

31 Cal.3d 919
647 P.2d 1075, 184 Cal.Rptr. 296
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In re HUGO FISHER, a Judge of the Superior Court, on Censure

L.A. No. 31504.

Supreme Court of California.

Jul 14, 1982.

SUMMARY

The Commission on Judicial Performance recommended that a judge of the superior court be censured for conduct prejudicial to the administration of justice that brings the judicial office into disrepute. The judge did not request review of the recommendation.

The Supreme Court held that substantial evidence supported the conclusion that the judge had violated Cal. Code of Jud. Conduct, canon 3, part A(4), which states that "[a] judge should ..., except as authorized by law, neither initiate nor consider ex parte or other communications concerning a pending or impending proceeding," and, by its order, publicly censured the judge. The court pointed out that under Cal. Rules of Court, rule 919, failure to request review "may be deemed a consent to a determination on the merits based upon the record filed by the commission." (Opinion by The Court.)

THE COURT. [FN*]

FN* Mosk, J., did not participate.

The Commission on Judicial Performance has recommended that we censure Hugo Fisher, a Judge of the Superior Court of San Diego County, for "conduct prejudicial to the administration of justice that brings the judicial office into disrepute." He has not requested review of the recommendation; and under California Rules of Court, rule 919, that failure "may be deemed a consent to a determination on the merits based upon the record filed by the Commission." ***920**

Substantial evidence supports the conclusion that Judge Fisher violated canon 3 of the California Code of Judicial Conduct, which states that "[a] judge should ..., except as authorized by law, neither initiate nor consider ex parte or other communications concerning a pending or impending proceeding." (Canon 3, part A(4).) Accordingly, by this order he is publicly censured. ***921**

Cal., 1982.

In re Fisher

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