance about the judge presiding over the case. The judge's family member thereafter filed a motion to disqualify

that judge. The judge who complained gave the family member a copy of the CJP complaint, which clearly indicated the complainant was a judge, to attach to the disqualification motion. (Ann. Rept. (2010), Advisory Letter 13, p. 26.)

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 threatened an attorney's license to practice law during a court hearing. The client was not present. (Ann. Rept. (2017), Advisory Letter 17, p. 25.)

A judge engaged in an abuse of authority in ordering a defendant physically restrained during court proceedings without the necessary showing. (Ann. Rept. (2016), Advisory Letter 22, p. 29.)

Before the conclusion of a judgment debtor examination, the judge exceeded the court's authority by ordering a self-represented debtor to give the debtor's wallet to the bailiff, who searched it and turned over the money found in the wallet to the judgment creditor. (Ann. Rept. (2015), Advisory Letter 16, p. 26.)

In a child custody proceeding, the judge ordered a grandparent to have no contact with the parties' two minor children, even though the grandparent was not a party to the proceeding and had no notice that a stay-away order was being contemplated. (Ann. Rept. (2014), Advisory Letter 20, p. 23.)

A judge repeatedly abused the judge's authority with respect to the appointment of counsel in criminal cases. (Ann. Rept. (2014), Advisory Letter 21, p. 23.)

After hearing that an attorney had made an unflattering remark about the judge, when the attorney appeared, the judge told the attorney to leave the courtroom and that the attorney could not appear there. The attorney and the judge later resolved the situation. (Ann. Rept. (2014), Advisory Letter 22, p. 23.) [Demeanor/decorum; on-bench abuse of authority in performance of judicial duties.]

After an attorney appeared for a defendant pursuant to Penal Code section 977, which permits a defendant charged with a misdemeanor to appear through counsel, the attorney failed to appear on the next court date. A judge issued a bench warrant for the defendant, notwithstanding the authorization for the attorney to appear on the defendant's behalf and the fact that the defendant had not been ordered to appear. The commission concluded that the judge's conduct involved disregard of fundamental rights and abuse of authority, and was of a nature that could seriously undermine the attorney-client relationship. (Ann. Rept. (2013), Advisory Letter 15, p. 22.)

In dealing with a probationer, the judge engaged in conduct that created the impression that the judge had abandoned the role of impartial judge and had undertaken a law enforcement function. (Ann. Rept. (2013), Advisory Letter 16, p. 22.)

A judge issued a bench warrant for the legal representative of a third party to the case who had received a subpoena duces tecum for the production of documents; the attorney was neither a party nor a personally-served witness, nor had the attorney previously been ordered by the court to appear. When the attorney appeared on the date to which the judge had ordered the warrant held, the judge appeared to impose conditions on the withdrawal of the warrant. Because there was no legal basis to issue the warrant and no reason for the judge to believe that the attorney was properly the subject of a bench warrant, the commission determined that the judge had abused the judge's authority. (Ann. Rept. (2013), Advisory Letter 17, p. 22.)

A judge engaged in abuse of authority in the appointment of counsel. (Ann. Rept. (2013), Advisory Letter 18, p. 22.)

A defendant in a criminal case sought to substitute in new counsel. A judge allowed the substitution but tripled the defendant's bail and remanded the defendant into custody, creating the impression that the judge was punishing the defendant for seeking new counsel or causing a delay in the case, neither of which is a valid basis for raising bail. (Ann. Rept. (2012), Advisory Letter 17, p. 26.)

A judge threatened a defendant appearing for arraignment on a traffic infraction with revocation of the defendant's own recognizance release and remand to custody if the defendant did not enter a plea. Since the defendant was charged only with an infraction, not punishable by jail, the defendant was not subject to being taken into custody. (Ann. Rept. (2012), Advisory Letter 18, p. 26.)

A defendant was brought back into court by law enforcement after a proceeding had been concluded, and was interrogated by the judge without the judge advising the defendant of the nature of the proceeding or advising the defendant of the right to counsel. (Ann. Rept. (2012), Advisory Letter 19, p. 26.)

A judge took action on a matter, contrary to a local court rule adopted in response to statutory and case law. (Ann. Rept. (2012), Advisory Letter 20, p. 26.)

A judge took action on a matter, contrary to a local court rule adopted in response to statutory and case law. (Ann. Rept. (2012), Advisory Letter 21, p. 26.)

A judge occasionally spoke in a language other than English during court proceedings, including while giving criminal defendants group advisements of their constitutional rights. In a civil case, the judge made a ruling based only on speculation that a litigant had not fulfilled a certain procedural requirement, and misstated the law in articulating a different basis for the ruling, thus creating a misleading record. (Ann. Rept. (2011), Advisory Letter 24, p. 26.)

When a judge was notified that an attorney was complaining to the court's executive officer about the court's trial setting practices, the judge ordered the attorney to the judge's courtroom, where the judge chastised the attorney and ordered the attorney to remain there while the judge summoned opposing counsel in one of the attorney's cases that was awaiting trial. That case was not pending before the judge. The advisory was strong. (Ann. Rept. (2010), Advisory Letter 20, p. 26.) [Demeanor/decorum; on-bench abuse of authority in performance of judicial duties.]

At the conclusion of a small claims hearing, a judge engaged in an abuse of authority by ordering one party to stay away from the other party and ordering a party to receive counseling. The advisory was strong. (Ann. Rept. (2010), Advisory Letter 21, p. 26.)

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 failed to appropriately discharge various administrative responsibilities and made undignified and discourteous remarks to court personnel. The judge also failed to personally observe high standards of conduct by not complying with a regulation. (Ann. Rept. (2017), Advisory Letter 18, p. 25.) [Administrative malfeasance/improper comments, treatment of colleagues and staff; Demeanor/decorum; Miscellaneous Off-bench conduct.]

While presiding over a criminal case, the judge engaged in independent investigation, which the judge failed to promptly disclose to the litigants. The judge failed to disqualify from the case when circumstances in the case warranted recusal. (Ann. Rept. (2017), Advisory Letter 19, p. 25.) [Disqualification/disclosure/post-disqualification conduct; Ex parte communications.]

A judge's off-bench remarks created the appearance of bias and lent the prestige of office to advance the personal interests of others. (Ann. Rept. (2017), Advisory Letter 20, p. 25.) [Bias/appearance of bias toward a particular class; Off-bench abuse of office/misuse of court information.]

At a hearing, the judge made repeated remarks suggesting bias against a party and prejudgment in a case. When the party moved to disqualify the judge, setting forth sufficient allegations in the statement of disqualification to cause a reasonable member of the public to doubt the judge's impartiality, the judge improperly struck the disqualification motion, rather than having it heard by another judge, as required by law. (Ann. Rept. (2017), Advisory Letter 21, p. 26.) [Bias/appearance of bias not directed toward a particular class; Disqualification/disclosure/post-disqualification conduct.]

After making efforts to comply with the requirement that a habeas petitioner be afforded the opportunity to reply to informal responses to habeas petitions, a judge denied the petitioner the opportunity to submit a reply. On one occasion, the judge denied a petition on the basis of an informal response that the judge knew had not been served on the petitioner. (Ann. Rept. (2016), Advisory Letter 23, p. 29.) [Ex parte communications; failure to ensure rights.]

A judge made injudicious remarks about a pro per defendant that suggested bias. When the remarks were cited in a motion to disqualify the judge for cause, the judge struck the motion on the grounds that the judge was not biased and no reasonable person would think that the judge was biased, thereby ruling on the merits of the disqualification motion, rather than having the matter decided by an assigned judge as required by law. (Ann. Rept. (2016), Advisory Letter 24, p. 29.) [Bias/appearance of bias not directed toward a particular class; disqualification/disclosure/post-disqualification conduct.]

A judge received and acted upon an ex parte communication from the plaintiff in a case who arrived late to court after the case had been dismissed and the opposing party had left the courtroom. The judge did not give the opposing party notice or an opportunity to be heard before vacating the order of dismissal and resetting the matter for trial. (Ann. Rept. (2016), Advisory Letter 25, p. 29.) [Ex parte communications; failure to ensure rights.]

A judge attempted, in a private capacity, to help resolve a legal dispute between persons with whom the judge had a personal relationship, in violation of the prohibition on judges serving as mediators. After suit was filed, the judge engaged in other activities that appeared to lend the prestige of judicial office to advance the personal interests of another person. (Ann. Rept. (2016), Advisory Letter 26, p. 29.) [Off-bench abuse of office/misuse of court information; miscellaneous off-bench conduct.]

A judge entered judgment against a nonparty in a small claims case. In another matter, the judge was discourteous and demeaning to a self-represented civil litigant. During trial in a third case, the judge failed to be patient, dignified, and courteous toward counsel. (Ann. Rept. (2015), Advisory Letter 17, p. 26.) [Demeanor/decorum; on-bench abuse of authority in performance of judicial duties.]

In a family law matter in which the judge had ordered that there be no contact between the parties' children and a non-party, the judge also ordered that there be no contact between the nonparty and the non-party's own child, who lived in the same household as the other children. The judge did not give the non-party notice or an opportunity to be heard, and did not have jurisdiction over the individual's child. The judge also made a derogatory remark to one of the parties reflecting prejudgment. (Ann. Rept. (2015), Advisory Letter 18, p. 26.) [Bias/appearance of bias not directed toward a particular class; failure to ensure rights.]

In traffic court, a judge allowed court clerks to take pleas and impose sentences according to a fine schedule, without the involvement of a judicial officer. The judge also maintained a policy of not giving fine reductions after trial, and advising defendants that fines would not be reduced after trial, creating the appearance that defendants were being penalized for exercising their right to trial. In mitigation, the judge corrected the practices. (Ann. Rept. (2015), Advisory Letter 19, p. 26.) [Non-performance of judicial functions/attendance/sleeping; failure to ensure rights.]

A judge allowed the personal relationship with a criminal defendant appearing before the judge to influence the judge's conduct. Although the judge recused, the judge interacted with the defendant in a manner that breached court decorum and raised security concerns. (Ann. Rept. (2015), Advisory Letter 20, p. 26.) [Bias/appearance of bias not directed toward a particular class; demeanor/decorum.]

A judge solicited contributions for a candidate for judicial office from attorneys appearing before the judge. The judge also invoked the judicial office in correspondence to advance the judge's interests in a personal dispute. (Ann. Rept. (2015), Advisory Letter 21, p. 26.) [Improper political activities; off-bench abuse of office/misuse of court information.]

During a hearing, a judge engaged in a shouting match with an attorney, suggesting the attorney as playing games and not acting in the best interest of the attorney's client, which remarks were likely to undermine the attorney-client relationship. The judge also failed to follow proper contempt procedures by finding the attorney in contempt without giving the attorney an opportunity to be heard. (Ann. Rept. (2015), Advisory Letter 22, p. 26.) [Abuse of contempt/sanctions; demeanor/decorum; failure to ensure rights.]

In a family law case, the judge made comments to a litigant that were impatient and discourteous and gave the appearance of bias. In a separate matter, at the request of the mother, the judge issued a one-year restraining order against the out-of-state father specifically prohibiting visitation with his child, and awarding sole custody to the mother. The judge was aware of a pending family law case in the home state of the father and child, and had been told by the mother that the child essentially lived with the father, but did not consult with the other court before issuing the custody order, as required by law. (Ann. Rept. (2015), Advisory Letter 23, p. 26.) [Bias/appearance of bias not directed toward a particular class; demeanor/decorum; on-bench abuse of authority in performance of judicial duties.]

At a hearing in a civil matter, the judge used a derogatory term for a witness and made comments about potential witnesses for the defendant and their possible testimony that reflected bias against the defendant. (Ann. Rept. (2015), Advisory Letter 24, p. 26.) [Bias/appearance of bias not directed toward a particular class; demeanor/decorum.]

A judge revoked probation and imposed sentence on a defendant, without giving the defendant an opportunity to be heard on whether the probation should be revoked, without obtaining a waiver of the defendant's right to a hearing, and without the defendant admitting a probation violation. The judge also made disparaging remarks to and about the defendant. (Ann. Rept. (2015), Advisory Letter 25, p. 27.) [Demeanor/decorum; failure to ensure rights; on-bench abuse of authority in performance of judicial duties.]

At sentencing, a judge made remarks to the defendant that were undignified and gave the appearance that the judge was inappropriately injecting the judge's personal experience into consideration of the matter. (Ann. Rept. (2015), Advisory Letter 26, p. 27.) [Bias/appearance of bias not directed toward a particular class; demeanor/decorum.]

While an attorney was in chambers on a civil matter, the judge initiated an ex parte communication about another case, including questioning the attorney about the attorney's appeal of the judge's order and alternatives to appeal that were available. In another matter, the judge issued but held a bench warrant for an attorney on the date specified on a subpoena for the attorney's appearance, although the attorney had not been served with the subpoena, had not failed to appear on the date specified (which had already been continued due to the judge's unavailability), and had not consented to having a warrant issued and held. (Ann. Rept. (2014), Advisory Letter 23, p. 23.) [Ex parte communications; on-bench abuse of authority in performance of judicial duties.]

A judge failed to give a pro per litigant an opportunity to respond before holding the litigant in contempt. In another matter, the judge's treatment of a pro per family law litigant was discourteous and gave rise to an appearance of embroilment. (Ann. Rept. (2014), Advisory Letter 24, p. 23.) [Abuse of contempt/sanctions; bias/appearance of bias not directed toward a particular class; demeanor/decorum.]

In traffic court, a judge allowed the judge's clerk to take pleas and impose sentences according to a fine schedule, while the judge was in chambers. In a civil matter, after the prevailing party's attorney requested that the judge make findings, the judge appeared to act out of pique by stating that the judge was going to set aside the order and set the matter for further argument. The judge

also displayed poor demeanor during the proceedings. In another matter, the judge denied an attorney an opportunity to be heard before imposing sanctions and displayed poor demeanor. (Ann. Rept. (2014), Advisory Letter 25, p. 24.) [Non-performance of judicial functions/attendance/sleeping; demeanor/decorum; failure to ensure rights; on-bench abuse of authority in performance of judicial duties.]

A judge made remarks about a pro per criminal defendant – impugning the defendant’s character, referring to the defendant as a fraud, and accusing the defendant of being willing to make false statements to the court – in an attempt to persuade the defendant to waive the right to self representation. When the defendant raised the judge’s accusations in a statement of disqualification, the judge improperly struck the challenge rather than allowing the motion to be decided by another judge as required by law. (Ann. Rept. (2014), Advisory Letter 26, p. 24.) [Bias/appearance of bias not directed toward a particular class; disqualification/disclosure/post-disqualification conduct.]

During a hearing in a criminal case, the judge repeatedly criticized defense counsel’s brief in a sarcastic and demeaning manner, and questioned the attorney about the defendant in a sarcastic manner. In another criminal matter, the judge made remarks that created the appearance of bias based upon the defendant’s occupation. (Ann. Rept. (2014), Advisory Letter 27, p. 24.) [Bias/appearance of bias not directed toward a particular class; demeanor/decorum.]

During a hearing in a criminal case, the judge was impatient and discourteous towards an attorney who was questioning a witness. Later, in open court, and in the presence of the attorney’s client, the judge threatened to report the attorney to the State Bar if the attorney had engaged in improper conduct, which had not been determined. In another case, at a bail hearing, the judge made sarcastic, discourteous remarks about the probation department’s recommendation that the defendant be released on the defendant’s own recognizance. At sentencing later in the case, the judge referred to the judge’s own experience as a victim of a crime similar to the one for which the defendant was being sentenced, which created the appearance of bias and prejudgment. The judge also made a discourteous remark to a person speaking on the defendant’s behalf at sentencing. (Ann. Rept. (2014), Advisory Letter 28, p. 24.) [Bias/appearance of bias not directed toward a particular class; demeanor/decorum.]

A judge’s off-bench activities created an appearance of bias. Some of the judge’s activities involved a misuse of court resources. (Ann. Rept. (2014), Advisory Letter 29, p. 24.) [Bias/appearance of bias not directed toward a particular class; misuse of court resources.]

At the outset of a hearing on a temporary restraining order and without providing the petitioner an adequate opportunity to be heard, the judge ordered on the judge’s own motion that the restrained parent would be allowed visitation as a condition of granting the restraining order. No notice had been given to the pro per petitioner that the visitation issue, which was previously set for hearing at a later date, would be addressed at the TRO hearing. The commission concluded that the judge abused the judge’s authority and disregarded the litigant’s fundamental right to due process. In another matter, the judge imposed sanctions on a pro per litigant without providing an adequate opportunity to be heard. (Ann. Rept. (2013), Advisory Letter 19, p. 22.) [Abuse of contempt/sanctions; failure to ensure rights; on-bench abuse of authority in performance of judicial duties.]

In a criminal matter, the judge failed to rule over a period of nine months on a pro per defendant's motion for appointment of an expert and engaged in an improper ex parte communication with the defendant's investigator. (Ann. Rept. (2013), Advisory Letter 20, p. 22.) [Comment on a pending case; miscellaneous off-bench conduct.]

A judge's remarks in emails to judicial colleagues failed to promote public confidence in the integrity and impartiality of the judiciary. The judge also made public comments about a pending case. (Ann. Rept. (2013), Advisory Letter 21, p. 23.) [Decisional delay/false salary affidavits; ex parte communications.]

Prior to arraigning a defendant and granting the defendant own recognizance release, a judge failed to disclose on the record that the judge had interacted with the defendant professionally and knew a number of the prosecution witnesses well. In another matter, the judge modified a temporary restraining order without providing notice to the petitioner. In a family law matter, the judge communicated to counsel for one litigant a disparaging courthouse joke about a party in another case who was represented by the counsel's law firm, and conveyed the judge's displeasure with the contentiousness of both cases. Opposing counsel was not present for the judge's remarks. (Ann. Rept. (2012), Advisory Letter 23, p. 26.) [Demeanor/decorum; disqualification/disclosure/post-disqualification conduct; ex parte communications; failure to ensure rights.]

During a contested family law proceeding, a judge made inappropriate personal comments and hugged one of the litigants at the conclusion of the hearing. In another matter involving a restraining order, the judge denied the respondent the opportunity to cross-examine the petitioner. The judge also repeatedly urged the respondent to consult with a particular doctor, thus lending the prestige of judicial office to advance the doctor's interests. (Ann. Rept. (2012), Advisory Letter 24, p. 27.) [Demeanor/decorum; failure to ensure rights; on-bench abuse of authority in performance of judicial duties.]

A judge made harsh comments to an attorney, in the presence of the attorney's client, including inviting the attorney to admit that the attorney was inept and making references to sanctions and a possible referral to the State Bar. The nature of the judge's comments created the appearance of embroilment. In another matter, the judge spoke to a represented defendant regarding disposition while the defendant's attorney was out of the courtroom. (Ann. Rept. (2012), Advisory Letter 25, p. 27.) [Bias/appearance of bias not directed toward a particular class; demeanor/decorum; failure to ensure rights.]

A judge displayed poor demeanor toward counsel or litigants in three family law cases. In one of the cases, after reprimanding counsel for the manner in which a motion was presented and continuing the hearing, the judge refused to allow counsel to be heard or to ask a clarifying question. (Ann. Rept. (2012), Advisory Letter 26, p. 27.) [Demeanor/decorum; failure to ensure rights.]

During a criminal trial, a judge expressed impatience and annoyance and reprimanded defense counsel in front of the jury. During the same trial when the judge began questioning the defendant about being late to court, defense counsel requested that the judge's questions be

directed to counsel, not the defendant. The judge responded that the defendant's own recognizance release was revoked. The judge's revocation of the defendant's OR release appeared to be in retaliation for defense counsel's assertion of the defendant's right to have counsel, rather than the defendant, respond to questions. (Ann. Rept. (2012), Advisory Letter 27, p. 27.) [Demeanor/decorum; failure to ensure rights.]

A judge sent a highly accusatory and inaccurate email to the attorneys in a case that had been before the judge, without investigating the facts and ascertaining from the attorneys what had occurred. In another matter, the judge made remarks at a sentencing hearing that created a strong appearance that the judge had established a mandatory minimum sentence for a certain type of offense, when none was prescribed by law and without consideration of the individual facts and circumstances of each case. (Ann. Rept. (2012), Advisory Letter 28, p. 27.) [Bias/appearance of bias not directed toward a particular class; demeanor/decorum.]

After being appointed to the bench, a judge failed to ensure that a case in which the judge was the attorney of record was transferred to another attorney before taking the oath of office. The judge remained counsel of record for three weeks after taking the oath. (Ann. Rept. (2012), Advisory Letter 29, p. 27.) [Miscellaneous off-bench conduct; pre-bench misconduct.]

A judge used vulgar language and was unduly harsh with an attorney who volunteered court scheduling information in a case that was not the attorney's. The judge also engaged in abuse of authority by ordering the attorney to leave the courtroom. (Ann. Rept. (2012), Advisory Letter 30, p. 27.) [Demeanor/decorum; on-bench abuse of authority in performance of judicial duties.]

A judge made unduly harsh and disparaging remarks to a pro per criminal defendant during a pretrial hearing. The judge also denied the defendant's motion to disqualify the judge for cause. (Ann. Rept. (2011), Advisory Letter 25, p. 26.) [Demeanor/decorum; disqualification/disclosure/post-disqualification conduct.]

A judge engaged in ex parte communications with a witness. The judge improperly inferred the consent of the pro per parties from the fact that they did not object when the judge stated the intention to telephone the witness. When one party continued to express concern about the judge's ruling, the judge threatened to make an adverse ruling and used unduly harsh language. (Ann. Rept. (2011), Advisory Letter 26, p. 26.) [Demeanor/decorum; ex parte communications.]

A judge made remarks, in open court, to an attorney that reflected impatience, were undignified and demeaned the competence of the attorney. In another case, immediately after ruling in favor of one party, the judge met with that party's counsel in chambers on an unrelated matter, without offering an explanation to the other party, which created the appearance of impropriety. (Ann. Rept. (2010), Advisory Letter 27, p. 27.) [Demeanor/decorum; miscellaneous off-bench conduct.]

A judge violated canon 3B(10) by commending two juries for their verdicts. In another case, the judge made a comment to an attorney that appeared sarcastic and may have reflected a lack of patience. (Ann. Rept. (2010), Advisory Letter 28, p. 27.) [Bias/appearance of bias not directed toward a particular class; demeanor/decorum.]

In an animal cruelty case, a judge failed to disclose the judge's extensive personal and professional activities involving animals. The judge also incarcerated the defendant under circumstances that appeared retaliatory and constituted an abuse of authority. (Ann. Rept. (2010), Advisory Letter 29, p. 27.) [Disqualification/disclosure/post-disqualification conduct; on-bench abuse of authority in performance of judicial duties.]

A judge's off-bench participation in law enforcement activities failed to promote public confidence in the integrity and impartiality of the judiciary. Also, while on the bench, the judge directed the bailiff to take the car keys of pro per defendants who were charged but had not been convicted of driving without a valid license if they stated they had driven themselves to court. (Ann. Rept. (2010), Advisory Letter 30, p. 27.) [Miscellaneous off-bench conduct; on-bench abuse of authority in performance of judicial duties.]

A judge failed to provide a party an opportunity to be heard before sanctioning the party for failure to appear. The judge also presided over two hearings in a family law matter in the absence of the minors' counsel, without proof in the record of notice to the minors' counsel, under circumstances which should have compelled the judge to inquire about notice. The judge was new to the bench. (Ann. Rept. (2010), Advisory Letter 31, p. 28.) [Abuse of contempt/sanctions; failure to ensure rights.]

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 misdemeanor'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.]