
**STATE OF CALIFORNIA
COMMISSION ON JUDICIAL PERFORMANCE**



2025 ANNUAL REPORT

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INTRODUCTION

It is a great honor to present to you this Annual Report of the California Commission on Judicial Performance.

In 1960, the commission was the first in the nation to be tasked with oversight of the judiciary. It began with nine members – five judicial members, two attorneys, and two members of the public. In 1994, by way of a constitutional amendment, the commission's makeup was significantly changed. It is now comprised of three judicial members, two attorneys, and six members of the public. However, that change has not altered the commission's mandate to protect the public, enforce rigorous standards of judicial conduct, and maintain public confidence in the integrity and independence of the judicial system. The commission's jurisdiction includes active and former judicial officers for conduct that occurs during their time on the bench and, in some instances, before they became judicial officers.

This report reflects the efforts of an amazing and hard-working staff who investigate every allegation of judicial misconduct and then recommend to the commission what they view as the appropriate resolution. The commission then decides, at each stage of the investigative and adjudicatory process, how to proceed – whether to close a case for failure to allege a violation of ethical rules or to issue discipline to the involved judicial officer. The thoroughness and attention to detail contained in the staff recommendations make the commission's work possible.

In 2025, the commission considered approximately 1,800 complaints. This report provides information on how those complaints were handled, the nature of the complaint process, and the commission's legal authority and procedures. The report also provides descriptions of the factual bases of the complaints that resulted in discipline. In addition, the report recognizes that the commission continued its mentoring program, which offers support and assistance to judicial officers throughout the State.

This year the commission had a number of changes to its composition due to the departure of some members upon conclusion of their terms. Hon. Julia C. Kelety took the place held by Hon. William S. Dato; Hon. Kimberly J. Merrifield took the place held by Hon. Michael J. Harper; and Ms. Leisa Biggers took the place held by Dr. Michael A. Moodian. Also, Mr. Alton L. Garrett, Jr. filled the position vacated last year by Mr. Eddie De La Riva. The dedication and contribution of the outgoing members will be missed. However, the new members have already shown they will have a significant and positive impact on the commission's work.

On a personal level, I would like to take this opportunity to thank Director-Chief Counsel Gregory Dresser and Legal Advisor Emma Bradford. Their sage guidance has been, and continues to be, invaluable. I would again like to thank the amazing staff. Finally, I would like to extend my deep appreciation to my fellow commission members,

all of whom volunteer countless hours in support of the commission's mandate.

Thank you for your interest in this report. I hope you find it valuable.

A handwritten signature in blue ink, reading "Lisa B. Lench".

Honorable Lisa B. Lench
Chairperson

**COMMISSION ON JUDICIAL PERFORMANCE
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COMMISSION MEMBERS

Pursuant to California Constitution, article VI, section 8, the commission is composed of 11 members: six lay citizens, two appointed by the Governor, two appointed by the Senate Committee on Rules, and two appointed by the Speaker of the Assembly; one justice of a Court of Appeal and two judges of superior courts appointed by the Supreme Court; and two attorneys appointed by the Governor. Members are appointed to four-year terms. A member whose term has expired may continue to serve until the vacancy has been filled by the appointing authority; however, no member may serve for more than a total of 10 years. The commission meets approximately seven times a year. The members do not receive a salary, but are reimbursed for expenses relating to commission business. The members of the commission elect a chairperson and vice-chairperson annually.



HON. LISA B. LENCH, CHAIRPERSON, was appointed to the commission as a superior court judicial member by the Supreme Court May 1, 2019, and reappointed to a term commencing March 1, 2023; her term ends February 28, 2027. Judge Lench was elected vice-chairperson of the commission in 2023. She serves as a judge on the Los Angeles County Superior Court, to which she was appointed in November 2001 and sworn in the following January. Judge Lench is currently assigned to a complex criminal trial court. She has had a variety of assignments on the bench, including a criminal master calendar court, felony trial court, and misdemeanor calendar and trial courts. Judge Lench serves on the Supreme Court Advisory Committee on the Code of Judicial Ethics. She was previously chair, vice-chair, and a member of the California Judges Association's Judicial Ethics Committee; was a member of the Center for Judicial Education and Research Ethics Advisory/Curriculum Committee; and is an ethics instructor for the Center for Judicial Education and Research. Prior to her appointment to the bench, Judge Lench was a deputy chief for the U.S. Attorney's Office for the Central District of California in the Narcotics Section. She graduated from Loyola Marymount University, Loyola Law School, and received a Bachelor of Science degree in Social Ecology from the University of California, Irvine.



MANI SHEIK, ESQ., VICE-CHAIRPERSON, was appointed to the commission as a lawyer member by the Governor May 26, 2023, and reappointed to a term commencing March 1, 2025; his term ends February 28, 2029. He resides in Marin County. Mr. Sheik has been the Principal at Sheik Law, Inc., since 2014. He was an associate at several firms between 2006 and 2014, including Miller Law Group, Curiale Hirschfeld Kraemer LLP, Coblenz Patch Duffy & Bass LLP, and Reed Smith LLP. Mr. Sheik earned a Juris Doctor degree from the University of California, Berkeley School of Law; a Master of Public Health in International Health from Johns Hopkins School of Public

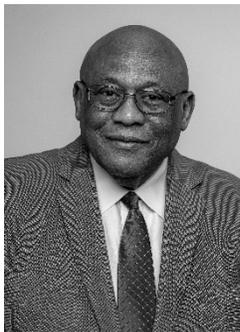
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Health; and a Bachelor of Science degree in Biological Sciences from the University of California, Irvine.



Ms. LEISA V. BIGGERS was appointed to the commission as a public member by the Governor on August 19, 2025; her term ends February 28, 2029. She resides in Los Angeles County. Ms. Biggers has served as Director of Human Resources at Los Angeles Community College District (LACCD), one of the largest community college districts in the nation, since 2022, and served as a Consultant from 2015 to 2021 including with LACCD starting in 2021. She was the Administrative

Services Manager for the County of Santa Clara from 2013 to 2015. Ms. Biggers was the Director of Staff and Student Diversity at El Camino Community College District from 2010 to 2013. She was Court Administrator and Court Clerk for the Fifth Appellate District from 2005 to 2008. Ms. Biggers was Supervising Administrative Specialist, Human Resources, for the Fourth Appellate District from 1998 to 2005. She served as a member of the Commission on Judicial Nominees Evaluation from 2011-2014 and served as a Pro Tem in the same capacity until 2025. Ms. Biggers earned a Master of Business Administration degree from the California State University, Fresno and received a Bachelor of Science degree in Criminal Justice Science from the University of Texas, El Paso.



MR. ALTON L. GARRETT, JR., was appointed to the commission as a public member by the Speaker of the Assembly February 18, 2025, and reappointed to a term commencing March 1, 2025; his term ends February 28, 2029. Mr. Garrett is the Managing Partner of Garrett Management Group (GMG), LLC. GMG develops, executes, and manages festivals for clients and produces events under the banner of GMG. He is a small business consultant and political advisor. Mr. Garrett previously served as an Incident Management Cadre of On-Call Response/Recovery Employee with the Department of Homeland Security, Federal Emergency Management Agency. He

was responsible for developing and coordinating congressional strategies to provide information to, and build relationships with, constituencies involved in agency disaster response and recovery programs. In addition, he coordinated over 25 Congressional Delegation visits to declared disaster areas. Mr. Garrett served as Senior Advisor to U.S. Senator Barbara Boxer, where he advised the Senator on matters relative to military and veterans issues. He graduated with a Master's Degree in Public Administration from California State University, San Bernardino, and a Bachelor of Science Degree in Workforce Education and Development from Southern Illinois University. Mr. Garrett retired from the military on June 1, 1989, after serving over 27 years of faithful service to his country. He retired in the grade of Chief Master Sergeant (E-9). Mr. Garrett received numerous decorations and awards during his military career, including the Bronze Star Medal, Meritorious Service Medal with two oak leaf clusters, Air Force Commendation Medal with seven oak leaf clusters, Vietnam Service Medal with one silver star, Republic of Vietnam Campaign Medal, and the Republic of Vietnam Gallantry Cross with Palm. He is also the recipient of the Outstanding Airman Ribbon.

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RICKEY IVIE, ESQ., was appointed to the commission as a lawyer member by the Governor May 27, 2021, and reappointed to a term commencing March 1, 2023; his term ends February 28, 2027. He resides in Los Angeles County. Mr. Ivie is a Founding Partner of Ivie McNeill Wyatt Purcell & Diggs (IMW), a practicing Litigation Attorney, and a Community Leader passionate about diversity and serving others. IMW is a multi-cultural law firm. Since joining IMW in 1980, Mr. Ivie has remained dedicated to building and leading a diverse legal team that excels in providing legal services to the diverse global community. Under his leadership, IMW has grown into a secure and inspiring workplace for all employees. Mr. Ivie provides legal service to individuals, government entities, and well-known businesses including restaurants, entertainment companies, insurance companies, and commercial construction businesses. He handles a range of legal cases related to personal injury, wrongful death, civil rights violations, contract disputes, trademark, copyright, corporate and commercial litigation. Over four decades, Mr. Ivie has tried numerous jury and court trials, including precedent-setting cases that have changed the practice of law and improved the lives of millions of people. Mr. Ivie received his law and undergraduate degrees from the University of California, Los Angeles. He served as Chairman of the Board of the UCLA Black Alumni Association for over 10 years, working to maintain diversity at the university and raise funds for scholarships for African American students. Mr. Ivie is a member of the State Bar of California and is admitted to the United States Court of Appeals, Ninth Circuit, and the United States Supreme Court. He has spoken at State Bar of California events on topics such as ethics, effective fee agreements, interacting with judges and opening a law office.



MS. KAY COOPERMAN JUE was appointed to the commission as a public member by the Speaker of the Assembly March 7, 2019, and reappointed to a term commencing March 1, 2023; her term ends February 28, 2027. She resides in Los Angeles County. Ms. Jue was a securities law paralegal with a Los Angeles law firm before retiring in 2019. She has been interested in the law since her college days. After graduation, she worked as a newswire and newspaper reporter specializing in covering courts and legal affairs, including reporting on dozens of court hearings and trials and conducting interviews of judges and attorneys. In 1983, the Orange County Bar Association honored her with its Media Award for Excellence in Legal Reporting. She switched to television news, where she worked as a news writer, field producer, associate producer, and producer. She won an Emmy Award in 1993 for best 60-minute newscast in the Los Angeles market. After 20 years in news, Ms. Jue switched to public relations, working first at UCLA and later as a sole practitioner managing media relations for a law firm and a law school among other clients. She became a paralegal in 2011. In November 2020, Ms. Jue concluded two terms on the Palos Verdes Library District Board of Library Trustees after declining to seek re-election. Ms. Jue earned her Bachelor of Arts degree in journalism and political science from California State

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University, Long Beach. She earned her paralegal certificate, graduating with distinction, from UCLA Extension's Paralegal Training Program.



HON. JULIA C. KELEY was appointed to the commission as the Court of Appeal judicial member by the Supreme Court March 1, 2025; her term ends February 28, 2029. Justice Keley was nominated for appointment to the Court of Appeal, Fourth Appellate District, Division One by Governor Newsom on January 27, 2023, and took the oath of office on April 7, 2023. Before appointment to the Court of Appeal, for over 19 years, Justice Keley served as a judge of the San Diego Superior Court, where she presided over probate and juvenile dependency matters. For three years, she served as Presiding Judge of the Superior Court's Appellate Division. In 1985, she graduated from Cornell Law School, where she served as Articles Editor for the Cornell Law Review, and earned a Bachelor of Arts degree at the University of Arizona in 1982. Justice Keley clerked for the Honorable Mary M. Schroeder of the U.S. Court of Appeals for the Ninth Circuit. In 1990, she became an Assistant U.S. Attorney (AUSA) for the Southern District of California. As an AUSA, she received the Department of Justice's Directors Award for her prosecutions of fraudulent telemarketers. Justice Keley was in private practice before and after serving as an AUSA. She served as board member for the Board of Trustees of the San Diego County Public Law Library from 2007 to 2023 and is a past president of the Board. In 2016, the Judicial Council of California, the California Judges Association, and the State Bar of California presented Justice Keley with the Benjamin Aranda Access to Justice Award for a long-term commitment to improving access to the courts.



MR. RICHARD A. LONG was appointed to the commission as a public member by the Senate Rules Committee April 4, 2024; his term ends February 28, 2027. Mr. Long served as an upper elementary school teacher, junior/senior high school counselor, and assistant principal in charge of discipline and security at Redlands High School. He was president of the Redlands Teachers Association during the passage of the original collective bargaining legislation in the early 1970s. Mr. Long recently retired as Professor Emeritus of Counseling at San Bernardino Valley College and also served as president of the San Bernardino Community College District Faculty Association with extensive work in negotiating and grievance. He received a Bachelor of Arts degree in English Literature and a Master of Arts degree in Educational Counseling from the University of Redlands. Mr. Long maintains California State credentials in Multiple-Subject Teaching, Secondary Counseling, and Secondary Administration. His wife is chair of the piano department at the University of Redlands; both are concert pianists and remain active in the arts education of the local community.

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HON. KIMBERLY MERRIFIELD was appointed to the commission as a superior court judicial member by the Supreme Court March 1, 2025; her term ends February 28, 2029. Judge Merrifield serves as a judge on the Butte County Superior Court, to which she was appointed in November 2015 by Governor Brown. She is currently assigned to a felony criminal court. Judge Merrifield has been the Presiding Judge, Assistant Presiding Judge, Presiding Judge of the Juvenile Court, and the Supervisor of the Criminal Division of her court. She has served on various advisory committees and held leadership positions for the Judicial Council and the California Judges Association.

Judge Merrifield is an ethics instructor and serves on judicial education curriculum committees for the Center for Judicial Education and Research. She received her law degree from Cal Northern School of Law and graduated with a Bachelor of Arts degree in Political Science from California State University, Chico.



MR. GERALD C. SHELTON was appointed to the commission as a public member by the Senate Rules Committee November 14, 2024, and reappointed to a term commencing March 1, 2025; his term ends February 28, 2029. Born in the San Francisco Bay Area, Mr. Shelton completed his undergraduate and graduate education in the University of California system, served as an instructor at the University of California, Davis for four years, and was a professor at California State University, Sacramento for 14 years — all in economics with a specialization in state and local government finance and public policy. He worked in the Department of Education from the early 1990s until

2006, serving as the Department's Chief Financial Officer. In that capacity, he represented the Department in the Legislature on the state budget, fiscal policy, and education finance, and managed over \$70 billion in state and federal funding flowing into and through the Department. Mr. Shelton also served from 2006 through 2012 as the Chief Consultant to the California State Assembly Committee on Education, where he advised the Legislature on all K-12 education policy and finance issues. In 2012, he became a founding partner of Capitol Advisors Group, a lobbying and consulting firm, specializing in educational policy and finance, and representing California school districts, county offices of education, and other educational entities. Mr. Shelton remains as Partner Emeritus with that firm.



MS. BEATRIZ E. TAPIA was appointed to the commission as a public member by the Governor April 29, 2021, and reappointed to a term commencing March 1, 2023; her term ends February 28, 2027. She resides in Los Angeles County. Ms. Tapia has been Chair of the Department of Chicana/o Studies at East Los Angeles College since 2019 and a Professor in the Department since 2007. She was Adjunct Faculty for the Women's Studies Program at Santiago Canyon College in 2007. Ms. Tapia held several positions at California State University, Fullerton from 2005 to 2007, including

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Adjunct Professor for the Women and Gender Studies Department, Chicana and Chicano Studies Department, and Sociology Department. She was a Lecturer for the Chicana(o) and Latina(o) Studies Department at California State University, Los Angeles from 2001 to 2003. Ms. Tapia earned a Master of Arts degree in Ethnic Studies and a Bachelor of Arts degree in Sociology from the University of California, Berkeley. She is a member of The National Association for Chicana and Chicano Studies.

OUTGOING COMMISSION MEMBERS

HON. WILLIAM S. DATO was appointed to the commission as the Court of Appeal judicial member by the Supreme Court April 1, 2018, and reappointed to a term commencing March 1, 2021; his term ended February 28, 2025.

HON. MICHAEL B. HARPER was appointed to the commission as a superior court judicial member by the Supreme Court March 1, 2017, and reappointed to a term commencing March 1, 2021; his term ended February 28, 2025. He served as chairperson of the commission from 2020 to 2023, and served as vice-chairperson of the commission from 2018 to 2020.

DR. MICHAEL A. MOODIAN was appointed to the commission as a public member by the Governor July 16, 2015, and reappointed February 21, 2017, and April 29, 2021; his term ended February 28, 2025, but he continued to serve pending appointment of a successor until July 16, 2025. He served as chairperson of the commission from 2023 to 2025, and served as vice-chairperson of the commission from 2020 to 2023.

SPECIAL MASTERS

Pursuant to commission rule 121(b), as an alternative to hearing a case itself, the commission may request the appointment of special masters – usually three – by the Supreme Court to preside over a hearing and take evidence in a formal proceeding. As further discussed on page 8 of this report, at the conclusion of the hearing and after briefing by the parties, the special masters prepare a report of findings of fact and conclusions of law for the commission. The commission may also appoint a special master to assist in a disability retirement matter.

The commission wishes to recognize the following judges for their service as special masters in commission matters in 2025:

Honorable C. Don Clay (Ret.)

Superior Court of California, County of Alameda

Honorable Matthew P. Guasco

Superior Court of California, County of Ventura

Honorable Timothy R. Martella

Superior Court of California, County of Los Angeles

Honorable Rebecca A. Wiseman (Ret.)

Court of Appeal, Fifth Appellate District

Honorable Anthony J. Mohr (Ret.)

Superior Court of California, County of Los Angeles

Honorable Maurice Sanchez

Court of Appeal, Fourth District, Division Three

Honorable B. Tam Nomoto Schumann (Ret.)

Superior Court of California, County of Orange

I.

OVERVIEW OF THE COMPLAINT PROCESS

THE AUTHORITY OF THE COMMISSION ON JUDICIAL PERFORMANCE

The Commission on Judicial Performance is the independent state agency responsible for investigating complaints of judicial misconduct and judicial incapacity and for disciplining judges (pursuant to article VI, section 18 of the California Constitution). Its jurisdiction includes all active California judges. The commission also has authority to impose certain discipline on former judges, and the commission has shared authority with local courts over court commissioners and referees. In addition, the Director-Chief Counsel of the commission is designated as the Supreme Court's investigator for complaints involving State Bar Court judges. The commission does not have authority over temporary judges (also called judges pro tem) or private judges. In addition to its disciplinary functions, the commission is responsible for handling judges' applications for disability retirement.

This section describes the commission's handling and disposition of complaints involving judges. The rules and procedures for complaints involving commissioners and referees, and statistics concerning those matters for 2025, are discussed in Section V, Subordinate Judicial Officers.

HOW MATTERS ARE BROUGHT BEFORE THE COMMISSION

Anyone may make a complaint to the commission. Complaints must be in writing (see complaint form in Appendix 3). The commission also considers complaints made anonymously and matters it learns of in other ways, such as from news articles or information received in the course of a commission investigation.

JUDICIAL MISCONDUCT

The commission's authority is limited to investigating alleged judicial misconduct and, if warranted, imposing discipline. Judicial misconduct usually involves conduct in conflict with the standards set forth in the Code of Judicial Ethics (see Appendix 2). Examples of judicial misconduct include intemperate courtroom conduct (such as yelling, rudeness, or profanity), improper communication with only one of the parties in a case, failure to disqualify in cases in which the judge has or appears to have a financial or personal interest in the outcome, delay in performing judicial duties, and public comment about a pending case. Judicial misconduct also may involve improper off-the-bench conduct such as substance abuse, use of court resources for personal business, or misuse of the judicial title.

WHAT THE COMMISSION CANNOT DO

The commission is not an appellate court. The commission cannot change a decision made by any judicial officer. When a court makes an incorrect decision or

I. OVERVIEW OF THE COMPLAINT PROCESS

misapplies the law, the ruling can be changed only through appeal to the appropriate reviewing court.

The commission cannot provide legal assistance or advice to individuals or intervene in litigation on behalf of a party.

REVIEW AND INVESTIGATION OF COMPLAINTS

At commission meetings, which occur approximately every seven weeks, the commission decides upon the action to take with respect to each new complaint.

Many of the complaints considered by the commission do not involve judicial misconduct. These cases are closed by the commission after initial review.

When a complaint states facts which, if true and not otherwise explained, would be misconduct, the commission orders an investigation into the matter. Investigations may include interviewing witnesses, reviewing court records and other documents, and observing the judge while court is in session. Unless evidence is uncovered which establishes that the complaint lacks merit, the judge is asked to comment on the allegations.

ACTIONS THE COMMISSION CAN TAKE

Confidential Dispositions

After an investigation, the commission has several options. If the allegations are found to be untrue or unprovable, the commission will close the case without action against the judge and so notify the complainant. If, after an investigation and an opportunity for comment by the judge, the commission determines that improper conduct occurred, but the misconduct was relatively minor, the commission may issue an advisory letter to the judge. In an advisory letter, the commission advises caution or expresses disapproval of the judge's conduct.

When more serious misconduct is found, the commission may issue a private admonishment. A private admonishment consists of a notice sent to the judge containing a description of the improper conduct and the conclusions reached by the commission.

Advisory letters and private admonishments are confidential. The commission and its staff ordinarily cannot advise anyone, even the person who lodged the complaint, of the nature of the discipline that has been imposed. The commission's rules provide, however, that upon completion of an investigation or proceeding, the person who lodged the complaint will be advised either that the commission has closed the matter or that appropriate corrective action has been taken. The California Constitution also provides that, upon request of the governor of any state, the President of the United States, or the Commission on Judicial Appointments, the commission will provide the requesting authority with the text of any private admonishment or advisory letter issued to a judge who is under consideration for a judicial appointment.

Each advisory letter and private admonishment that became final in 2025 is summarized, without identifying the judge involved, in Section IV. Summaries of private

I.
OVERVIEW OF THE COMPLAINT PROCESS

discipline from prior years are available on the commission’s website at <https://cjp.ca.gov>.

Public Dispositions

In cases involving more serious misconduct, the commission may issue a public admonishment or a public censure. This can occur after a hearing or without a hearing if the judge consents. The nature and impact of the misconduct generally determine the level of discipline. Both public admonishments and public censures consist of notices that describe a judge’s improper conduct and state the findings made by the commission. Each notice is sent to the judge and made available to the complainant, the press, and the general public. In cases in which the conduct of a former judge warrants public censure, the commission may also bar the judge from receiving assignments from any California state court.

In the most serious cases, the commission may determine—following a hearing—to remove a judge from office. Typically, these cases involve persistent and pervasive misconduct. In cases in which a judge is no longer capable of performing judicial duties, the commission may determine—again, following a hearing—to involuntarily retire the judge from office.

ACTIONS THE COMMISSION CAN TAKE
Close (Dismissal)
Advisory Letter
Private Admonishment
Public Admonishment
Public Censure
Removal or Involuntary Retirement

REVIEW

A judge may petition the Supreme Court for review of an admonishment, censure, removal, or involuntary retirement determination. A judge may petition the Supreme Court for a writ of mandate to challenge an advisory letter.

CONFIDENTIALITY

Under the California Constitution and the commission’s rules, complaints to the commission and commission investigations are confidential. The commission ordinarily cannot confirm or deny that a complaint has been received or that an investigation is under way. Persons contacted by the commission during an investigation are advised regarding the confidentiality requirements.

After the commission orders formal proceedings, the charges and all subsequently filed documents are made available for public inspection. Any hearing on the charges is also public.

II. LEGAL AUTHORITY AND COMMISSION PROCEDURES

LEGAL AUTHORITY

Recent Changes in the Law

In 2025, there were no substantive changes to the California Constitution, Code of Civil Procedure, or Government Code, relating to the work of the commission. There were also no changes to the California Code of Judicial Ethics, or the commission's policy declarations in 2025.

A list of all of the provisions governing the commission's work is contained in Appendix 1, and the governing provisions are available on the commission's website at <https://cjp.ca.gov>.

California Constitution, Government Code, and Code of Civil Procedure

The Commission on Judicial Performance was established by legislative constitutional amendment approved by the voters in 1960. The commission's authority is set forth in article VI, sections 8, 18, 18.1, and 18.5 of the California Constitution. In 1966, 1976, 1988, 1994, 1998, and, most recently, 2002, the Constitution was amended to change various aspects of the commission's work.

The commission is subject to Government Code sections 68701 through 68756. Additionally, the Government Code controls the commission's handling of disability retirement applications, pursuant to sections 75060 through 75064 and sections 75560 through 75564.

The commission is responsible for enforcement of restrictions on the receipt of gifts and honoraria by judges and subordinate judicial officers, as set forth in Code of Civil Procedure section 170.9. On February 28, 2025, the commission adopted \$560 as the adjusted gift limit, for purposes of Code of Civil Procedure section 170.9.

Commission Rules and Policy Declarations

Article VI, section 18(i) of the Constitution authorizes the commission to make rules for conducting investigations and formal proceedings.

The Rules of the Commission on Judicial Performance, rules 101 through 138, were adopted by the commission on October 24, 1996, and took effect December 1, 1996. The commission has periodically amended the rules thereafter.

Under exigent circumstances, policy 3.5(3) of the Policy Declarations of the Commission on Judicial Performance allows the commission to adopt, amend, or suspend a rule on an interim basis, without first circulating it for public comment, and on a permanent basis after it has been circulated for public comment.

Policy Declaration 3.5 of the Commission on Judicial Performance provides that every two years, in even-numbered years, the commission shall review its rules and any proposed enactments, amendments, or repeals.

II. LEGAL AUTHORITY AND COMMISSION PROCEDURES

The commission's next biennial rules review is in 2026.

The Policy Declarations of the Commission on Judicial Performance detail internal procedures and existing policy. The commission substantially revised the policy declarations in 1997, and has amended them periodically thereafter. The commission made no changes to its policy declarations in 2025.

Rules of Court

The Rules of Court that pertain to commission proceedings concern the review by the Supreme Court of a commission discipline determination, proceedings involving a justice of the Supreme Court, and the responsibilities of the presiding judge concerning the oversight of judges and subordinate judicial officers. No amendments were made to the Rules of Court pertaining to the commission in 2025.

Code of Judicial Ethics

The California Constitution requires the Supreme Court to make rules "for the conduct of judges, both on and off the bench, and for judicial candidates in the conduct of their campaigns," to be referred to as the "Code of Judicial Ethics." (California Constitution, article VI, section 18(m).) All members of the judiciary must comply with the code. As stated in the preamble to the code, "Compliance is required to preserve the integrity of the bench and to ensure the confidence of the public." The Supreme Court adopted the Code of Judicial Ethics effective January 1996. There were no changes to the code in 2025.

The Code of Judicial Ethics is included in Appendix 2 with dates of adoption and amendments noted.

COMMISSION PROCEDURES

To view a flowchart of commission proceedings from complaint to commission consideration and decision, see Appendix 4.

Commission Review of Complaints

The commission considers the allegations of each complaint about a California judge and determines whether sufficient facts exist to warrant investigation or whether the complaint is unfounded and should not be pursued. (Commission Rule 109.) Until the commission has authorized an investigation, commission staff do not contact the judge or any court personnel. To assist the commission in its initial review of the complaint, however, commission legal staff will research any legal issues and may obtain additional relevant information from the complainant or the complainant's attorney.

Investigation at the Commission's Direction

When the commission determines that a complaint warrants investigation, the commission directs legal staff to investigate the matter and report back to the commission.

II. LEGAL AUTHORITY AND COMMISSION PROCEDURES

Commission investigations may include contacting witnesses, reviewing court records and other documents, observing courtroom proceedings, and conducting such other investigation as the issues may warrant. If the investigation reveals facts that warrant dismissal of the complaint, the complaint may be closed without the judge being contacted. Otherwise, the judge is asked in a letter to comment on the allegations.

A judge has 20 days from the date of mailing to respond to an investigation letter. (Commission Rule 111.) Extensions of time to respond to investigation letters are governed by the rules. (Commission Rule 108.)

Disposition of Cases Without Formal Proceedings

After a preliminary investigation, the commission has various options. The commission may close the case without action. (Commission Rule 111; Policy Declaration 1.4.) The commission may issue a notice of tentative advisory letter, private admonishment, or public admonishment, depending upon the seriousness of the misconduct. (Commission Rule 113; Policy Declaration 1.4.) The commission also may institute formal proceedings, as discussed below.

All notices of preliminary investigation or tentative advisory letter, private admonishment, or public admonishment are sent to the judge at court, unless otherwise requested. Notices that relate to a preliminary investigation or tentative advisory letter, private admonishment, or public admonishment are given by prepaid certified mail, return receipt requested. The commission marks envelopes containing such notices “personal and confidential” and does not use the inscription “Commission on Judicial Performance” on the envelopes. (Commission Rule 107(a).)

Within 30 days of the mailing of a notice of tentative advisory letter, private admonishment, or public admonishment, a judge has various options. The judge may accept the tentative discipline, and the discipline becomes final. The judge may file a written demand for an appearance before the commission, a statement of the judge’s objections to the tentative discipline, and waiver of any applicable right to formal proceedings or review by the Supreme Court; after the appearance, the commission may close the matter without discipline, issue discipline per the tentative, or issue lesser discipline. (Commission Rule 114; Policy Declaration 2.1.) A judge who receives a tentative private or public admonishment may also demand formal proceedings, as discussed below. (Commission Rule 114(c).)

During a preliminary investigation or discipline proceeding under commission rules 113 and 114, the commission may authorize legal staff or another designated attorney to negotiate with the judge a resolution of any matter at issue, or the judge may initiate settlement discussions with legal staff or another designated attorney. The commission may accept the proposed resolution, reject it, or return it to the judge and legal staff or another designated attorney to consider modifications to it. (Commission Rule 116.5.) After formal proceedings are instituted, settlement negotiations are governed by commission rule 127.

II. LEGAL AUTHORITY AND COMMISSION PROCEDURES

Deferral of Investigation

The commission may defer an investigation of a pending matter under certain circumstances. Deferral may be warranted under policy declaration 1.8, when the case from which the complaint arose is still pending before the judge, when an appeal or ancillary proceeding is pending in which factual issues or claims relevant to the complaint are to be resolved, or when criminal or other proceedings involving the judge are pending. While deferral of an investigation may result in delay in commission proceedings, deferral is often appropriate to ensure that complaints before the commission do not affect court proceedings. Deferral while a reviewing court or other tribunal completes its adjudication reduces the potential for duplicative proceedings and inconsistent adjudications. At each meeting, the commission receives a report regarding the status of each deferred matter. The number of cases deferred in 2025 and the reasons for the deferrals are listed in charts on page 13.

Monitoring

In the course of a preliminary investigation, the commission may monitor a judge's conduct, pursuant to commission rule 112, deferring termination of the investigation for up to two years. Monitoring may include periodic courtroom observation, review of relevant documents, and interviews with persons who have appeared before the judge. The judge is notified that a period of monitoring has been ordered and advised in writing of the type of behavior for which the judge is being monitored. Monitoring may be used when the preliminary investigation reveals a persistent but correctable problem, such as demeanor, that could be improved.

Mentoring

In 2016, the commission instituted a mentoring program in Northern California for judges where an investigation has identified a problem with the judge's treatment of others appearing before the judge. In 2020, the commission expanded the mentoring program to Southern California. Eligible judges are able to participate in a confidential mentoring process for up to two years. Mentor judges are trained from a curriculum designed by judges, ethicists, and a counselor. A judge's success or lack of success in the program will be taken into consideration in determining the appropriate disposition of an investigation, which shall be suspended for the period of mentoring. Should demeanor problems reoccur, the judge's prior participation in a mentoring program can be considered by the commission as an aggravating factor. (Commission Rule 102(q).)

Formal Proceedings

After a preliminary investigation, in cases involving allegations of serious misconduct, the commission may initiate formal proceedings. (Commission Rule 118.) Formal proceedings also may be instituted when a judge rejects a private or public admonishment and files a demand for formal proceedings. (Commission Rule 114.) When formal proceedings are commenced, the commission issues a notice of formal proceedings, which constitutes a formal statement of the charges. The judge's answer to the notice of charges is served and filed with the commission within 20 days after service of the notice. (Commission Rules 118(a), (b), 119(b), 119.5.) Extensions of time

II. LEGAL AUTHORITY AND COMMISSION PROCEDURES

to respond to a notice of charges are governed by the rules. (Commission Rules 108, 119.)

The rules provide for discovery between the parties after formal proceedings are initiated. A judge receives discovery from the commission when the notice of formal proceedings is served. (Commission Rule 122.)

The commission may temporarily disqualify a judge from performing judicial duties once formal proceedings are instituted if the commission determines there is substantial evidence the judge's continued service poses a threat of serious harm to the public or to the administration of justice. (Commission Rule 120.)

HEARING

After the judge has filed an answer to the charges, or the time for filing has expired, the commission sets the matter for a hearing. (Commission Rule 121(a).) As an alternative to hearing the case itself, the commission may request the Supreme Court to appoint three special masters to hear and take evidence in the matter and to report to the commission. (Commission Rule 121(b).) The Supreme Court has selected a pool of approximately 60 experienced jurists who have received training to serve as special masters in commission proceedings.

As in all phases of commission proceedings, the judge may be represented by counsel at the hearing. The evidence in support of the charges is presented by an examiner appointed by the commission (see Section VII, Commission Organization and Staff). The California Evidence Code applies to the hearings. (Commission Rule 125(a).)

Commission Consideration Following Hearing

Following the hearing on the formal charges, the special masters file a report with the commission. The report includes a statement of the proceedings and the special masters' findings of fact and conclusions of law with respect to the issues presented by the notice of formal proceedings and the judge's answer. (Commission Rule 129.) Upon receipt of the masters' report, the judge and the examiner are given the opportunity to file objections to the report and to brief the issues in the case to the commission. The parties are given the opportunity to be heard orally before the commission, prior to a decision by the commission. (Commission Rules 130, 132.)

Amicus curiae briefs may be considered by the commission when it is demonstrated that the briefs would be helpful to the commission in its resolution of the pending matter. (Commission Rule 131.)

Disposition of Cases After Hearing

The following are actions that may be taken by the commission pursuant to article VI, section 18 of the California Constitution after a hearing on the formal charges, unless the case is closed without discipline:

- Publicly censure or remove a judge for action that constitutes willful misconduct in office, persistent failure or inability to perform the judge's duties, habitual

II. LEGAL AUTHORITY AND COMMISSION PROCEDURES

intemperance in the use of intoxicants or drugs, or conduct prejudicial to the administration of justice that brings the judicial office into disrepute.

- Publicly or privately admonish a judge found to have engaged in an improper action or dereliction of duty.
- Retire a judge for disability that seriously interferes with the performance of the judge's duties and is, or is likely, to become permanent.

In cases involving former judges, the commission may publicly censure, or publicly or privately admonish the former judge. The Constitution also permits the commission to bar a former judge who has been censured from receiving an assignment from any California state court.

After formal proceedings, the commission may also issue an advisory letter to the judge or former judge, or close the case without discipline.

Release of Votes

Commission decisions in both public and private discipline include an identification of the votes of the individual commission members.

SUPREME COURT REVIEW

A judge may petition the California Supreme Court for review of a commission determination to admonish, censure, or remove the judge. Review is discretionary. If the Supreme Court so chooses, its review may include an independent de novo review of the record. (California Constitution, article VI, section 18(d).) A judge may petition the Supreme Court for a writ of mandate to challenge an advisory letter. California Rules of Court, rules 9.60 and 9.61 govern petitions for review of commission determinations.

STATUTE OF LIMITATIONS

A judge may be censured or removed, or a former judge censured, only for action occurring not more than six years prior to the commencement of the judge's current term or a former judge's last term. (California Constitution, article VI, section 18(d).)

STANDARD OF PROOF

The standard of proof in commission proceedings is proof by clear and convincing evidence sufficient to sustain a charge to a reasonable certainty. (*Geiler v. Commission on Judicial Qualifications* (1973) 10 Cal.3d 270, 275.)

CONFIDENTIALITY OF COMMISSION PROCEEDINGS

California Constitution, article VI, section 18(i)(1) authorizes the commission to provide for the confidentiality of complaints to, and investigations by, the commission. The commission's rules provide that complaints and investigations are confidential, subject to certain exceptions, including, when public safety may be compromised, when information reveals possible criminal conduct, and when judges retire or resign during proceedings. (Commission Rule 102(f)-(s); Policy Declarations 4.1-4.6.) During the course of a preliminary investigation, persons interviewed are advised that the

II. LEGAL AUTHORITY AND COMMISSION PROCEDURES

investigation is confidential. (Policy Declaration 1.9; *Ryan v. Commission on Judicial Performance* (1988) 45 Cal.3d 518, 528.)

The Constitution provides that, when formal proceedings are instituted, the notice of charges, the answer, and all subsequent papers and proceedings are open to the public. (California Constitution, article VI, section 18(j); see also Commission Rule 102(b).)

After final resolution of a case, the rules require the commission to disclose to the person who filed the complaint that the commission has found no basis for action against the judge or determined not to proceed further in the matter, has taken an appropriate corrective action (the nature of which is not disclosed), or has imposed public discipline. The name of the judge is not used in any written communications to the complainant unless the proceedings are public. (Commission Rule 102(e).)

The commission is also required to provide the text of any private admonishment, advisory letter, or other disciplinary action to appointing authorities upon request. (California Constitution, article VI, section 18.5.)

III. ACTIVE AND FORMER JUDGES 2025 STATISTICS

COMPLAINTS RECEIVED AND INVESTIGATED

In 2025, there were 1,868 judgeships within the commission’s jurisdiction. In addition to jurisdiction over active judges, the commission has authority to impose certain discipline upon former judges for conduct while they were active judges.

The commission’s jurisdiction also includes California’s 200 commissioners and referees. The commission’s handling of complaints involving commissioners and referees is discussed in Section V.

JUDICIAL POSITIONS As of December 31, 2025	
Supreme Court	7
Courts of Appeal	106
Superior Courts.....	1,755
Total	1,868

New Complaints

In 2025, the commission considered 1,778 new complaints about active and former California judges. The 1,778 complaints named 2,271 judges (a total of 1,166 different judges).

2025 CASELOAD - JUDGES	
Cases Pending 1/1/25	114
New Complaints Considered	1,778
Cases Concluded	1,786
Cases Pending 12/31/25	90

Discrepancies in totals are due to consolidated complaints/dispositions.

III.
ACTIVE AND FORMER JUDGES—2025 STATISTICS

In 2025, the commission considered 78 complaints about subordinate judicial officers. These cases are discussed in Section V.

The commission also received 734 complaints in 2025 concerning individuals and matters that did not come under the commission’s jurisdiction: federal judges, former judges for matters outside the commission’s jurisdiction, judges pro tem (temporary judges), workers’ compensation judges, other government officials, and miscellaneous individuals. Commission staff responded to each of these complaints and, when appropriate, referred complainants to relevant agencies.

Preliminary Investigations

In 2025, the commission ordered 99 preliminary investigations.

INVESTIGATIONS COMMENCED IN 2025	
Preliminary Investigations.....	99

Formal Proceedings

At the beginning of 2025, one formal proceeding was pending before the commission. This matter was concluded in 2025. The commission instituted formal proceedings in two cases in 2025. One matter was concluded in 2025. The other matter remained pending before the commission at the end of the year.

FORMAL PROCEEDINGS	
Pending 1/1/25	1
Commenced in 2025	2
Concluded in 2025	2
Pending 12/31/25	1

III.
ACTIVE AND FORMER JUDGES—2025 STATISTICS

DEFERRAL OF INVESTIGATION

The commission may defer an investigation under certain circumstances, as discussed on page 7. At the beginning of 2025, 30 pending matters had been deferred. The commission ordered 28 matters deferred during 2025. Twelve matters were returned to the commission’s active calendar, considered, and concluded by the commission in 2025. Fourteen matters were returned to the active calendar and remained pending before the commission at the end of 2025. Thirty matters remained deferred at the end of the year.

DEFERRED INVESTIGATIONS	
Pending 1/1/25	30
Investigations deferred in 2025.....	28
Deferred investigations returned to active calendar and concluded in 2025.....	12
Investigations returned to the active calendar and pending 12/31/25	14
Deferred investigations pending 12/31/25	30
Discrepancies in totals are due to consolidated complaints/dispositions	

REASONS INVESTIGATIONS WERE DEFERRED IN 2025	
Deferred pending resolution of underlying case	24
Deferred pending appeal or other review	2
Deferred pending civil, criminal, or administrative investigation or proceeding.....	1
Deferred pending rule 112 monitoring	1
Deferred pending mentoring.....	0

III.
ACTIVE AND FORMER JUDGES—2025 STATISTICS

COMPLAINT DISPOSITIONS

The following case disposition statistics are based on cases completed by the commission in 2025, regardless of when the complaints were received.¹ In 2025, the commission concluded a total of 1,786 cases. The average time period from the filing of a complaint to the disposition was 6.6 months. A chart of Complaint Dispositions of all cases completed by the commission in 2025 is included on page 16.

TYPE OF COURT CASE UNDERLYING COMPLAINTS CONCLUDED IN 2025	
Family Law.....	30%
Criminal	27%
General Civil	26%
Small Claims/Traffic.....	5%
All Others	7%

5% of the complaints did not arise out of court cases. These complaints concerned off-bench conduct, such as the handling of court administration and political activity.

Closed Without Discipline

In 2025, after obtaining the information necessary to evaluate the complaints, the commission determined there was not a sufficient showing of misconduct in 1,683 of the complaints. In other words, there was an absence of facts that, if true and not otherwise explained, might constitute misconduct. A substantial percentage alleged legal error not involving misconduct or expressed dissatisfaction with a judge's decision. The commission closed these complaints without preliminary investigation.

Following preliminary investigation, the commission closed another 69 matters without discipline. In these cases, investigation showed that the allegations were unfounded or unprovable, or the judge gave an adequate explanation of the situation.

¹ Preliminary investigations in the cases closed in 2025 may have commenced in prior years. Cases or portions of cases pending at the end of 2025 are not included in complaint disposition statistics.

III.
ACTIVE AND FORMER JUDGES—2025 STATISTICS

SOURCE OF COMPLAINTS CONCLUDED IN 2025	
Litigant/Family/Friend	87%
Attorney	5%
Judge/Court Staff.....	2%
All Other Complainants.....	4%
(including members of the public)	
Source Other Than Complaint.....	2%
(includes anonymous letters, news reports)	

Closed With Discipline

In 2025, the commission publicly censured three judges, and imposed 10 public admonishments. The commission also issued nine private admonishments and 12 advisory letters. Each of these cases is summarized in Section IV.

A chart of the Types of Conduct Resulting in Discipline in 2025 appears on page 17. The types of conduct are listed in order of prevalence. The numbers on the chart indicate the number of times each type of conduct resulted in discipline. A single act of misconduct was counted once and assigned to the category most descriptive of the wrongdoing. If multiple types of misconduct were involved in a single case, each different type of conduct was counted and assigned to the appropriate category. If, however, the same type of conduct occurred on multiple occasions in a single case, the conduct was counted only once.

Resignations and Retirements

The California Constitution authorizes the commission to continue proceedings after a judge retires or resigns and, if warranted, to impose discipline upon the former judge. When a judge resigns or retires during proceedings, the commission determines whether to continue or close the case and, if the case is closed, whether to refer the matter to another entity, such as the State Bar of California. In 2025, the commission did not close any matters without discipline when a judge resigned or retired with an investigation pending.

10-YEAR SUMMARY OF COMMISSION ACTIVITY

A chart summarizing statistics on commission activities over the past 10 years appears on page 18.

**III.
ACTIVE AND FORMER JUDGES—2025 STATISTICS**

2025 COMPLAINT DISPOSITIONS

Complaint Dispositions 1,786		
CLOSED AFTER INITIAL REVIEW 1,683	DISPOSITION FOLLOWING PRELIMINARY INVESTIGATION 103	
DISPOSITION FOLLOWING PRELIMINARY INVESTIGATION		
CLOSED WITHOUT DISCIPLINE 69	DISCIPLINE ISSUED 34	CLOSED FOLLOWING JUDGE'S RESIGNATION OR RETIREMENT 0
DISCIPLINE ISSUED		
ADVISORY LETTER 12	PRIVATE ADMONISHMENT 9	PUBLIC DISCIPLINE 13
PUBLIC DISCIPLINE		
PUBLIC ADMONISHMENT 10	PUBLIC CENSURE 3	REMOVAL FROM OFFICE 0

**III.
ACTIVE AND FORMER JUDGES—2025 STATISTICS**

TYPES OF CONDUCT RESULTING IN DISCIPLINE IN 2025

The types of conduct are listed in order of prevalence. The numbers indicate the number of times each type of conduct resulted in discipline. A single act of misconduct was counted once and assigned to the category most descriptive of the misconduct. If multiple types of misconduct were involved in a single case, each different type of conduct was counted and assigned to the appropriate category. If, however, the same type of conduct occurred on multiple occasions in a single case, it was counted only once.

TYPES OF CONDUCT RESULTING IN DISCIPLINE IN 2025*

MISCONDUCT	NUMBER OF ACTS
DEMEANOR/DECORUM	20
BIAS OR APPEARANCE OF BIAS NOT DIRECTED TOWARD A PARTICULAR CLASS (includes embroilment, prejudgment, favoritism)	11
BIAS OR APPEARANCE OF BIAS TOWARD A PARTICULAR CLASS	7
FAILURE TO ENSURE RIGHTS	7
ADMINISTRATIVE MALFEASANCE (includes conflicts between judges, failure to supervise staff, delay in responding to complaints about commissioners)	6
EX PARTE COMMUNICATIONS	6
MISCELLANEOUS OFF-BENCH CONDUCT	6
DECISIONAL DELAY, FALSE SALARY AFFIDAVITS	5
COMMENT ON A PENDING CASE	3
DISQUALIFICATION/DISCLOSURE/POST-DISQUALIFICATION CONDUCT	3
OFF-BENCH ABUSE OF OFFICE/MISUSE OF COURT INFORMATION	3
ON-BENCH ABUSE OF AUTHORITY IN PERFORMANCE OF JUDICIAL DUTIES	3
ABUSE OF CONTEMPT/SANCTIONS	2
FAILURE TO COOPERATE/LACK OF CANDOR WITH REGULATORY AUTHORITIES	2
IMPROPER POLITICAL ACTIVITIES	1

*See "Closed with Discipline" at page 15 of text.

III.
ACTIVE AND FORMER JUDGES—2025 STATISTICS

10-YEAR SUMMARY OF COMMISSION ACTIVITY

NEW COMPLAINTS CONSIDERED BY COMMISSION

Year	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025
Complaints	1,234	1,251	1,246	1,241	1,063	1,253	1,414	1,570	1,718	1,778

COMMISSION INVESTIGATIONS COMMENCED

Year	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025
Staff Inquiries	85 (7%)	84 (7%)	52 (4%)	40 (3%)	23 (2%)	17 (1%)	6 (<1%)	N/A	N/A	N/A
Preliminary Investigations	76 (6%)	95 (8%)	80 (6%)	79 (6%)	82 (7%)	127 (10%)	114 (8%)	153 (10%)	117 (6%)	99 (6%)
Formal Proceedings Instituted	1 (<1%)	3 (<1%)	2 (<1%)	1 (<1%)	1 (<1%)	1 (<1%)	1 (<1%)	1 (<1%)	2 (<1%)	2 (<1%)

DISPOSITION OF COMMISSION CASES

Year	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025
Total Dispositions	1,210	1,229	1,251	1,209	1,050	1,196	1,385	1,535	1,715	1,786
Closed After Initial Review	1,079 (89%)	1,081 (88%)	1,118 (89%)	1,129 (93%)	960 (91%)	1,112 (93%)	1,294 (93%)	1,424 (93%)	1,600 (93%)	1,683 (94%)
Closed Without Discipline After Investigation	81 (7%)	106 (9%)	91 (7%)	55 (5%)	65 (6%)	62 (5%)	60 (4%)	76 (5%)	71 (4%)	69 (4%)
Advisory Letter	26 (2%)	21 (2%)	23 (2%)	13 (1%)	9 (<1%)	11 (1%)	20 (1%)	19 (1%)	19 (1%)	12 (<1%)
Private Admonishment	11 (<1%)	13 (1%)	11 (1%)	5 (<1%)	9 (<1%)	4 (<1%)	5 (<1%)	10 (<1%)	11 (<1%)	9 (<1%)
Public Admonishment	6 (<1%)	3 (<1%)	6 (<1%)	4 (<1%)	4 (<1%)	3 (<1%)	3 (<1%)	3 (<1%)	6 (<1%)	10 (<1%)
Public Censure	1 (<1%)	2 (<1%)	1 (<1%)	2 (<1%)	1 (<1%)	0 (0%)	1 (<1%)	2 (<1%)	2 (<1%)	3 (<1%)
Removal	1 (<1%)	0 (0%)	0 (0%)	0 (0%)	1 (<1%)	1 (<1%)	0 (0%)	0 (0%)	1 (<1%)	0 (0%)
Judge Retired or Resigned with Proceedings Pending	5 (<1%)	3 (<1%)	1 (<1%)	1 (<1%)	1 (<1%)	3 (<1%)	2 (<1%)	1 (<1%)	5 (<1%)	0 (0%)

IV. ACTIVE AND FORMER JUDGES CASE SUMMARIES

The following case summaries pertain to active and former judges. See Section V for information regarding discipline of subordinate judicial officers.

PUBLIC DISCIPLINE

Public decisions issued by the commission that became final in 2025 are summarized in this section. All public decisions in commission cases are available on the commission's website at <https://cjp.ca.gov>.

PUBLIC CENSURES BY THE COMMISSION

In 2025, the commission imposed three public censures.

Public Censure and Bar of Judge Michael J. Carrozzo April 17, 2025

Pursuant to a stipulation, the commission censured and barred Judge Michael J. Carrozzo of Santa Barbara County Superior Court. Judge Carrozzo also agreed to resign effective September 9, 2025, and not to seek or hold judicial office thereafter. Judge Carrozzo's misconduct was serious and included numerous acts, spanning over two years, of a nature to undermine public respect and confidence in the integrity of the judiciary. Most significantly, Judge Carrozzo misrepresented material facts and intentionally conveyed the false representation that he was entitled to practice law. Further, in his response to the commission's investigation, Judge Carrozzo made representations he knew, or should have known, were false. The commission determined the judge's agreement to resign, and not to seek or hold judicial office, effectively reached the same resolution as removal, afforded protection to the public, enforced rigorous standards of judicial conduct, and maintained public confidence in the integrity of the judicial system.

1. Unauthorized Practice of Law and Deceptive Statements

Insurance Company. In 2018, Sara Eklund, who was employed as a judicial secretary assigned to the criminal division of the Santa Barbara Superior Court, was involved in a traffic accident. Ms. Eklund subsequently sought to obtain reimbursement from the other driver's insurance company. Between October and December 2018, while Judge Carrozzo was serving as Assistant Presiding Judge, he composed numerous draft messages, styled as if from Ms. Eklund, for Ms. Eklund to send to the insurance company. One message stated: "I do not want to retain counsel to handle this matter. However, if you do not respond to settle this claim within 48 hours I will pursue all my legal options." Another message stated that, if the claim was not promptly resolved, "I will file a claim with my insurance company who will seek full subrogation

IV. ACTIVE AND FORMER JUDGES—CASE SUMMARIES

against Alliance United far exceeding my minimal request. I will also retain counsel and pursue [*sic*] all my rights for a claim of bad faith against Alliance United seeking punitive damages, and civil actions against the driver and your insured (which your company will be forced to defend despite your assertions). I would prefer to resolve this minor claim quickly and without the need for litigation. However, you can rest assured that I will not be taken advantage of and will fully enforce my rights.” Yet other messages cited case law and statutory authority, highlighted the insurance company’s potential legal liabilities, and demanded repair of Ms. Eklund’s vehicle and reimbursement of medical expenses and for pain and suffering. One draft message argued the insurance company’s “liability has been clearly established,” demanded the company “make a decision on this claim now,” offered to settle the case for \$2,500, and threatened, if the claim were denied, to sue the insured “for damages,” sue the insurance company “for bad faith,” and report the matter “to the California Insurance Commissioner.”

Judge Carrozzo advised Ms. Eklund, via email, that she could file a claim with her own insurance company, hire an attorney, or let him “handle it” if the other driver’s insurance company did not respond. He later advised her that, if the other driver’s insurance company denied coverage, instead of filing a claim with Ms. Eklund’s insurance company, “we can write the owner and driver threatening legal action.” Judge Carrozzo continued: “If they won’t pay we will file a small claims case against the driver, owner and [insurance company] (easy I will do it all for you) If none of that works then we can file a claim with your [insurance] company, but we will increase the pain and suffering to cover the deductible If you don’t want to deal with it at all[,] I have an attorney friend that will handle everything for you no charge.” Judge Carrozzo also provided Ms. Eklund with an “employment letter,” drafted on court letterhead and signed by the judge using his title of Assistant Presiding Judge, purporting to verify Ms. Eklund’s job title, hourly wage, and work she had missed.

In January 2019, after Judge Carrozzo began serving as Presiding Judge, he sent more draft messages to Ms. Eklund, styled as if from Ms. Eklund to the insurance company, concerning a settlement check.

In August 2019, while serving as Presiding Judge, Judge Carrozzo emailed Ms. Eklund a draft letter, purporting to be from “attorney” Michael J. Carrozzo to the insurance company, The Rawlings Group, concerning subrogation of Ms. Eklund’s insurance claims. Judge Carrozzo used misleading letterhead which stated, “Michael J. Carrozzo Attorney at Law,” and the address referenced a personal UPS Store mailbox that, at some point, both Judge Carrozzo and Ms. Eklund used. The draft letter stated, “Please be advised that I represent Sara Romero [now Eklund] in regard to this matter. You are hereby directed not to communicate with her in any manner effective immediately. Please direct all correspondences to my office.” Judge Carrozzo provided his personal cellular telephone number in the letter. Ms. Eklund responded to Judge Carrozzo by email: “It looks great to me. What happens if they google your name?”

At the time Judge Carrozzo signed the letter to The Rawlings Group, he knew that, as a judge, he was not an active licensee of the State Bar of California or permitted to practice law. Either the judge or Ms. Eklund transmitted the signed letter to The

IV. ACTIVE AND FORMER JUDGES—CASE SUMMARIES

Rawlings Group by facsimile from the court's administration office, using a modified copy of the Santa Barbara Superior Court facsimile cover sheet, which redacted the court seal but retained the court's notice of confidentiality and telephone number in the cover sheet's footer. The completed, modified facsimile cover sheet reflected it was "From: Michael J. Carrozzo" and included his personal cellular telephone number and the court's facsimile number as the sender's contact information.

Judge Carrozzo's letter to The Rawlings Group was dishonest and misleading. By identifying himself as an "attorney at law," advising he represented Ms. Eklund, and directing the recipient not to communicate with Ms. Eklund directly, Judge Carrozzo misrepresented material facts and intentionally conveyed the false representation that he was entitled to practice law at that time.

In November 2019, Judge Carrozzo engaged in one or more conversation(s) with Brock Lloyd, a representative of The Rawlings Group, concerning Ms. Eklund's claim. On November 13, 2019, Judge Carrozzo called Mr. Lloyd and spoke for nearly three minutes. In that call, Judge Carrozzo said he "represent[ed]" Ms. Eklund, and discussed Ms. Eklund's insurance coverage and massage treatment she received after the vehicle accident. Based on Judge Carrozzo's correspondence and conversations with Mr. Lloyd, The Rawlings Group closed the file in Ms. Eklund's favor.

When Judge Carrozzo spoke on the telephone with Mr. Lloyd and identified himself as representing Ms. Eklund, Judge Carrozzo knew, or should have known, Mr. Lloyd believed him to be Ms. Eklund's attorney. Judge Carrozzo also knew, as a judge, he was not an active licensee of the State Bar and was not permitted to practice law. Judge Carrozzo's statements to Mr. Lloyd were deceptive and misleading. Judge Carrozzo misrepresented facts and conveyed the false representation he was entitled to practice law at that time.

Judge Carrozzo's conduct violated canons 1, 2, 2A, 4A, and 4G, and constituted conduct prejudicial to the administration of justice that brings the judicial office into disrepute.

Landlord. Between November 2018 and October 2019, Judge Carrozzo emailed Ms. Eklund numerous draft letters, styled as if from Ms. Eklund to her landlord, objecting to a \$35 rent increase; demanding the return of Ms. Eklund's security deposit and citing sections of the Civil Code; discussing legal restrictions on what costs a landlord may deduct from a deposit and asserting that a tenant may sue a landlord in small claims court; and citing legal authorities and arguments about legal inadequacies that rendered Ms. Eklund's rental agreement void.

Judge Carrozzo's conduct violated canons 2, 2A, 4A, and 4G, and constituted prejudicial misconduct.

DreamCloud. In June 2019, Ms. Eklund ordered a mattress from DreamCloud, which was not delivered as promised. In July 2019, Judge Carrozzo composed a letter, for Ms. Eklund's use and benefit, purporting to be from "attorney" Michael J. Carrozzo to DreamCloud. The letterhead on which the letter was drafted stated, "Michael J. Carrozzo Attorney at Law," and the address on the attorney letterhead referenced a personal UPS Store mailbox that, at some point, both he and Ms. Eklund used.

IV. ACTIVE AND FORMER JUDGES—CASE SUMMARIES

Judge Carrozzo also included his personal email address and his personal cellular telephone number in the letterhead. In the draft letter, Judge Carrozzo stated he represented Ms. Eklund and described her as his client. Judge Carrozzo instructed DreamCloud to refrain from contacting Ms. Eklund and to “refer all correspondence to [DreamCloud’s] corporate counsel.” The draft letter included language stating that Ms. Eklund suffered “significant monetary loss and emotional distress” and intended to “pursue all of her legal remedies.” The contents of Judge Carrozzo’s letter misrepresented facts and conveyed the false representation that he was entitled to practice law at that time, though Judge Carrozzo knew, as a judge, he was not an active licensee of the State Bar and therefore was not permitted to practice law.

Judge Carrozzo’s conduct violated canons 1, 2, 2A, 4A, and 4G, and constituted prejudicial misconduct.

Retirement System Order. In June 2020, Ms. Eklund emailed Judge Carrozzo to request the judge’s “legal services again” and asked him to edit a Santa Barbara County Employees’ Retirement System template order. Judge Carrozzo added information and made changes to the template, including changing bracketed language, and provided a completed draft order for Ms. Eklund’s use and benefit. In April 2021, another judge filed a fully executed version of the order.

Judge Carrozzo’s conduct violated canons 2, 2A, and 4A, and constituted prejudicial misconduct.

Department of Motor Vehicles. In January 2020, after Ms. Eklund sold her car, Judge Carrozzo emailed her a draft letter, styled as if from Ms. Eklund to the California Department of Motor Vehicles (DMV) and two other entities, concerning a new registered owner. The letter disavowed financial responsibility for the vehicle, denied Ms. Eklund was the registered or legal owner of the vehicle, and cited the Vehicle Code. Although Judge Carrozzo listed Ms. Eklund’s name in the letter’s signature area, he included his personal cellular telephone number for the recipient(s) to call with “any question regarding the letter.”

Judge Carrozzo’s conduct violated canons 2, 2A, and 4A, and constituted prejudicial misconduct.

2. Lack of Candor

In Judge Carrozzo’s August 2023 response to the commission’s preliminary investigation letter, he suggested his violation of canon 4G, which prohibits judges from practicing law, was “unintentional.” Judge Carrozzo stated he “did not believe, at the time, that providing sample letters to [Ms. Eklund] with respect to her insurance claim was engaging in the practice of law.” He also stated that “now” he recognizes “that the sample letters, especially the letters which cited to legal authorities, went beyond providing basic legal information to [Ms. Eklund] or acting as a scrivener; instead, the sample letters could reasonably be perceived as advocacy on [Ms. Eklund’s] behalf.”

At the time Judge Carrozzo created the letters to DreamCloud and The Rawlings Group, which were prepared on “attorney at law” letterhead, Judge Carrozzo knew, or should have known, any recipient of those letters would understand and believe him to

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be an attorney representing Ms. Eklund. By instructing the recipient of those letters to cease communicating with Ms. Eklund and, instead, direct all communications to him, Judge Carrozzo knew, or should have known, the recipient would understand and believe he was an attorney representing Ms. Eklund. When Judge Carrozzo spoke by telephone with Mr. Lloyd, of The Rawlings Group, and told Mr. Lloyd he represented Ms. Eklund, Judge Carrozzo knew, or should have known, Mr. Lloyd understood and believed him to be an attorney representing Ms. Eklund.

In each instance, Judge Carrozzo knew, or should have known, at that time, that his actions and the language in the letters “went beyond providing basic legal information to [Ms. Eklund] or acting as a scrivener” and “could reasonably be perceived as advocacy on [Ms. Eklund’s] behalf.”

With respect to his letter to The Rawlings Group, Judge Carrozzo stated to the commission, “Since the draft correspondence was not sent, Judge Carrozzo does not believe that a misrepresentation of fact can be said to have been made.” The judge stated that “to the best of his knowledge and recollection the letter was never sent to the intended recipient or anyone else.” Judge Carrozzo stated, “Although [he] drafted the letter and acknowledges that it was improper to do so, to the best of his knowledge and recollection the letter was not sent.” He also stated that he did not believe his reference to himself as an attorney at law “can properly be characterized as a misrepresentation of material fact since to the best of his knowledge and recollection, the draft correspondence was not sent to either Mr. Lloyd or anyone else.” He stated, “[T]he identification of himself as an ‘attorney at law’ does not constitute a material misrepresentation of fact since it was not communicated.” In response to the commission’s request that the judge provide all communications sent to the insurance companies, related to the October 2018 vehicle accident, Judge Carrozzo stated he “did not send any correspondence or communications to either United Alliance or the Rawlings Group.”

Judge Carrozzo should have done further investigation and should have known his statements and representations were false. Judge Carrozzo’s conduct violated canons 1, 2, 2A, 3, 3C, and 3D(4).

3. Misuse of Judicial Title and Prestige of Office

Employment Verification Letters. In December 2018, Judge Carrozzo provided an “employment verification” letter, on judicial chambers letterhead, for Ms. Eklund to send to the insurance company, in connection with her October 2018 vehicle accident. In his letter, Judge Carrozzo purported to verify Ms. Eklund’s job title, her hourly wage, and that she missed several hours of work. Judge Carrozzo signed the letter as Assistant Presiding Judge and included his judicial email address at the end, in case the recipient had “any questions or require[d] additional information.”

In November 2019, Judge Carrozzo provided an unsigned letter, on judicial chambers letterhead, for Ms. Eklund to send to the DMV. In his letter, Judge Carrozzo purported to verify Ms. Eklund’s employment start date, job title, and personally identifying information “on file” with the court. The judge included his judicial email address and direct chambers telephone number in case the recipient had “any

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questions,” as well as a signature block with his name and title of “Presiding Judge.”

Judge Carrozzo’s conduct, in composing an “employment verification” letter himself, rather than having Human Resources independently verify Ms. Eklund’s employment information, constituted an abuse of authority, and violated canons 2, 2A, 2B(1), and 2B(2).

Confidential Collision Report. In October 2018, Judge Carrozzo used his judicial email account to request and obtain an unredacted copy of the California Highway Patrol (CHP) collision report, relating to Ms. Eklund’s October 2018 traffic accident, from a CHP officer whom he knew from his past work as a prosecutor, for Ms. Eklund’s use and benefit. Judge Carrozzo’s email messages to the CHP officer contained a signature block with his judicial title, his direct chambers telephone number, and a copy of the court seal. Upon receiving the CHP report, Judge Carrozzo disseminated the unredacted report to Ms. Eklund. Judge Carrozzo did not have the legal authority to obtain or possess the confidential report, and obtained a copy without completing the required CHP form, signing the required declaration under penalty of perjury, or paying the statutorily mandated fee.

Judge Carrozzo’s conduct constituted an abuse of authority and violated canons 2, 2A, 2B(1), and 2B(2).

Childcare Center. In 2020, while Ms. Eklund was pregnant with Judge Carrozzo’s child, the judge sent an email to the director of a childcare center, from his judicial email address, stating, “I submitted a wait list [sic] card in person last month (3/25/20) for August 2021. I just wanted to make sure we are on the list and ask when I should submit an application. Thank you.” Judge Carrozzo’s email included a signature block that read “Judge Michael J. Carrozzo” and listed the court’s name and address, his official judicial email address, and his direct chambers telephone number, and included the court seal.

Judge Carrozzo’s conduct constituted an abuse of authority and violated canons 2, 2A, 2B(1), and 2B(2).

4. Gratuitous and Disrespectful Remarks About Judges, Court Staff, and Attorneys

While Judge Carrozzo was serving as Assistant Presiding Judge in 2018, and as Presiding Judge in 2019 and 2020, he corresponded with Ms. Eklund (using their respective court email addresses) and made gratuitous, unprofessional, disrespectful, and unkind remarks – about judges, court staff, and attorneys – that could undermine public respect for, and confidence in, the integrity of the judicial system. By inviting Ms. Eklund to make similar remarks, and by not dissuading Ms. Eklund from making similar remarks, Judge Carrozzo also failed to require court personnel under his direction and control to observe appropriate standards of conduct and to refrain from manifesting bias, prejudice, or harassment, including based on age, in the performance of their official duties. Judge Carrozzo knew, or should have known, there is no reasonable expectation of privacy in emails sent to or from an official court email account.

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Judge Carrozzo's conduct violated canons 1, 2, 2A, 2B(1), 3B(4), 3C(1), and 3C(3).

5. Misuse of Public Property and Resources

Between 2018 and 2020, Judge Carrozzo engaged in a pattern of using public property and resources – including the court's email, facsimile machine, telephones, and computer system – for personal, nongovernmental purposes. Judge Carrozzo's use of public property and resources did not constitute incidental or de minimis use. Judge Carrozzo used his official court email account to send hundreds of personal emails, unrelated to court business, that were unprofessional, overly casual, and sometimes flirtatious. Many of the judge's personal email exchanges with Ms. Eklund appeared to be for the purpose of socializing, and facilitated his romantic pursuit of her or created an appearance thereof.

Judge Carrozzo provided Ms. Eklund with legal advice and draft legal correspondence; he obtained a confidential CHP report concerning Ms. Eklund's traffic accident and disseminated it to her; and he used his judicial title and court email account to contact a childcare center. Judge Carrozzo sent numerous emails in which he made sarcastic, unprofessional, and otherwise improper comments about other judges and court staff. Judge Carrozzo shared photos of dogs and of himself, and he exchanged numerous links to non-work-related websites, including rental housing listings and internet listings of homes for sale. Judge Carrozzo made social plans to attend an event for African Women Rising ("GoatFest"), a play, and a show at The Magic Castle. He searched for vacation rentals, booked spa treatments, and made holiday plans. Judge Carrozzo also shared with Ms. Eklund an email from Grand Jewels of Wailea (at the Grand Wailea Resort on Maui) with photos of engagement rings.

In addition to personal emails socializing or discussing plans to spend time together, Judge Carrozzo used the court email system to exchange personal emails with Ms. Eklund containing innuendo. In June 2019, for example, Judge Carrozzo agreed that Ms. Eklund was a "hot blonde."

Judge Carrozzo also used his official court email account to exchange numerous personal emails that appeared to relate to entertainment or shopping. Judge Carrozzo exchanged emails with Ms. Eklund (and other court employees) concerning March Madness and Game of Thrones betting brackets. Judge Carrozzo played Sudoku puzzle games with Ms. Eklund during the workday. He helped sell Ms. Eklund's vehicle on Craigslist, and he ordered her a replacement battery. The judge and Ms. Eklund shopped for a new bed or mattress and a Tesla automobile. The two of them also planned and arranged baby classes, and baby class refunds, using their work emails.

Judge Carrozzo's conduct violated canons 2 and 2A.

6. Favoritism

Between 2018 and 2020, Judge Carrozzo took various actions on Ms. Eklund's behalf, offered her unique opportunities, and afforded her special treatment that he did not similarly provide or offer to other court staff. For example, Judge Carrozzo provided Ms. Eklund with legal advice and draft legal correspondence for use in her dealings with landlords, insurance companies, and the DMV. He prepared unauthorized employment

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verification letters for Ms. Eklund’s use, and he obtained a confidential CHP report for Ms. Eklund using his judicial email and his personal contacts in the CHP. Judge Carrozzo invited Ms. Eklund to be a guest instructor at the law school where he taught (with compensation of \$200); he invited Ms. Eklund to go with him to a meeting with the Santa Barbara Police Chief, because he believed the Chief would be a “good contact” for Ms. Eklund; he forwarded Ms. Eklund a job announcement that Santa Barbara District Attorney Joyce Dudley had emailed him, with a “winking” symbol and instructions to “pass this along to your friend”; he invited Ms. Eklund to assist him with handing out ribbons at a weekend horse show; he invited Ms. Eklund to join him at several judicial receptions and other professional events; he offered to introduce Ms. Eklund to a manager at UBS Bank regarding a potential job; and he provided Ms. Eklund with Santa Barbara Police Chief Lori Luhn’s personal email address. Judge Carrozzo and Ms. Eklund also exchanged numerous emails in which he asked Ms. Eklund to obtain tickets for the two of them to attend various judicial conferences.

Judge Carrozzo’s email correspondence with Ms. Eklund also reflects that he consulted Ms. Eklund on the selection and evaluation of assigned judges, leading him to comment on the “power” Ms. Eklund had over the assigned judges. He asked Ms. Eklund to “research what [his] thoughts should be on Prop 66” before he returned an appellate justice’s call on the topic. He offered to have Ms. Eklund assigned to the Language Access Annual Survey, although Ms. Eklund ultimately declined because she was not qualified. He stated he “covered for [Ms. Eklund]” when she was four hours late to work on one occasion. He sent Ms. Eklund a link to a State Bar article about its “Law Office Study Program” that allows individuals to obtain a legal education by participating in a program of legal studies within a law firm or a judge’s chambers and suggested Ms. Eklund should consider “a stint in the JAG Corp[s]” (where the judge previously served) after she completed “Carrozzo University School of Law.” The judge’s reference to Ms. Eklund completing “Carrozzo University School of Law” gave the appearance that he offered, or was willing to offer, Ms. Eklund the opportunity to complete the State Bar’s “Law Office Study Program” through a program of legal studies in his chambers. Judge Carrozzo took such actions when he and Ms. Eklund were “good friends,” when he was in a romantic relationship with Ms. Eklund, and when Ms. Eklund was pregnant with his child. As Assistant Presiding Judge and Presiding Judge, Judge Carrozzo had a supervisory role over Ms. Eklund, while maintaining a close friendship, and later, a romantic relationship, with her.

Judge Carrozzo’s conduct with respect to Ms. Eklund reflected favoritism or created an appearance thereof. He did not avoid favoritism, or the appearance of favoritism, by initiating a reassignment, relocation, or transfer of himself or Ms. Eklund. Judge Carrozzo also failed to take sufficient steps to minimize potential issues with supervision, court morale, and conflict(s) of interest. Judge Carrozzo’s conduct violated canons 2, 2A, 2B(1), 3C(1), 3C(5), and 4A.

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**Public Censure of
Judge Eric L. Heryford
October 21, 2025**

Pursuant to stipulation, the Commission on Judicial Performance publicly censured Judge Eric L. Heryford of Trinity County Superior Court for (1) issuing delayed decisions in 20 matters between 2020 and 2024; (2) filing multiple false salary affidavits during that timeframe; and (3) making misleading statements in his responses to the commission.

During all relevant times, Trinity County Superior Court employed an internal system that provided multiple ways for judges to track and remain aware of the length of time that case matters were pending. When a matter is taken “under submission,” the court clerk marks it in the internal case management system, after which the case appears in a queue that is visible to both clerks and judges. Administrative staff generate monthly lists of pending submitted matters and personally provide each judge with a copy of his or her list, along with the judge’s monthly pay affidavits. Administrative staff also provide weekly reminders to the judge when a matter has been pending for 70 days, and daily or near-daily reminders when a matter has been pending for 80 days.

Between 2020 and 2024, despite the court’s system of tracking submitted matters, Judge Heryford issued delayed decisions in 20 matters. In 12 cases, Judge Heryford issued decisions ranging from 91 to 207 days after a matter had been submitted. In three administrative appeals, Judge Heryford failed to act for 169 to 203 days. In five cases, Judge Heryford did not rule on a petition for a writ of habeas corpus for 77 to 114 days after the petition was filed. Judge Heryford admitted that administrative staff gave him verbal and email reminders about his pending and undetermined matters. The judge’s conduct violated canons 3B(8), 3, 3A, 2A, 3C(2), and 1.

The commission also determined Judge Heryford improperly signed five salary affidavits, attesting he had no matters under submission for more than 90 days. In four of those instances, at the time he signed the affidavit, Judge Heryford knew he had at least one matter pending and submitted for more than 90 days. The judge’s conduct violated canons 3C(2), 2A, and 1.

In his responses to the commission, Judge Heryford made misleading statements that reflected a lack of candor with the commission. For example, with respect to one case, Judge Heryford told the commission, “I have taken the following steps to ensure this does not happen again A list of under submission matters (if any) is attached to my pay affidavit with the relevant dates for when taken under submission and due date.” This statement was misleading, because it implied Judge Heryford had newly created a practice that was already in place – the attaching of a list of submitted matters to the judge’s monthly pay affidavit. With respect to a different case, Judge Heryford explained that court clerks notify judicial secretaries about matters taken under submission, and the judicial secretaries calendar and track those matters. This statement was misleading, as it omitted that, at all relevant times, court staff notified judges personally, on at least a monthly basis, of the matters under submission. With respect to a third case, Judge Heryford stated that, until he received the commission’s preliminary investigation letter, he had not realized his ruling was issued more than 90

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days after a motion was taken under submission. During the time the motion was pending, however, the court's system for tracking matters under submission, and personally informing judges of matters approaching 90 days under submission, was in effect. The judge's conduct violated canons 3D(4), 2A, and 1.

**Public Censure and Bar of
Justice William J. Murray, Jr., (Ret.)
December 10, 2025**

Pursuant to stipulation, the commission censured and barred Justice William J. Murray, Jr., a former justice of the California Court of Appeal, Third Appellate District. A censure and bar is the most severe form of discipline the commission can impose on a retired judicial officer.

From April 2012 to January 2022, Justice Murray engaged in a pattern of chronic decisional delay in authoring a significant number of appellate opinions, including in four juvenile cases. Justice Murray's misconduct resulted in actual prejudice to litigants in at least seven cases. He also failed to supervise his research attorneys to ensure prompt disposition of his assigned cases.

In 132 cases, Justice Murray failed to author opinions for more than three years after the case was assigned to him or the matter was fully briefed. In two dozen of those matters, more than five years passed before Justice Murray authored an opinion.

During the relevant 10-year period, Justice Murray was aware of his growing backlog of cases. Even when his court undertook corrective measures, such as reducing the number and complexity of his assignments, and reassigning his cases to other justices, Justice Murray failed to resolve his backlog. As an example, the court did not assign any new chambers cases to Justice Murray for at least 29 separate months between 2017 and 2021. Around the same time period, the court assigned Justice Murray fewer total cases than any other Third District justice, and at least 31 of Justice Murray's delayed cases were reassigned to other justices to complete. Despite knowing the extent of his backlog, Justice Murray neglected his duty to promptly and efficiently decide cases by failing to curtail his extensive participation in non-core judicial activities.

Justice Murray's decisional delay caused actual prejudice to litigants in seven matters, five of which were decided more than three years after assignment and two of which were decided more than two years after assignment. These cases included a wage-and-hour class action where 97 employees had to wait more than four years for a decision. In that case, the judgment was reversed and remanded. After remand, the trial court granted class certification. Also, in a criminal securities fraud action with multiple victims, the opinion was not filed until nearly four years after assignment to Justice Murray. The delay in deciding this case resulted in prejudice to 31 elderly investors whose restitution from a victims' compensation fund was delayed for several years. In some cases, Justice Murray failed to prioritize delayed matters or take into account the effect of delay on litigants.

Justice Murray's pattern of persistent decisional delay created the appearance that appropriate appellate review was impeded or denied. His misconduct violated canons 1, 2A, 3B(8), 3C(1), and 3C(2), and constituted conduct prejudicial to the administration of

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justice that brings the judicial office into disrepute.

Justice Murray’s failure to timely address four juvenile cases assigned to him, with delays in authoring opinions ranging between one and one-half and eight and one-half years, violated canons 2A, 3B(8), 3C(1), and 3C(2).

In addition, Justice Murray failed to effectively supervise his research attorneys to ensure prompt disposition of his assigned cases. Despite being dissatisfied with the work of certain attorneys, Justice Murray did not effectively address those personnel problems. Justice Murray’s misconduct in failing to effectively discharge his administrative responsibilities violated canons 1, 2A, 3C(1), and 3C(2).

The prejudice to litigants and the significant length of the delay in a number of Justice Murray’s cases aggravated the misconduct in which the justice engaged.

PUBLIC ADMONISHMENTS BY THE COMMISSION

The commission may publicly admonish a judge for improper action or dereliction of duty. In 2025, the commission issued 12 public admonishments of judges that became final.

Public Admonishment of Judge Daviann L. Mitchell February 11, 2025

The commission publicly admonished Judge Daviann L. Mitchell of Los Angeles County Superior Court. Judge Mitchell entered the chambers of other judges without permission, after court hours, and for an improper purpose. Judge Mitchell also made improper remarks to a criminal defendant while discussing a potential plea agreement.

1. Entering Other Judges’ Chambers

On multiple occasions in 2023, Judge Mitchell entered the chambers of Supervising Judge Denise McLaughlin-Bennett after court hours, without permission. When Judge McLaughlin-Bennett learned that someone was entering her chambers, which contained confidential documents regarding the court’s judges, she began locking her door, and later arranged to have confidential documents relocated. Judge McLaughlin-Bennett advised the court’s judicial officers to lock their computers in the evenings. She also had security cameras installed adjacent to judges’ chambers. Judge Mitchell continued to enter Judge McLaughlin-Bennett’s chambers without permission, causing Judge McLaughlin-Bennett to change the lock to the door of her chambers.

Judge Mitchell also entered the locked chambers of Judge Kathleen Blanchard (using a chambers’ master key) on at least six occasions, after Judge Blanchard was no longer in the courthouse. Judge Mitchell attempted to access Judge Blanchard’s computer and searched through papers – which were not related to Judge Mitchell’s judicial or administrative duties – on Judge Blanchard’s desk, in closed cabinets, and in her personal briefcase.

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Judge Mitchell expressed remorse for her “entirely unacceptable conduct” and stated that she “lost her way” during a period of significant personal and professional stress. The commission considered in mitigation the impact of those stressors on Judge Mitchell’s mental health. But Judge Mitchell’s conduct in entering her colleagues’ chambers, without authorization and for the improper purpose of obtaining information to which she was not entitled, was a serious breach of the expected trust shared among judicial colleagues and entirely at odds with the behavior expected of judges.

2. Improper Remarks

On June 22, 2023, Judge Mitchell presided over *People v. Stuart Cooper Young*. Mr. Young was charged with multiple counts of violating the Penal Code for lewd or lascivious acts involving children. Mr. Young’s attorney, Leonard Levine, and the prosecutor, Kirsten Brown, told Judge Mitchell they had negotiated a potential plea agreement, providing for the dismissal of certain charges for a no contest plea to lesser violations of (1) endangering a child or causing or permitting a child to suffer physical pain, mental suffering, or injury, and (2) annoying or molesting children.

While speaking to Mr. Young, Judge Mitchell commented on the defendant’s appearance and noted that people convicted of charges like those Mr. Young faced are not treated well in prison. Judge’s Mitchell’s remarks included: “You’re a younger man. You’re a handsome man, and you are very well built, and you will be an attraction in state prison”

After the prosecutor described the charges offered by the plea agreement, Judge Mitchell added that the charges for lewd and lascivious acts involving children, which would be dropped under the agreement, “will trigger that kind of response, the negative response, from the people that you would be surrounded with.”

Judge Mitchell’s remarks about the defendant’s physical appearance and how other prisoners would treat him in prison were discourteous and undignified.

Judge Mitchell’s misconduct was aggravated by prior discipline. In 2010, Judge Mitchell received an advisory letter for failing to disclose on the record her extensive involvement in dog breeding and handling in a case involving criminal abuse of dogs, commenting on the defendant’s motion to disqualify her for cause, and remanding the defendant into custody in a manner that appeared to be retaliatory.

Public Admonishment of Judge Julian W. Bailey February 13, 2025

The Commission on Judicial Performance publicly admonished Judge Julian W. Bailey of Orange County Superior Court for, in 10 separate matters, engaging in a pattern of discourteous, undignified, and impatient behavior with female and/or inexperienced attorneys. In some cases, Judge Bailey conveyed the appearance of embroilment and bias on the basis of gender, race, national origin, or ethnicity. Judge Bailey also met with an attorney, who had witnessed some of the judge’s misconduct, in an improper attempt to influence the attorney’s recollection of events.

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On March 14, 2014, Judge Bailey conducted a chambers conference with Deputy Public Defender (DPD) Sara Hendrickson, Deputy District Attorney (DDA) Sherin Larijani, and Probation Officer Daniel Barrington. As DPD Hendrickson had asked DPD Neha Nagrath to help her with some plea forms, DPD Nagrath entered chambers to assist DPD Hendrickson, who waved her in. (Former DPD Hendrickson is Caucasian and has blonde hair. Former DPD Nagrath is of South Asian or Indian descent and has brunette hair.)

When DPD Nagrath entered Judge Bailey's chambers to assist her colleague, Judge Bailey became angry and stated: "Excuse me. You need to wait. We are in the middle of something." The judge said DPD Nagrath should not have entered his chambers, raised his voice, and told DPD Nagrath she was "out of line." DPD Nagrath then left the judge's chambers. After DPD Nagrath left, Judge Bailey said, "She has no tact. She is so fucking rude. She has no clue." The judge later instructed his clerk to tell DPD Nagrath that she "was never allowed in chambers again."

After the chambers conference, in the courtroom, DPD Hendrickson approached the bench and apologized for what occurred in chambers. She told Judge Bailey that she had made eye contact with DPD Nagrath, which is why DPD Nagrath entered chambers. Judge Bailey stated that DPD Nagrath was rude, adding: "The difference between the two of you is night and day. There are two kinds of people in this world -- blondes and brunettes."

In addition, several times in early 2014, Judge Bailey stated, in the courtroom, how "lucky" he was "to get to work with beautiful women," referring to DPD Hendrickson and DDA Larijani. Around the same time, in a juvenile delinquency case, Judge Bailey told a Latina juvenile words to the effect of: "Oh, wow, what are you doing in custody? You're so beautiful." The judge also told the juvenile that she "could get a job in the movies playing a Native American Indian." The commission found that Judge Bailey's comments, to and about female attorneys and a defendant, were demeaning, undignified, discourteous, offensive, and conveyed the appearance of bias on the basis of gender, race, and ethnicity.

In March 2014, DPD Hendrickson had recently had a baby and informed Judge Bailey that, during a trial over which the judge was presiding, she would need to take breaks, periodically, to express milk for her infant. At one point that month, Judge Bailey said to DPD Hendrickson, "Do you need to --," and then made a gesture with his hands against his chest. He held flat palms, with his fingers spread apart, against his chest, and moved his hands up and down in opposing directions, about five times. While the judge made this gesture, he made the sound, "Ch, ch." The commission determined that Judge Bailey's conduct was demeaning, undignified, and conveyed the appearance of bias on the basis of gender.

In 2022 and 2023, Judge Bailey also discourteously chastised multiple female attorneys for body language and/or facial expressions the judge perceived to be offensive. During a chambers conference, the judge told DPD Jane Win-Thu, "Counsel, the way you're looking at me right now, it's like you're saying, 'Fuck you, Judge.'" On another occasion, after DPD Win-Thu rolled her eyes at DDA Nikki Chambers, Judge Bailey raised his voice, pointed his finger at DPD Win-Thu, and stated: "Counsel,

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I saw you roll your eyes. It's unprofessional, unacceptable. You know it's not just verbal communication. It's what you do with your face and nonverbal communication. You're way out of line." The judge then pointed to the jury box and said, "Ok, go sit down. Go sit down. You're getting in the way of other attorneys trying to call their case."

Judge Bailey then repeated the statements about sitting down, and twice said, "You either go sit down or get out of my courtroom." During the same timeframe, the judge also made discourteous, impatient, condescending, and demeaning comments to attorneys in at least three other cases.

On March 3, 2023, in a meeting with his presiding judge and supervising judge, Judge Bailey was advised the court had received a complaint about him relating to three incidents. On March 8, Judge Bailey saw DDA Chambers in the hallway and asked to speak with her in his chambers. When speaking in chambers, the judge asked DDA Chambers whether she felt he was racist or displayed gender bias. DDA Chambers responded that she did not think he was racist or misogynistic. Judge Bailey then asked DDA Chambers about her recollection of details relating to the three incidents that were the subject of the complaint received by the court. The commission found that the judge's meeting with DDA Chambers was an improper attempt to influence a witness.

Public Admonishment of Former Judge Robert F. Cochran February 19, 2025

The commission publicly admonished former Judge Robert F. Cochran of Del Norte County Superior Court. Judge Cochran was discourteous toward a victim of domestic violence, and conveyed the appearance of bias against the victim and embroilment. At a Domestic Violence Restraining Order (DVRO) hearing, Judge Cochran faulted the victim for staying in an abusive relationship, repeatedly called her "manipulative," and told the respondent he had fallen into her "trap." At a change of plea hearing in a related criminal matter, the judge denied the victim an opportunity to be heard and made demeaning comments to her, in violation of Marsy's Law.

1. DVRO Hearing

On May 25, 2023, Judge Cochran presided over a DVRO hearing in *Melinda Cairns v. Thomas Rodriguez*. Ms. Cairns and Mr. Rodriguez represented themselves.

Ms. Cairns testified that Mr. Rodriguez had assaulted her numerous times and provided graphic photographs of her injuries. Judge Cochran said, "[I]f this is true what you're telling me, why you're [sic] still in that home with this person a year later."

Mr. Rodriguez admitted causing the head wounds and giving Ms. Cairns black eyes, and testified that Ms. Cairns liked being "choked in bed." The judge said it was "real obvious" that Ms. Cairns and Mr. Rodriguez "can't have a relationship," and the "fact" that Ms. Cairns was "a manipulator and took advantage of [Mr. Rodriguez's] kind heart, willing to help her out doesn't justify the domestic violence. It just doesn't justify it."

Judge Cochran said, about Ms. Cairns, "I do not understand why she would stay in a home -- or in a relationship where someone is just beating the crap out of her all the

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time. That -- she's got a problem. There's no doubt about it." When Ms. Cairns sought to interject, the judge said, "Excuse me. I don't need any comments." Judge Cochran, directing his remarks to Mr. Rodriguez, said, "She's got a problem. There's no doubt about it. But her problem doesn't justify your behavior. That's -- you can't -- you can't beat somebody up because -- because they're a manipulator or taking advantage of you. You just can't do it."

In response to Ms. Cairns's later attempt to interject regarding some disputed text messages, Judge Cochran said, "I do not want to hear anything -- when I need something from you, I'll ask you a question."

Judge Cochran subsequently told Ms. Cairns, "I'm not going to get you to admit you think that you've got a problem. So[,] I won't waste any time doing that. That's just my observation." He continued, "You got a problem. To stay in a relationship like that under these circumstances --"

In response to testimony by Mr. Rodriguez that he was trying to "get right for my kid," Judge Cochran said he was "sympathetic."

At the end of the hearing, Judge Cochran said, based on the evidence, "I don't have any real choice but to make restraining orders." Directing his remarks to Mr. Rodriguez, the judge repeated, "At this point I just don't have a choice. I can't have this kind of evidence put in front of me and ignore it. These things happened. And so -- and, you know, if -- and I know you're concerned that she's done all this just to get an advantage in taking your son. But if -- I would say you played right into her hands. You've -- you've made her case for her."

Judge Cochran said he read texts (between the parties) as Ms. Cairns "manipulating" Mr. Rodriguez. He told Mr. Rodriguez, "She was manipulating you, trying to get you back into the relationship for whatever reasons. She liked being beat up, let's say."

Judge Cochran also said Mr. Rodriguez and Ms. Cairns had "a sick relationship" and told Mr. Rodriguez he "played into her trap." The judge continued, "And you ought to be thankful that she's found someone else because if that's the way -- if that's the way she deals with men, it's not -- it wasn't going to get any better. And now he's going to have to deal with that issue. So you ought to be thankful that she's let you go. And not only is she letting you go, she's actually pushing you away with forcing -- putting legal steps distance [sic] between you."

Judge Cochran told Ms. Cairns that "none of this makes sense to me" and that she needed "to get some help." The judge continued, "You need to get some serious psychiatric treatment. You've got some problem. I can -- I can just see that. Again, I can't order it. But I can tell you what I see in this courtroom." Judge Cochran said it was not Mr. Rodriguez's "fault" Ms. Cairns needed help, and she could not "blame . . . this" on Mr. Rodriguez. Judge Cochran added, "And you've got a daughter who you're setting a bad, bad example for. If she sees abuse going on and you being abused in her presence and you stay in those relationships, you're telling her, hey, women are second-class citizens. If they get beat up, it's their fault or whatever. You're giving her some real, real bad medicine." The judge said to Ms. Cairns, "The fact that you would

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stay in the relationship -- you know, and this is a common situation. Victims of abuse, it's like there's a magnet with abusive people. And you end up in those kinds of relationships."

Judge Cochran issued a three-year DVRO, but did not require Mr. Rodriguez to attend a batterer's program. After discussing visitation, Judge Cochran set a future date in a related paternity case and said, "I'm not convinced he's a horrible guy. I'm convinced that this is a -- just a -- horrible relationship."

In his response to the commission, Judge Cochran argued that, while his comments at the hearing were "unartful," they were made with good intentions, and, in part, because he wanted to impress upon Ms. Cairns the dangers of modeling "unhealthy relationships" to her children. No matter his intentions, many of Judge Cochran's comments were, at a minimum, gratuitous, and not relevant to a determination of whether to grant the DVRO. Many of his comments also reflected offensive and outdated stereotypes regarding victims of domestic violence.

By repeatedly questioning Ms. Cairns why she did not leave Mr. Rodriguez and stating she had a "problem" for staying in the relationship, Judge Cochran appeared to blame Ms. Cairns for the abuse she suffered. Judge Cochran's comments ("I do not understand why she would stay in a home -- or in a relationship where someone is just beating the crap out of her all the time," "[S]he's got a problem," "I'm not going to get you to admit you think that you've got a problem," "She liked being beat up," "[Y]ou need to get some help," "This makes no sense to me," "You need to get some serious psychiatric treatment," "[I]t's not his fault that you need help," and "[Y]ou can't blame ... this on him") shamed Ms. Cairns for staying in the relationship.

Judge Cochran conveyed the appearance of bias and embroilment by suggesting answers and arguments for Mr. Rodriguez; mischaracterizing Mr. Rodriguez's testimony; stating he did not have a choice in granting the DVRO; admonishing Ms. Cairns more harshly for interrupting, though both parties equally interrupted the judge or each other; and remarking about "play[ing] right into her hands," "I'm sympathetic," "You have played into her trap," and "[Y]ou ought to be thankful that she's found someone else because if that's the way -- if that's the way she deals with men, it's not -- it wasn't going to get any better."

Judge Cochran's repeated comments that the parties were in a "sick," "unhealthy," or "horrible" relationship were gratuitous and discourteous.

In his response to the commission, Judge Cochran described Ms. Cairns as an "extraordinarily difficult individual" and asserted that her conduct during the hearing bore on his evaluation of her overall believability. Ms. Cairns's credibility on peripheral issues was of little relevance in that Judge Cochran conceded the evidence was clear Mr. Rodriguez had violently and repeatedly attacked Ms. Cairns. Even if Judge Cochran questioned Ms. Cairns's credibility on other issues, it did not excuse his improper comments.

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2. Change of Plea Hearing

Mr. Rodriguez was convicted of a felony for some of the conduct described by Ms. Cairns at the May 2023 DVRO hearing. On October 30, 2023, Judge Cochran presided over a change of plea hearing in *People v. Rodriguez*, which Ms. Cairns attended. Mr. Rodriguez agreed to plead no contest to a felony in exchange for felony probation and credit for time served (one day), with no additional time in custody.

Judge Cochran asked Deputy District Attorney Jolanda Ingram to provide a factual basis for the plea. Ms. Ingram stated there “was no corroborating evidence to the alleged domestic violence incident.”

Ms. Cairns responded that “almost everything” Ms. Ingram said was not accurate. Ms. Cairns said Mr. Rodriguez was on felony probation in another county for assaulting her there. Judge Cochran replied that Ms. Cairns would need to talk to probation, because the matter was going to be referred to the probation department for a recommendation and Ms. Cairns would need to tell probation why she thought the plea was not fair.

Ms. Cairns then asked about custody and visitation. Judge Cochran told Ms. Cairns, “You’re going to have to file something in civil court.” Ms. Cairns began to respond, and Judge Cochran said, “Look I’m not going to fight with you. You’re the victim. I have to be sympathetic to that, but you’re not impressing me right now.” The judge told Ms. Cairns, “We’re done,” and instructed her to “file a victim complaint” with the probation department.

The Victim’s Bill of Rights, also known as Marsy’s Law, expressly provides that a victim may be heard, upon request, at any proceeding, including a plea hearing. By telling Ms. Cairns to take her concerns to the probation department, after a plea was entered, the judge denied her the opportunity to influence his decision to accept the plea agreement, in violation of article I, section 28(b)(2) and (b)(8) of the California Constitution. Judge Cochran also violated Marsy’s Law by failing to treat Ms. Cairns with dignity, respect, courtesy, and sensitivity; and failed to honor her rights in a manner no less vigorous than the protections he afforded Mr. Rodriguez. By interrupting Ms. Cairns, telling her to “talk to the probation department,” telling her to “file something in civil court,” and saying, “We’re done,” Judge Cochran disregarded Ms. Cairns’s fundamental rights and failed to allow her to be fully heard, as required by Marsy’s Law.

Judge Cochran’s comments about Ms. Cairns (“Look I’m not going to fight with you. You’re the victim. I have to be sympathetic to that, but you’re not impressing me right now.”) reflected bias, embroilment, and discourtesy.

Public Admonishment of Former Judge Howard H. Shore April 3, 2025

The commission publicly admonished former Judge Howard H. Shore of San Diego County Superior Court for making statements regarding his 2023 severe public censure that reflected a lack of candor, and for making undignified, discourteous, and offensive comments, reasonably perceived as reflecting bias based on race, while presiding over

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pre-trial criminal hearings. In determining to issue the public admonishment, the commission considered Judge Shore’s prior severe public censure to be a significantly aggravating factor.

1. False or Misleading Representations Concerning Prior Discipline

In November 2023, Judge Shore entered into a stipulation with the commission to a severe public censure. Judge Shore admitted he was improperly absent from the courthouse, without approval, for at least 155 days in 2021 and 2022, including every Friday in an 18-month period. Judge Shore expressly admitted the facts in the stipulation were true and he agreed with the stated legal conclusions.

On December 4, 2023, nine days prior to the commission issuing its Decision and Order Imposing Severe Public Censure Pursuant to Stipulation, Judge Shore initiated a meeting with then Chief Deputy and Acting Public Defender Katherine Braner of the San Diego County Public Defender’s Office and Megan Marcotte, the Chief Deputy of the Alternate Public Defender.

Judge Shore began the meeting by stating his son had a child with serious medical conditions, which was particularly upsetting because his wife had previously given birth to a stillborn daughter. Judge Shore stated he could not “let another little girl die,” so he went to Los Angeles every weekend to help his son, his wife, and child. The commission found Judge Shore’s comments about his stillborn daughter conveyed the appearance he was attempting to garner sympathy and minimize his actions that were the subject of the stipulation to a severe public censure.

Judge Shore told Ms. Braner and Ms. Marcotte he does not drive a motor vehicle on Saturday because he is an Orthodox Jew. Therefore, to be in Los Angeles on the weekends, he had to drive to Los Angeles on Fridays. He stated he left early on Fridays for a “couple of years” without asking or telling anyone; not that he took Fridays off. The commission found Judge Shore minimized the amount of time he was absent without approval.

Judge Shore told Ms. Braner and Ms. Marcotte he was able to complete all his work Monday through Thursday, and his absences did not impact anyone. The commission found this characterization of his misconduct conveyed the appearance his misconduct involved merely an administrative oversight. Judge Shore did not tell Ms. Braner and Ms. Marcotte the severe public censure included making false and misleading statements, more than once, to his presiding judge.

Attorneys from the public defender’s office subsequently filed statements of disqualification, pursuant to Code of Civil Procedure section 170.1, against Judge Shore in at least 19 cases. The statements of disqualification referenced his severe public censure and his conversation with Ms. Braner and Ms. Marcotte. In Verified Answers to the statements of disqualification, Judge Shore stated, “I admit the Commission on Judicial Performance issued the Censure against me, resulting from my failure to complete judicial absence requests prior to taking days off.” The commission found that Judge Shore’s statement in his Verified Answers was misleading and minimized his misconduct, as the discipline was not for a mere failure to complete absence request paperwork.

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The commission found that Judge Shore’s express representations, omissions, and minimization of the facts underlying the commission’s 2023 Decision and Order, as described above, constituted a lack of candor.

2. In-Court Comments Reflecting the Appearance of Racial Bias

While presiding over pre-trial criminal hearings, Judge Shore made undignified, discourteous, and offensive comments that could reasonably be perceived as bias, prejudice, or harassment, including but not limited to bias, prejudice, or harassment based upon race, national origin, or ethnicity, as illustrated below.

In 2022, while presiding over a Racial Justice Act hearing in *People v. Spencer-Simmons*, Judge Shore expressed disagreement with the law, improperly criticized the Legislature, and denied that systemic racism exists in the judicial system. Judge Shore stated, “There’s certainly a legitimate argument that the Legislature’s conclusion that there is systemic racism is inaccurate I ask people ‘If you really believe that [that racism exists in some systemic form], I challenge you to take a notebook and go from courtroom to courtroom and watch the proceedings and take notes of everything that you think is being done that is racist and I would like to know what the results are.’ ” Judge Shore criticized the use of statistics and suggested that more minorities commit crimes than whites, and similarly criticized the Legislature for “enacting laws without necessarily thinking through how these things are going to play out in a courtroom.”

While presiding over a Racial Justice Act hearing in *People v. Barshel* in 2022, Judge Shore again improperly and gratuitously criticized the Legislature and the Racial Justice Act. For example, he said, in reference to the mental health diversion statute, that the Legislature “has not anticipated some of the issues that could arise while their statutes come before a trial judge” and “didn’t bother to think about the possibility that different lawyers and judges might interpret the — the phrase [‘]until adjudication[’] differently.” Judge Shore also made comments suggesting implicit bias cannot exist in circumstances where a police officer is a minority.

While presiding over Racial Justice Act hearings in *People v. Bonds* in 2022, Judge Shore suggested that coded racial language does not exist. He made comments exhibiting a lack of impartiality and a failure to follow the law, including saying, “I don’t place much weight on studies because they don’t tell me if a particular officer showed racial bias on a particular occasion” and “The studies themselves have very little bearing on my decision So[,] I’m not really considering the studies or the conclusions of experts.”

Judge Shore also disregarded an expert’s opinion in *Bonds* concerning racism and offered his own opinion concerning “reverse racism.” He said, “[M]y understanding of the dictionary definition of racism is that, it’s the unfair treatment of people belonging to a different race, so that anyone can be a racist, is that correct?” When the expert opined that minorities could not be racist against whites, because whites are the dominant group, Judge Shore responded by reading aloud the dictionary definition of “racism.” Judge Shore then gratuitously used the N-word, when he stated, “I’ve had gang cases . . . where Hispanic and Blacks are fighting each other, and the Hispanics refer to, if you

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excuse my language, n*****, and, and the Blacks use, um discriminatory language against Hispanics.”

In 2020, while presiding over a motion to suppress evidence hearing in *People v. Harris*, Judge Shore admonished a defense attorney for arguing that his client had been detained because she was a Black woman. Judge Shore’s remarks included saying, “You know, don’t go there. I don’t really think -- I’m not turning this into a racial issue. I don’t see that evidence here at all” and “I just want to indicate that it’s very easy to make racial accusations against a police officer”

Judge Shore was disqualified from presiding over Racial Justice Act hearings in *People v. Chambers*, *People v. Taylor*, and *People v. Howell* because, based on comments he made in other cases, as described above, a person aware of the facts could reasonably believe he believed certain racial or ethnic groups commit more crimes than others, and he would not give weight to statistical evidence indicating implicit bias against certain racial or ethnic groups.

Whatever his intent, the commission concluded Judge Shore’s comments were largely irrelevant to any of the issues before him and constituted gratuitous interjections. In particular, Judge Shore’s use of the N-word while arguing with an expert was unnecessary. His comments regarding the Legislature were gratuitous and appeared to denigrate the Legislature for its failure to, according to Judge Shore, consider the consequences and ramifications of the laws it enacted.

Public Admonishment of Judge Robert S. Bowers July 8, 2025

The commission publicly admonished Judge Robert S. Bowers of Solano County Superior Court for (1) improperly soliciting a *Marsden* motion, which interfered with the attorney-client relationship; (2) making disparaging remarks about a defense attorney, which conveyed the appearance of bias and embroilment, and which could reasonably interfere with the attorney-client relationship and convey the appearance of retaliation for the attorney’s motion to disqualify Judge Bowers; (3) discussing substitution of attorneys with another attorney, which conveyed the appearance of embroilment, bias, prejudgment, and abuse of authority; and (4) improperly handling a statement of disqualification. The commission found Judge Bowers’s misconduct was aggravated by prior discipline for similar misconduct.

In 2024, Judge Bowers presided over *People v. Jones*, a homicide case. Deputy Public Defender (DPD) Matthew Adler represented Mr. Jones. On Friday, August 16, 2024, five days before trial was scheduled to begin, Mr. Adler filed a written motion to continue, because he had another trial (*People v. Johansen*, a domestic violence kidnapping case) scheduled to begin on August 19, 2024, before Judge Janice M. Williams.

On the morning of Monday, August 19, Judge Bowers phoned Judge Williams and asked her to reschedule the *Johansen* trial, so the *Jones* trial could proceed. Judge Bowers and Judge Williams determined the *Johansen* trial had been set before

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the *Jones* trial. Judge Bowers asked Judge Williams to inform Mr. Adler (when he appeared in her courtroom that morning in the *Johansen* case) that his motion to continue in *Jones* was untimely, tell Mr. Adler that a homicide trial would “trump” a domestic violence case, and confirm the *Jones* trial date of August 21.

Later that morning, Judge Bowers presided over a trial management conference in *Jones*. Deputy District Attorney (DDA) Mark Ornellas represented the People. DPD Oscar Bobrow appeared for Mr. Adler and represented Mr. Jones, who was present and in custody. Judge Bowers said Mr. Adler’s “untimely” motion to continue “said a number of very disturbing things.” The judge said he had previously continued the matter over the People’s “strenuous objection,” and that Mr. Adler claimed, in the motion, *Johansen* had been set before *Jones*. Judge Bowers denied the motion to continue.

At a case management conference before Judge Bowers the following day, Mr. Adler filed a statement of disqualification, pursuant to section 170.1 of the Code of Civil Procedure, which alleged that Judge Bowers engaged in an improper ex parte communication with Judge Williams, denied the *Jones* motion to continue for an improper basis, prejudged the case against Mr. Jones, and conveyed the appearance of bias. Judge Bowers responded, commenting on the timeline of the motion being filed and his communications with Judge Williams. He indicated the defense motion was not timely, but he would review it “at any rate.” After taking a break, Judge Bowers said he would be filing a verified answer denying the challenge for cause, and sending the matter to the presiding judge or a judge to which both parties stipulated.

On August 20, 2024, Judge Bowers filed a “Motion to Strike Challenge as Legally Insufficient Law CCP 170.4(b) and Verified Answer Law CCP 170.3(c)(3).” In his filing, Judge Bowers reiterated his oral comments from the hearing earlier in the day regarding his conversation with Judge Williams and the motion to continue. He added, “It would seem to the untrained eye that the defense motion to continue in *Jones* was set in motion as early as 4/26/2024 when Mr. Adler agreed to a trial date in *Jones* that he knew he already had a conflict with *Johansen*.”

Judge Bowers’s motion did not order the statement of disqualification stricken. After sending the matter to the acting presiding judge, the acting presiding judge sent the matter back to Judge Bowers.

On August 23, 2024, Judge Bowers presided over a trial readiness conference in *Jones*. Prior to calling the case, and without Mr. Jones’s counsel present, Judge Bowers asked attorney David Nelson, in an open courtroom, if he would be available for appointment to a time-waived homicide case. Mr. Nelson replied that he would be available. At that time, Mr. Jones had not requested new counsel.

Judge Bowers then called *Jones*. Mr. Ornellas represented the People, and Mr. Adler, Mr. Bobrow, and Chief Public Defender Dan Messner represented Mr. Jones, who refused to come to court. Judge Bowers said he had “sort of” taken Mr. Adler’s challenge for cause under submission and “agreed to assign it to the Presiding Judge.” He said he thought he “caused some confusion by then adding” a verified answer, and that, to clarify, “it is this Court’s position to strike” the challenge. He conceded the facts

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as alleged by Mr. Adler in the disqualification motion, then said he was firm in his belief that he had appropriately stricken the motion.

Mr. Messner argued that, when Judge Bowers sent the matter to the presiding judge, he accepted an interim disqualification and lost jurisdiction; because Judge Bowers filed a motion and not an order, the presiding judge lacked jurisdiction to send the matter back to Judge Bowers; and the matter should be assigned to a judge outside of Solano County.

Judge Bowers stated he was withdrawing or redesignating his sworn statement as supporting evidence for the strike and entering an order striking the statement of disqualification. He then asked, “For the record, Mr. Adler, you, as I understand it, are what we commonly refer to as a ‘line deputy’ in Department 25 in Fairfield?” Mr. Adler confirmed that, for the most part, he regularly handled cases in one department in Fairfield. Judge Bowers asked whether appearing for a morning hearing in the Vallejo department to which *Jones* was assigned was “logistically a challenge in light of” what he described as Mr. Adler’s “duties in Fairfield.”

After Mr. Adler indicated he was not sure where the court was going with that line of questioning, Judge Bowers said he was making a record and “trying to make things very clear” for the appellate court. The judge then asked whether Mr. Adler had ever tried a homicide case in front of a jury. Judge Bowers continued, making protracted comments expressing his “concerns” about competency and effective assistance of counsel. He described Mr. Adler’s disqualification motion as “pretty borderline frivolous.” Judge Bowers said it was “maybe a little bit too soon” for Mr. Adler to “step up” to defending homicide cases, and he was “wondering, you know, if this is just not a good fit.” The judge indicated he intended to talk to Mr. Jones about representation and he wanted to “give him a private attorney at no expense that’s experienced” and had “done some homicides” and could “at least hopefully give him a good defense.”

After discussing the trial schedule, Mr. Adler reiterated his position that the court did not have jurisdiction to set dates. Judge Bowers responded that Mr. Adler could take the issue up on writ, and that there was an “additional layer” of the judge wanting to talk to the defendant about his concerns about his representation.

Mr. Bobrow said his office was “totally confident” in Mr. Adler’s ability to represent Mr. Jones. Judge Bowers responded by, again, making extended comments questioning Mr. Adler’s professionalism. The judge repeated that Mr. Adler’s conduct raised concerns and was “sort of troubling,” and that Judge Bowers “chalk[ed] that up to inexperience.” He said the defendant had “a young attorney who’s competent but, based on what we’ve done so far, has caused me concern.” The judge said, if the defendant had been present, he would tell Mr. Jones he was considering giving him “a private lawyer who’s experienced in doing homicides” and has “a lot more experience than the Public Defender.”

Mr. Adler then filed a second statement of disqualification, based on Judge Bowers’s *ex parte* communication with Mr. Nelson and his negative comments about “the quality of defense counsel.” On August 29, 2024, Judge Bowers presided over another trial setting conference in *Jones*. Mr. Ornellas represented the People, and Mr. Adler,

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Mr. Bobrow, and Mr. Messner represented Mr. Jones, who was present and in custody. Judge Bowers accepted service of the second statement of disqualification and said he intended to strike it like he struck the first one “because it was completely and utterly legally insufficient.” He continued, commenting at length about his “concerns” about the representation Mr. Jones was receiving and whether the judge should appoint a “more experienced” lawyer who “has done all these types of cases” to represent Mr. Jones. Judge Bowers said the ball was in Mr. Jones’s court.

Mr. Adler objected to the judge addressing his client and said the only appropriate way to do that would be through a *Marsden* hearing. Judge Bowers replied that maybe Mr. Jones did not know what a *Marsden* motion was. (A *Marsden* motion is a formal request by a criminal defendant to replace the defendant’s public defender with another court-appointed attorney.) When Mr. Bobrow interjected that Judge Bowers’s conduct was “over the top” and interfered with the attorney-client relationship, the judge replied he was “questioning,” rather than interfering, and he believed he had a right and obligation to inquire. Mr. Bobrow indicated he believed Judge Bowers’s comments were soliciting a *Marsden* hearing. He asked the judge to stop discussing representation in front of the defendant. Judge Bowers replied, “And that’s why we have a record and that’s why we do all of this. Again, Mr. Jones what would you like to do?” Mr. Jones responded, “I’d like to, um, get a private attorney.”

Judge Bowers then cleared the courtroom, conducted a *Marsden* hearing with Mr. Jones, and stated he was taking the matter under submission.

Judge Bowers subsequently filed a “Second Motion to Strike Additional Challenge as Legally Insufficient Law CCP 170.4(b).” In the filing, Judge Bowers stated Mr. Jones had requested new counsel. Judge Bowers wrote that, on August 29, 2024, he gave a tentative ruling that he would be relieving the public defender and appointing private counsel. He wrote, “Moreover, the Court’s concern is with the representation being provided by Mr. Adler to Mr. Jones. As all parties know, I will be retiring and will not hear this jury trial. I have not expressed an opinion about the facts, but I do have concerns about the defendant’s representation by Mr. Adler.” Judge Bowers struck the second statement of disqualification as legally insufficient.

The public defender timely filed a petition for writ of mandate to vacate Judge Bowers’s second motion to strike. The Court of Appeal issued a peremptory writ and found the allegations in the second challenge disclosed grounds to disqualify Judge Bowers pursuant to section 170.1(a)(6)(A)(iii) of the Code of Civil Procedure.

The commission found that, by talking to Mr. Jones about Mr. Adler and his representation, over the objections of counsel, Judge Bowers improperly solicited a *Marsden* motion and interfered with the attorney-client relationship.

The commission found Judge Bowers’s comments about and to Mr. Adler, including stating his motion to continue “said a number of very disturbing things,” calling the first statement of disqualification “borderline frivolous,” implying Mr. Adler intentionally double-set the *Jones* and *Johansen* trials to avoid trying *Jones*, and questioning Mr. Adler about experience, were disparaging and discourteous, and conveyed the appearance of bias and embroilment. The commission further concluded the judge’s

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comments questioning Mr. Adler’s competence, in open court and in the presence of his client, could reasonably interfere with the attorney-client relationship and convey the appearance of retaliation.

The commission also found that talking to Mr. Nelson about accepting appointment in *Jones*, though Mr. Jones had not asked that the public defender be relieved as counsel, constituted prejudgment, embroilment, abuse of authority, and bias against Mr. Adler.

The commission found Judge Bowers improperly passed upon his own disqualification or upon the sufficiency in law, fact, or otherwise, and improperly struck the second statement of disqualification.

**Public Admonishment of
Former Judge James A. Kaddo
July 15, 2025**

The Commission on Judicial Performance publicly admonished former Judge James A. Kaddo of Los Angeles County Superior Court for, over a six-year period, engaging in a pattern of discourteous, undignified, and impatient behavior, directed at potential jurors, attorneys, and parties. In some instances, the judge also created an appearance of embroilment and bias on the basis of gender, sex, race, national origin, or ethnicity.

Judge Kaddo’s pattern of misconduct was identified in seven different cases, from 2018 through 2024. Judge Kaddo also became embroiled with parties and attorneys, inappropriately argued with counsel, raised his voice on multiple occasions, and made discourteous comments. In *Gonzalez v. Tabibi*, Judge Kaddo made a series of sarcastic comments to potential jurors, asking one potential juror, “Do you schedule your doctor appointments when you’re supposed to be in court, or is this just by accident?” When another potential juror reported chronic severe back pain “on and off for months or years,” the judge asked, “Does it come and go when you are scheduled for jury service?” During the trial, Judge Kaddo told one of the defense attorneys he could not “teach him the English language.” The judge turned to the parties’ technology assistant and asked him about his own English skills. The assistant responded, “It’s pretty good but I did grow up in China.” Judge Kaddo stated: “China is a bigger problem than this court can handle. They want to take over the world.” At another point in the trial, after the plaintiff’s expert had testified, and an attorney for the plaintiff said he had no further questions, Judge Kaddo said, “Hallelujah. If I had -- I had a rose, I’d really give it to you.”

In *D.A. v. A.J.* (No. 21VEUD00512), Judge Kaddo presided over a motion to continue an unlawful detainer trial. Both parties were self-represented, with D.A. present in court and A.J. appearing telephonically. As A.J., who requested the continuance, was describing the issues that needed to be addressed prior to trial, Judge Kaddo said, “You keep on talking and you don’t stop.” When A.J. attempted to speak over the judge, he instructed his clerk to mute her and stated, “She wouldn’t shut up.” When Judge Kaddo later unmuted A.J. to ask if she was present at the last appearance, he told her that he muted her because “[Y]ou talk and you do not stop and you don’t give me a chance to

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talk.” While A.J. was answering the judge’s questions, he interrupted her several times and told her to stop interrupting him, stating, “The problem is you never stop talking.” As the hearing proceeded, Judge Kaddo spoke to A.J. in a raised voice. His remarks to A.J. included: (1) “If you’d shut up long enough to let me talk. I hate to be rude, but you are terrible”; (2) “Will you again let me talk. Jesus. I’m speaking English to you. You rush to defend yourself. Stop defending yourself”; and (3) “I didn’t ask for your purpose. Just shut up.” Judge Kaddo eventually muted A.J. and disconnected her from the hearing, but continued to speak to D.A.

In *Shanlian v. Rogers*, Judge Kaddo repeatedly asserted that, by claiming hardships, potential jurors had “abused” him; stated that, the prior day, he had “insulted [a potential juror] as much as [he] could”; described the jury selection process as “brutal” and “cruel”; referred to hardship excuses as “lame” and an “insult”; and told potential jurors they had given him a reason to retire. The judge also repeatedly told a female attorney to “calm down” during her cross-examination of a witness. When the attorney said the expression was insulting and not something the judge would say to a male attorney, Judge Kaddo responded, “Just calm down.” The commission found the judge’s repeated use of the phrase “calm down” could reasonably be perceived as gender bias and affect the female attorney’s credibility with the jury.

In four other cases, Judge Kaddo addressed women who appeared before him as “young lady,” “lady,” “this lady,” “these ladies,” and “ma’am,” when he did not use similar terms to address men who appeared before him. In some of those cases, Judge Kaddo also implied that women were too emotional by discussing their “feelings” and telling them to “control” themselves. The judge also told his clerk, in chambers, that one of the female attorneys was a “bitch,” which he repeated to one of his judicial colleagues and two members of court staff while riding in the courthouse elevator for judges. The commission determined Judge Kaddo’s comments to and about female attorneys appearing before him were discourteous, demeaning, and reflected embroilment and bias on the basis of gender or sex.

In his response to the commission, Judge Kaddo stated his comments were rare displays of “irritation” or “flare ups.” The commission found the judge’s remarks were not rare, isolated incidents, but rather reflected a pattern of intemperate behavior. Judge Kaddo also told the commission it was necessary to admonish attorneys appearing before him to control the courtroom, but the commission noted, “Belittling, sarcastic, demeaning, and condescending behavior and expressions of anger and impatience by judges are ineffective and improper responses to any perceived attorney misconduct or incompetence of counsel.” (Rothman et al., Cal. Judicial Conduct Handbook (4th ed. 2017) § 3:1, pp. 134-135.)

Judge Kaddo’s misconduct was aggravated by prior discipline.

In 2023, the commission privately admonished Judge Kaddo for speaking in a discourteous and demeaning manner to two self-represented litigants during a small claims trial. Within the first three minutes of trial, the judge asked the plaintiff, “Well, could you explain to me, how on God’s earth, you sign a lease and move into a place that’s uninhabitable, then claim you’re entitled to your money back?” The commission determined that the judge’s question was undignified, discourteous, and created an

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appearance of prejudgment. Later in the trial, Judge Kaddo told the plaintiff, “If all you want to do is talk, I’ll let you talk, but I won’t listen,” and also said to the defendant, “Ma’am . . . you don’t have to knock it into my brain, several times, for me to understand.” The commission determined the judge’s statements to the parties reflected discourtesy and a lack of patience, and that the judge’s statements to the plaintiff were undignified, facetious, and created an appearance of bias. Toward the end of the trial, in response to a request for a mistrial, Judge Kaddo said: “You’re not getting a mistrial. You need another brain.” The commission concluded the judge’s direct and personal attack against the plaintiff reflected bias and embroilment.

In 2004, the commission privately admonished Judge Kaddo for serving on an arbitration committee in a family law case and displaying a lack of candor when the commission asked him about it. The judge also failed to disclose, to one of the litigants, a campaign contribution he received from a relative of the other litigant, and he failed to report a contribution on his campaign contributions reporting statement.

Public Admonishment of Judge Enrique Monguia August 28, 2025

Between 2019 and 2024, Judge Enrique Monguia of Los Angeles County Superior Court threatened to “shoot” people or have people “shot” by his bailiff, and made discourteous remarks to a crime victim, prospective jurors, defendants, attorneys, and others. Some of the judge’s remarks gave the appearance of prejudgment, embroilment, and bias based on gender and ethnicity. The judge also remanded a defendant without counsel, without allowing her an opportunity to be heard, and without inquiring into a plan for custody of her child who was present in court. In another case, the judge engaged in an ex parte communication and thereafter declared a doubt of competence and suspended a self-represented defendant’s criminal proceedings, without appointing counsel.

1. Threatening Remarks

In 2023, Judge Monguia criticized two defense attorneys for speaking too loudly while the judge was on the record in another matter, saying words to the effect of, if counsel did not lower their voices, he would authorize his bailiff to use physical force so the judge could shoot counsel himself. Judge Monguia also said he would have ordered his bailiff to “shoot” a retired judge, presiding over another department at the courthouse, who had attempted to enter the staff hallway from Judge Monguia’s courtroom. In 2022, while presiding over a preliminary hearing in *People v. Beverly*, Judge Monguia said, “If it were me, I would have shot him [the defendant], but that’s me.” Additionally, while presiding over jury selection in a criminal trial in 2019, Judge Monguia “joked” to prospective jurors that his bailiff was “authorized to shoot” anyone who crossed into the well between counsel table and the judicial bench.

The commission found that Judge Monguia’s remarks about shooting people, or having people shot in the courtroom, constituted an abuse of authority, fostered an atmosphere of intimidation in the courtroom, and, even if made in jest, were undignified and discourteous.

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2. Remarks to Crime Victim

In March 2023, while presiding over a hearing regarding a request by a victim of domestic violence to modify a restraining order, Judge Monguia made demeaning remarks to the victim that gave the appearance of bias. Judge Monguia’s comments included telling the victim, “[I]t takes two to tango, you know”; “Ma’am, I have no control over you, and it’s what you’re willing to tolerate”; “[Y]ou create a whole big mess for everybody else, your neighbors, the community”; “And the way that you communicate to each other is through violence. This is what you know. This is what you respond to”; “[W]hat have you done . . . to convince me that you’re not going to be treated as a doormat, you have some self-esteem and some self-respect, that you can stand up to this and you know how to seek help?”; and “Hopefully, who knows, maybe you can even get together.”

3. Remarks To and About Prospective Jurors

While presiding over *People v. Mora* in 2022, Judge Monguia responded to a prospective juror who expressed reservations about the police by making inappropriate comments about his personal experience. Judge Monguia’s comments included, “Sometimes we used to say the Mexican cops were the worst ones because they were the hardest on us . . .”; “Because of my past, I grew up with firearms and weapons. My dad used to say in Spanish in so many words, ‘[N]ever leave the house unarmed’ ”; and “It’s like, yeah, little girl. When you call 9-1-1 after hearing something go bump at night, you want that six-foot tall guy with the Sig Sauer laser weapon on his thigh, knocking on your front door saying, ‘[H]ow can I help you, ma’am?’ ”

Judge Monguia also referred to a prospective juror as a “hot mess” after she disclosed her son’s criminal history and her own medical conditions. When another prospective juror disclosed their sister had been the victim of a violent rape, the judge responded, “Okay. That’s all? I mean, that came out wrong, but, I mean, this case has -- it’s not a violent, you know, assault or murder --.”

In 2019, during jury selection in *People v. D.G.*, Judge Monguia said, about a prospective juror who stated she did not read or understand English well, that he thought the juror understood and it was a “cultural thing.” The judge then made comments about his experience with “Korean clients,” including a defendant whose family did not believe domestic violence was a crime. Off the record, Judge Monguia said words to the effect of, “I don’t think it’s that she doesn’t speak English. I think it’s that she’s a meek Korean woman who doesn’t know how to speak up.”

4. Remarks To and About Defendants

While presiding over a hearing in *People v. Valle* in 2023, Judge Monguia told an overweight defendant, who counsel had requested the court find indigent, “So[,] you don’t look like you[re] starving or anything.”

In 2022, Judge Monguia made impatient and discourteous remarks to a defendant, charged with kidnapping her children when she did not return them to their father pursuant to a custody order. Judge Monguia admonished the defendant for nodding and

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said, “If you continue to do that in front of jurors, I’m going to have you thrown out. Do you understand?”

In 2019, Judge Monguia made comments to the effect that the defendant in *People v. D.G.* was a “meth psycho bitch” and a “drug addict.” Upon learning the defendant was pregnant, he made comments to the effect that she was “going to have a meth baby” who would be “supported by [his] taxes.”

5. Remarks to Attorneys

In 2023, Judge Monguia told a deputy public defender, who had returned to the courtroom after attending to other matters because the court had not yet been ready to call her case, words to the effect of, “Don’t go anywhere. I have instructed my bailiff to shackle you if you try to leave.” When the deputy public defender attempted to clarify her argument during the hearing, Judge Monguia responded, “Well, that might play well for the 12 mystery guests, but this is a preliminary hearing, and the standard is much different. We’re all old and jaded and curmudgeonly up here. Pretty much anyone who worked in this building more than ten years could qualify as an expert in these cases. I just don’t see where you’re going.” Judge Monguia later called the deputy public defender to the bench by herself, and said words to the effect of, when the deputy public defender repeated the witnesses’ answers in her cross examination, it was “unnecessary” and “annoying.” He told her words to the effect of, “Don’t do that.” The prosecutor was not present for this conversation.

Also in 2023, Judge Monguia, loudly and in an angry tone, said a deputy public defender, who had left the courtroom to attend another scheduled appearance because her case was not yet ready to be called, was “disrespectful” of the court and the witnesses, had “no situational awareness,” and “owed the prosecution’s witnesses lunch.” The judge had previously asked the deputy public defender whether she was a new attorney. The commission found the judge’s comments were of a nature to undermine the deputy public defender’s professional standing and interfere with the attorney-client relationship.

In another matter, Judge Monguia made off-the-record comments disparaging a deputy public defender’s legal strategy, including saying, “When I was a defense attorney, if I were in your shoes, I wouldn’t do something like that.” The judge also told the deputy public defender, “You’re gonna lose, and when your client goes down I’m going to max her out,” or words to that effect. The commission found the judge’s comments to the deputy public defender about her strategy constituted improper coaching, gave the appearance of prejudgment and embroilment; and gave the appearance he was discouraging the defendant from exercising her right to trial.

6. Abuse of Authority

In 2023, Judge Monguia presided over *People v. Alexander*. The defendant, who arrived at court with her young child, appeared voluntarily on a bench warrant. A deputy public defender offered to appear as a friend of the court, and proposed the court set the matter for a probation violation hearing and requested time to review the allegations and evidence.

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Judge Monguia ordered the defendant be remanded into custody. The deputy public defender objected, stating there was no one present who could take custody of the defendant's child. The deputy public defender argued that, if the defendant was going to be remanded, she was entitled to have appointed counsel, and that the deputy public defender had never seen a child "ripped away from his mother's arms in court." Judge Monguia responded, "Well, you haven't been in the office very long then, counsel. I've been here for 30 years so" The judge refused to appoint counsel and remanded the defendant, who had been holding her child. Sheriff's deputies turned the child over to the deputy public defender, who remained with the child for the afternoon, waiting for family members to arrive to take custody of the child.

After senior attorneys from the public defender's office spoke to Judge Monguia about the case later that day, he appointed the public defender and reversed the defendant's remand.

The commission found Judge Monguia's conduct constituted an abuse of authority and a disregard for the fundamental rights to counsel and to be heard.

7. Ex Parte Communication and Disregard of Fundamental Rights

In 2024, Judge Monguia presided over a preliminary hearing in *People v. Ogiamien*. The defendant, who was charged with felony possession of a weapon and in custody, represented himself. At the beginning of the hearing, Judge Monguia advised the defendant he had spoken with the defense investigator earlier that morning. Judge Monguia stated the investigator had requested to be relieved because the defendant was not cooperative or willing to assist in his defense, and the defendant was refusing to comply or work with the court as to reviewing his defense.

The defendant disputed Judge Monguia's characterization of his actions. Judge Monguia then declared a doubt as to the defendant's competence, suspended criminal proceedings, and concluded the hearing. The judge did not allow the defendant an opportunity to respond, and did not appoint counsel until 15 days later.

The judge's conduct constituted a disregard of the fundamental right to counsel.

Public Admonishment of Judge Susanne M. Rizo October 29, 2025

The commission publicly admonished Judge Susanne Rizo of Inyo County Superior Court for failing to cooperate with court administrators and the presiding judge by making unfounded reports to the State Bar of unauthorized practice of law, and by responding to routine scheduling communications in a volatile and disproportionate manner; speaking about litigants and their pending cases in an area of the courthouse where she could be overheard; improperly dismissing a case; and making a probable cause determination concerning a litigant from whose cases she was disqualified. The commission considered Judge Rizo's reports of court administrators to the State Bar to be particularly serious. Judge Rizo's conduct appeared vindictive and disrupted the small court on which she serves.

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1. Failure to Cooperate with Court Administrators and the Presiding Judge

State Bar Reports

In July 2024, Judge Rizo filed two complaints with the State Bar of California, alleging that Court Executive Officer Pamela Foster and Court Operations Manager Lindsay Eropkin were engaged in the unauthorized practice of law. She also alleged that Presiding Judge Stephen Place (the only other judge in the court) was “aiding and abetting” the unauthorized practice of law by these employees.

Judge Rizo asserted that Ms. Foster and Ms. Eropkin had opposed her “legal directives” regarding the court’s obligation to provide notice in certain probate guardianship cases, challenged her interpretation of statutes, and opposed her opinions in a manner that constituted the unauthorized practice of law. Judge Rizo stated to the State Bar, “If it is found that unlawful practice of law is occurring[,], I hope the individuals involved are prosecuted to the fullest extent.”

The State Bar closed Judge Rizo’s complaint, finding the evidence insufficient to establish that Ms. Eropkin or Ms. Foster were engaged in the unauthorized practice of law.

The commission concluded Judge Rizo filed the complaints without a good faith basis, and there was no colorable argument that Ms. Foster and Ms. Eropkin were practicing law. Ms. Foster and Ms. Eropkin were not representing clients, providing legal advice, or drafting legal instruments for clients, but rather, were assisting Judge Rizo with her judicial duties and ensuring the court, including its judges and its clerks, adhered to the law and court procedures.

The commission further found Judge Rizo’s conduct in filing these complaints gave the appearance she was retaliating against Ms. Foster and Ms. Eropkin for bringing attention to mistakes Judge Rizo made, submitting complaints about Judge Rizo, and, in the case of Ms. Foster, participating in obtaining an outside investigation of complaints against Judge Rizo.

Judge Rizo’s conduct constituted a failure to maintain professional competence in judicial administration and cooperate with other judges and court officials in the administration of court business.

Request for Leave

On June 3, 2024, Judge Rizo informed Ms. Foster and Presiding Judge Place by email that she had a medical appointment on June 18, 2024 and proposed that some of the cases on her calendar be moved to another date. Ms. Foster replied that moving the calendar was “problematic.” She said she would try to find another judge to cover the calendar, noting it was only two weeks away. She added, “[I]f we can’t find someone we can talk about other options.”

That evening, Judge Rizo informed Presiding Judge Place and Ms. Foster by email that she was on a waitlist for the appointment and so, her need for coverage could change. Approximately 15 minutes later, Judge Rizo emailed Presiding Judge Place and informed him she believed her medical concerns were being treated differently than

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his; she suggested he “open an investigation.” She stated, “I am have [sic] been and continue to be treated differently by administration based on my sex different [sic] from any other judge in our court I believe. [Sic.] I would hope you share my concern as it seems when you have had surgeries it goes without group emails calling into question the ‘problematic’ nature of your medical needs.”

The following morning, Ms. Foster informed Judge Rizo by email that she had found a judge to cover Judge Rizo’s calendar on June 18 and said she hoped Judge Rizo’s doctor would be able to find an appointment for her. Ten minutes later, Judge Rizo informed Presiding Judge Place that she was retaining legal counsel and that any further emails would have legal counsel copied.

Judge Rizo’s response to Ms. Foster’s email was volatile and disproportionate.

2. Comments about Litigants and Cases

In 2024, after presiding over a hearing in *Rinkevich v. Hyles*, Judge Rizo entered the clerks’ area and engaged in a conversation with court staff about the case. As Judge Rizo was speaking, the petitioner entered the clerk’s office and asked for help. The judge spoke directly with the petitioner, including telling her she could reach out to law enforcement officers. As a result of this interaction, the judge disqualified herself from *Rinkevich v. Hyles*. Judge Rizo’s conduct in speaking about *Rinkevich v. Hyles* with the clerks in a manner that was overheard by one of the litigants, and resulted in the judge’s recusal, constituted a failure to perform the duties of judicial office impartially, competently, and diligently. The judge’s conduct in speaking directly with Ms. Rinkevich in the clerk’s office constituted an improper ex parte communication.

Also in 2024, before hearing an ex parte request for orders in *Haskin v. Daugherty*, the judge spoke about the case – which involved a litigant who was in a romantic relationship with a court clerk – in a manner that could be overheard by employees in the clerk’s office. In her response to the commission’s preliminary investigation, Judge Rizo stated that, after she granted a peremptory challenge filed against her in the matter, she went to Presiding Judge Place’s chambers to ask whether he could preside over the case and informed him about the facts of the case briefly. The commission observed that, if Judge Rizo spoke with Judge Place about the facts of a case from which she was disqualified, as her response suggested, her conduct would raise additional ethical concerns.

Judge Rizo presided over a family law matter, *C.Y.C. v. L.B.*, which came before her for many hearings. On one hearing date, Judge Rizo entered the clerks’ area and said words to the effect of: “Will this case ever die?” Judge Rizo’s remarks were discourteous and undignified.

3. Dismissal of *People v. Jauregui*

Judge Rizo began hearing traffic infractions in the spring of 2022. In July 2022, Judge Rizo heard arguments from the defendant in *People v. Jauregui*, requesting dismissal on the basis that his speedy trial rights had been violated and, alternatively, that the complaint against him was not “verified.” Judge Rizo replied that the statute the defendant cited did not make the hearing date untimely, and that his infraction citation

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did not need to be verified. Judge Rizo then said she was going to dismiss the citation in the interest of justice because she was presiding on an assignment she “normally [did]n’t sit on” and did not have resources to verify whether the defendant’s arguments for dismissal were valid.

4. Disqualification from *People v. Schat*

In 2025, Judge Rizo improperly failed to recuse herself from making a probable cause determination regarding the defendant in *People v. Schat*, though the defendant’s father had contributed \$3,000 to Judge Rizo’s judicial campaign in 2020, as one of two reported outside donors, and since taking the bench, Judge Rizo had routinely recused herself from cases involving the defendant. Judge Rizo’s handling of this matter violated her duty to disqualify herself in any proceeding in which disqualification is required by law and her duty to hear and decide all matters assigned to her except those in which she is disqualified.

Public Admonishment of Judge Robin L. Wolfe December 16, 2025

The commission publicly admonished Judge Robin Wolfe of Tulare County Superior Court for, without authority, ordering a court employee to personally appear before her and threatening to impose monetary sanctions against the employee; summoning a court employee to her courtroom to admonish her and directing her to apologize to a litigant; implementing blanket policies regarding cell phone possession; improperly confiscating a litigant’s cell phone until the end of the court day; excluding domestic violence support persons from counsel table; and refusing a reasonable Americans with Disabilities Act (ADA) accommodation request from a litigant. While some of Judge Wolfe’s misconduct involving the abuse of her authority appears to have been based, not on malice, bias, or indifference, but on an attempt to ensure litigants were treated fairly, her misconduct was nevertheless serious. The commission found Judge Wolfe’s misconduct detrimentally affected professional relationships with family court services staff and court administration, as well as litigants.

1. Ordering Personal Appearance by Family Court Services Director and Threatening Monetary Sanctions

In December 2023, Judge Wolfe presided over a review hearing in *Navarro v. Ramos*, a family law matter. She determined that Family Court Services (FCS) had not completed a limited investigation report, previously ordered by the court. In addition to ordering that the report be completed, Judge Wolfe issued an Order to Show Cause (OSC) as to why sanctions, including monetary sanctions to be determined by the court, should not be imposed for the failure of the FCS Director to complete the limited investigation report on time. Judge Wolfe ordered the FCS Director to personally appear at a hearing on the OSC for sanctions.

The director completed the limited investigation report and appeared before Judge Wolfe, as ordered. Judge Wolfe asked her to meet in chambers and said that, when she makes such orders (e.g., OSCs and personal appearances) for law

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enforcement, child welfare services, or other agencies, they know they do not need to appear if the requested information is provided by the court date. The director told Judge Wolfe it was not standard practice for the FCS Director to be ordered to appear for sanctions, and that she, accordingly, complied with the judge's order. Judge Wolfe responded that, in the future, she would add language to the effect that the ordered party need not appear if a report was subsequently filed.

The commission determined Judge Wolfe abused her authority by ordering a court employee, who was neither counsel in, nor a party to, an action pending before the judge, to personally appear, and threatening to impose monetary sanctions.

2. Summoning Child Custody Recommending Counselor to Court

Judge Wolfe presided over *Rodriguez v. Mendoza*, a family law matter. One of the issues pending before the judge related to a move-away request filed by the mother. Judge Wolfe ordered the mother and father to attend a remote mediation session with an FCS Child Custody Recommending Counselor in July 2024. The counselor subsequently provided the court with a memo indicating the mother had not been available at the phone number she provided, and the mediation appointment was canceled.

Upon calling the case for a review hearing in August 2024, Judge Wolfe said she was “very dismayed” because she received a memo from FCS indicating the mother failed to keep the mediation appointment. Judge Wolfe asked why she should not dismiss the mother's move-away request, since she had failed to keep the appointment. The mother's attorney said his client had not willfully failed to appear, but that FCS had erred by calling an old phone number.

Judge Wolfe said, “So then let me get [the FCS counselor] down here, because the memo that she signed does not indicate any of that, and if that's true[,] the Court is extremely disturbed that [the counselor] would not give us that information. The information she filed with the Court is that mother was contacted. Mother was not available. Not that they had a wrong number and called it an [sic] error.”

Judge Wolfe's clerk sent an email to FCS, labeled “High” importance, in which she wrote that Judge Wolfe wanted the counselor in court “right now.” When the counselor arrived in the courtroom, Judge Wolfe instructed her to take a seat in the witness chair because it was “more convenient.” Judge Wolfe recalled the case and went back on the record. Judge Wolfe addressed the counselor, saying she had “a concern” because she had just “lectured” the mother for failing to keep the mediation appointment. Judge Wolfe said, in summary, that apparently FCS had used an incorrect phone number rather than the phone number provided by the parties and the clerk.

Judge Wolfe then asked why the counselor had not sent a memo to the court explaining what had happened, so the judge did not sanction the mother and dismiss the request. The counselor explained she did not remember what had happened. Judge Wolfe continued, saying FCS would have been on notice of the error with the phone number prior to the memo being filed, and her issue was she had “just terrified” the mother because she told her she would dismiss the move-away request.

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Judge Wolfe said, “So, I think on behalf of Family Services [the mother] needs to hear an apology, because I would have expected the Court to be noticed that there was an error by Family Services [*sic*] not her error, and then the Court could of [*sic*] reset the matter.”

The counselor apologized to the mother in Spanish. Judge Wolfe instructed the counselor to repeat her apology in English, because the judge could not understand it. The counselor complied. After hearing her apology, Judge Wolfe continued to admonish the counselor for the fact neither she nor “anybody” at FCS provided the judge with a follow-up memo. Judge Wolfe reiterated she had “brought [the counselor] in to explain to [the mother] what had occurred and to offer the apology on behalf of the agency.”

Judge Wolfe dismissed the counselor and then rescheduled the mediation date for the parties.

The commission found that, before demanding the child custody recommending counselor appear in her courtroom, Judge Wolfe was already on notice that the mother’s failure to appear for mediation was the result of an error, and did not involve malice. By summoning the counselor to the courtroom, and directing her to apologize to a litigant, Judge Wolfe abused her authority. Further, Judge Wolfe’s treatment of the counselor once she appeared in court was discourteous and gratuitous, and gave the appearance of bias. The judge repeatedly admonished the counselor in open court, though the counselor had indicated she was unprepared to address the judge’s questions and Judge Wolfe had been apprised of the cause of the error.

The commission concluded Judge Wolfe abused her authority and engaged in poor demeanor.

3. Improperly Confiscating Cell Phone, Accusing Litigant of “Game Playing,” and Threatening Foster Care

In November 2022, Judge Wolfe presided over a hearing on the petitioner’s ex parte request for an order for custody and visitation in *Hettick v. Hettick*. During proceedings, the respondent’s cell phone rang, and Judge Wolfe instructed her bailiff to confiscate the cell phone.

After hearing testimony, Judge Wolfe said the respondent “has a habit of playing games with the Court’s orders” and she did not want “any more game playing on this.” She instructed the parties to return for a contested hearing, and added, “If we come back on another ex parte, quite frankly and the Court has continued concerns with both of you, the Court would have no choice, but perhaps to do a [Suspected Child Abuse] report, and I would hate to see that child put in foster care, but if I cannot trust either one of you to look after his best interest that’s exactly what’s going to happen.”

At the conclusion of the hearing, the respondent’s attorney asked to have his client’s phone returned. Judge Wolfe replied, “No. She can pick that up at 4:30.” Judge Wolfe said the respondent should come back to the courtroom to “explain to the Court why she violated the orders, and why she should get her phone back.”

The respondent returned at 4:30 p.m., as instructed. Judge Wolfe called the matter and indicated her “sole purpose” in doing so was to return the respondent’s cell phone

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to her. Judge Wolfe returned the respondent's phone and admonished her to either keep her phone off in the future or not bring it to court.

The commission found that confiscating a litigant's cell phone and ordering the litigant to return to court to retrieve her personal property at the end of the court day, rather than returning the cell phone at the conclusion of the hearing, constituted an abuse of judicial authority. The commission found Judge Wolfe's conduct in denying counsel's request to have his client's phone returned after the hearing ended, and saying the respondent had to return to the courtroom to explain to the judge why she should get her phone back, also gave the appearance of pique and embroilment. Judge Wolfe's remarks that the respondent had "a habit of playing games" with court orders and she did not want "any more game playing on this" were improper and reflected poor demeanor. Judge Wolfe's comments that, if the parties returned on another ex parte application and the judge had continued concerns, she "would have no choice, but perhaps do a [Suspected Child Abuse] report," and that she "would hate to see that child put in foster care" but if she could not trust either one of the parents "to look after his best interest that's exactly what's going to happen," were coercive and misrepresented the extent of the family court's jurisdiction.

4. Policy Prohibiting Cell Phones

Beginning in June 2023, Judge Wolfe adopted a standard practice of requiring litigants to place their cell phones in canvas bags, similar to banker bags, and place the bags at the end of the tables while their matters were being heard. At the end of the hearing, Judge Wolfe permitted each party to retrieve their bag and take their cell phone with them before exiting the courtroom.

In May 2024, Judge Wolfe revised her practice to prohibit people from bringing their cell phones into her courtroom at all, unless the court granted an exemption. Judge Wolfe made an exception for court staff and attorneys to keep their phones, but not for litigants, witnesses, audience members, or others. Judge Wolfe's policy was in place until June 26, 2024.

The court's local rules prohibit the use of an electronic device, including a cell phone, while court is in session, unless a party is granted leave to do so by the court. Barring permission to use an electronic device, the local rules provide that all devices must be silenced or turned off while court is in session. The commission found Judge Wolfe's policies regarding cell phones, which went well beyond merely requiring that phones be silenced or turned off during court proceedings, reflected an abuse of authority.

5. Closing the Courtroom and Poor Demeanor in *Magee v. Magee*

In June 2024, Judge Wolfe presided over a family law calendar. At approximately 8:45 a.m., a support person, attending domestic violence restraining order proceedings in *Magee v. Magee*, entered Judge Wolfe's courtroom in advance of her 9:00 a.m. calendar. The bailiff directed the support person to sit outside, and a verbal confrontation between the bailiff and the support person ensued.

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Judge Wolfe called *Magee* at approximately 9:00 a.m., and the support person re-entered the courtroom with the petitioner at that time. Judge Wolfe said she was going to start out by explaining her procedures. She said, “This Court has a calendar that goes by the hour. I have an 8:00, 9:00, and 10:00. I do my 8:00 first, obviously, then 9:00. Parties may, if they’re court watchers, for a [*sic*] lack of a better word, come into the courtroom to watch. I exclude parties if the matters are confidential, if we started proceedings. I also don’t allow interruptions in between. So[,] if parties come to watch, they can come in at 8:00, 9:00, 10:00, but I don’t allow parties just to meander in because it’s disruptive to this Court.”

Judge Wolfe continued, saying her understanding was that “a gentleman” wanted to come in for the *Magee* matter. She said, “It was the 8:00 calendar. This Court did not allow him in. The Court deemed him to be disruptive at the time because it caused a disturbance during the case in which I was handling. That person is here now. That person is more than welcome to sit in this courtroom[,] as long as that person behaves as well as other audience members. I do not allow talking in here no matter what in the audience. If you’re caught talking, I do exclude the parties. And I do not allow cell phones for any reason. If you have cell phones, you will not be allowed in. I do make exceptions on occasion for the parties, not for the audience members.”

Judge Wolfe then proceeded to hear the substantive matter before her.

The commission determined Judge Wolfe’s remarks that she did not “allow interruptions in between” calling her 8:00 a.m., 9:00 a.m., or 10:00 a.m. calendar, and that parties who wanted to watch proceedings could “come in at 8:00, 9:00, 10:00, but” that the judge did not “allow parties just to meander in because it’s disruptive to this Court,” conveyed, at the very least, the appearance her courtroom was not open to the public, unless it was 8:00 a.m., 9:00 a.m., or 10:00 a.m., in contravention of the law. Judge Wolfe’s comments gave the appearance of impropriety.

6. Misrepresentation to Supervising Judge About Prohibiting Cell Phones

In June 2024, Supervising Judge Tara James advised Judge Wolfe the court had received a complaint regarding her conduct. Judge Wolfe responded in a memo addressed to Judge James, in which she stated, in part, that, “[f]or the last couple of weeks, [her] policy had been to exclude cellphones from the courtroom unless the court granted an exception.” Judge Wolfe stated that, prior to the preceding month (e.g., before June 2024), she “allowed individuals into the courtroom with cellphones upon a showing that the cellphone was turned off.” The judge said “[p]arties were provided with a phone bag to place the cellphone in, so the cellphone was kept in their possession the entire time they were in the courtroom and the court was assured the phone could not be reactivated.” Judge Wolfe stated she had now instructed her bailiff that cellphones were permitted in her courtroom “upon a showing that the cellphone has been powered off and [her] bailiff will continue to offer the phone bags if the parties wish to utilize them.”

Judge Wolfe’s statements gave the impression she had only prohibited cell phones from her courtroom for approximately two weeks, rather than approximately six weeks.

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The commission determined Judge Wolfe’s statement to her supervising judge regarding the length of time her policy was in place was misleading and/or inaccurate.

7. Excluding Domestic Violence Support Persons from Counsel Table

Judge Wolfe abused her authority, acted in contravention of the law, disregarded fundamental rights, and conveyed the appearance of bias by, beginning in or around November 2022, prohibiting a domestic violence advocate from sitting at counsel table, and by usually not allowing certain categories of support persons to sit at counsel table.

In an email to Supervising Judge James in December 2023, Judge Wolfe wrote: “I do not allow [a Central California Legal Services domestic violence advocate] to sit at counsel table in my court room [*sic*] as she was assisting DV [domestic violence] litigants with responses and they were relying on her to respond on her [*sic*] behalf. I have her sit behind them; or she can sit to the side of the table. I noticed that [the domestic violence advocate] will now sit in the back of the courtroom when she appears which is rare and he[r] choice of seating arrangements doesn’t bother me in the least.” Judge Wolfe also stated, “I usually don’t let family members or ‘non-professional advocates’ sit at counsel table, but have also made exceptions and allowed it, because I felt the petitioner needed someone there for their emotional wellbeing, etc.”

8. Mishandling Reasonable Accommodation Request

In February 2025, Judge Wolfe presided over proceedings in *Longoria v. Longoria*, a family law matter. In an email, a court employee advised Judge Wolfe the respondent in *Longoria* had requested to have a support person present at an upcoming hearing as a reasonable accommodation for complex post-traumatic stress disorder.

Judge Wolfe responded:

“[The respondent] may have a support person in the court room [*sic*], but I will not commit to allowing the support person at counsel table at this time. [The respondent] has a long history of appearing in court on this case without any prior issues. If it becomes apparent, [*sic*] she needs her support person at counsel table, the court would be inclined to allow it. The court will make every effort to make her comfortable and ensure she understands the proceedings.”

Judge Wolfe then presided over a hearing in *Longoria*, as scheduled. The respondent’s support person was present in the audience but not permitted to join her at counsel table.

As the hearing progressed, the respondent became increasingly agitated. The bailiff instructed her to stop interrupting. When the respondent continued attempting to speak over the judge, Judge Wolfe said, “It’s up to you, Bailiff.” The bailiff then escorted the respondent from the courtroom. The support person also exited the courtroom.

The judge later recalled the matter. She remarked that the respondent’s support person was now seated at the counsel table, and said, “The support person was sitting in the audience previously, as there didn’t seem to be a need for her to be present at

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the table. [The respondent] was doing quite fine by herself up until the Court told her I was going to set it for a contested hearing.” Judge Wolfe continued, saying when the respondent became upset, the support person had “walked out” to assist her. The support person interjected she had requested to be seated with the respondent, but the bailiff denied her request. Judge Wolfe replied:

“Okay. And so I did not hear that. At that time my bailiff was in charge with regards to the court proceeding. [The respondent] was acting out, for lack of a better word -- that’s what we call it -- and my bailiff has discretion with regards to how he runs the courtroom So he had her removed from the courtroom, and we trailed the matter. When she calmed down, I asked my bailiff to see if she was ready to come in. My bailiff indicated that she was calm, so I had her come back in, and the Court deemed it best that you sit at counsel table as long as you don’t participate in this discussion, so to speak. Is that agreeable, ma’am?”

The hearing proceeded without further issues, with the support person at counsel table.

The commission observed there was no evidence the litigant failed to satisfy the requirements of California Rules of Court, rule 1.100, governing reasonable accommodation requests under the ADA, or that the requested accommodation would have been unduly burdensome or result in a fundamental alteration of court services. The commission found that, by indicating she would not commit to granting the requested accommodation, Judge Wolfe abused her authority and demonstrated embroilment. The commission further determined, when the support person advised Judge Wolfe that the bailiff had denied her request to be seated with the litigant, and the judge replied, “And so I did not hear that. At that time my bailiff was in charge with regards to the court proceeding,” the judge improperly conveyed the impression it was her bailiff, not she, who determined whether to grant the litigant’s request for accommodation.

**Public Admonishment of
Judge Debra R. Archuleta
December 18, 2025**

The commission publicly admonished Judge Debra Archuleta of Los Angeles County Superior Court for, while presiding over seven juvenile dependency matters, engaging in a pattern of discourteous, undignified, and impatient behavior; engaging in independent investigation; initiating an ex parte communication; and conducting off-the-record discussions concerning substantive matters without properly preserving the record. Judge Archuleta created a contentious environment that failed to promote meaningful participation of all parties, including children. She also created the appearance that she issued orders concerning removal, placement, or, in one matter, a clothing allowance, out of pique. At times, Judge Archuleta treated parents and children

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as if they were criminal defendants, instead of participants in dependency court. In aggravation, the judge had prior discipline.

1. *In re B.T.*

In 2021, Judge Archuleta presided over a review hearing in *In re B.T.* After minor's counsel stated the mother had not complied with court-ordered programs, gave birth to a new baby (R.J.), and refused to provide the name of the father, Judge Archuleta asked if the Department of Children and Family Services (DCFS) intended to file a new petition for the newborn. County counsel indicated that DCFS had investigated and found the newborn was physically well. Judge Archuleta then asked county counsel if she had "any idea" why DCFS had not "pulled this child from the mother" and said she "strenuously" disagreed with county counsel's representation that the mother appeared to be meeting B.T.'s needs.

Judge Archuleta twice discussed the matter with counsel off the record. She discussed removing B.T. and R.J. from their mother's custody and the filing of new petitions by DCFS. Although no party requested it, and no petition was pending, Judge Archuleta removed B.T. from her mother's custody, saying, "Mother has failed completely and wholeheartedly in her case plan. I am not willing to go along with the recommendation of the department and look the other way where this child is concerned." Attorneys for the parents "strenuously" objected to the removal order.

The judge did not describe either off-the-record discussion when back on the record. As a result of Judge Archuleta's order, B.T. was placed in foster care.

Judge Archuleta's conduct conveyed the appearance of embroilment and bias against DCFS and the mother.

2. *In re D.R.*

In 2021, while presiding over proceedings in *In re D.R.*, Judge Archuleta received information that the mother's enrollment at Tarzana Treatment Center could not be confirmed due to the facility not returning the social worker's telephone call. She asked county counsel to obtain additional information. Off the record, county counsel extensively described efforts the social worker made to contact the mother's counselor at Tarzana. Judge Archuleta then called the treatment center on her cell phone from the bench. During the phone call, the mother called into the hearing. When a Tarzana representative answered the phone, Judge Archuleta identified herself and stated she was in the "middle of a hearing and needed to speak with someone immediately." The Tarzana representative asked about HIPAA [Health Insurance Portability and Accountability Act] releases, and Judge Archuleta asked both county counsel and the mother if HIPAA releases had been signed. When no one could confirm the releases had been signed, Judge Archuleta stated that, since the mother was on the telephone, she could orally consent. The Tarzana representative stated they were unable to help her. Judge Archuleta then asked for the treatment center director. The Tarzana representative transferred Judge Archuleta to voicemail, and the judge hung up the phone. After the phone call was terminated, Judge Archuleta made negative comments about Tarzana Treatment Center, in the presence of counsel and the mother. Judge Archuleta said she believed Tarzana had a bad reputation and she was not

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impressed with them. She also commented that, if Tarzana’s lack of responsiveness was any indication of the mother’s treatment, it did not look good for the mother. Judge Archuleta stated that DCFS should reconsider its contract with Tarzana.

Judge Archuleta did not make a record of DCFS’s efforts to contact the treatment center. She also failed to make a record of substantive actions and discussions that occurred off the record.

The commission found that, when Judge Archuleta personally contacted the treatment center, she independently investigated facts in the proceeding before her. Judge Archuleta’s comments about Tarzana Treatment Center were discourteous, and her off-the-record conversations with counsel concerning substantive matters did not adequately preserve the record.

3. *In re K.L.*

In 2021, Judge Archuleta presided over proceedings in *In re K.L.* Over the objection of county counsel and minor’s counsel, Judge Archuleta returned the children to their mother’s home and stayed the order for one week. DCFS filed a Last Minute Information report, which stated the social worker saw the father with the mother after a home visit. The mother denied the allegation. Judge Archuleta extended the stay of the home-of-mother order and set the matter for a contested hearing.

Prior to the hearing, Judge Archuleta conducted a lengthy off-the-record discussion with all counsel regarding how to proceed and procedural due process. At the hearing, the mother’s attorney called the mother as a witness. During counsel’s questioning of the mother, Judge Archuleta directed discourteous and impatient remarks at the mother’s attorney, including saying it should be “abundantly clear” the court was “running short on patience” with counsel; interrupting the mother’s attorney to say, “We’re not going there”; and interrupting her to say, “You’re repeating yourself. I’ve heard this four times from you now. I’ve heard the testimony. You’re repeating yourself.” Judge Archuleta also admonished the mother’s attorney for accusing a social worker of lying; however, counsel stated the social worker’s report contained “patent falsehoods,” and did not accuse the social worker of lying.

Judge Archuleta removed the child from the mother, continued family reunification services for the mother, and set a review date.

Judge Archuleta then contacted the attorney’s supervisor to complain. The judge told the supervisor she was upset with the way the attorney made a record, and as a result of that conversation, the supervisor reassigned the attorney to another courtroom.

The commission found that contacting an attorney’s supervisor conveyed the appearance of embroilment and bias. Judge Archuleta’s treatment of the mother’s attorney in court, in the presence of her client, also conveyed the appearance of embroilment and bias, and improperly questioned her professionalism, which could reasonably interfere with the attorney-client relationship. Judge Archuleta’s conduct violated her duty to be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom a judge deals in an official capacity.

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The commission additionally found Judge Archuleta’s off-the-record conversations with counsel concerning substantive matters did not adequately preserve the record, in contravention of the law.

4. *In re L.H.*

In 2021, Judge Archuleta presided over proceedings in *In re Matter of L.H.* Judge Archuleta removed the children from the mother’s custody and ordered them to live with the father. She said she disagreed with the DCFS case plan, and made sarcastic, discourteous, and disparaging comments regarding DCFS and the case plan. Her remarks included saying, “This is a dereliction of duty by the department”; “They just want random drug tests. Are you kidding me?”; and “And I’m frankly appalled by the lack of case plan being ordered in this case, in light of the allegations.”

After discussing future hearings, Judge Archuleta stated, “I have to say, in full disclosure, I’m going to be calling the social worker and the supervisor on the recommendations in this case. Just so everybody knows, full disclosure, I’m going to call them concerning their recommendations and case plans.” Judge Archuleta did not ask if counsel objected to her contacting the social worker and supervisor.

At a subsequent hearing, Judge Archuleta summarized the prior hearing and disclosed that she contacted the social worker about the matter and “had a brief chat on the phone.” Judge Archuleta said the social worker had “indicated the reasoning why she had made such an assessment for the case plan.” The judge then asked the social worker, who was present, to state on the record what was discussed. After brief remarks from the social worker, the mother’s attorney objected to the communication between the judge and the social worker as an *ex parte* communication. Before concluding the hearing, Judge Archuleta stated:

“At the conclusion of the proceedings, I indicated to counsel that I was going to call the social worker to inquire about the recommendations in the case plan. [County counsel] was here for the department, all the attorneys that have appeared here today present for this Webex were there. And no one indicated any objection to the court making such a phone call, including you, [attorney for mother].”

The commission found that Judge Archuleta’s comments regarding DCFS and the case plan, in open court, were sarcastic, discourteous, and disparaging of DCFS, and conveyed the appearance of bias and embroilment. The commission further found that contacting the social worker constituted an improper *ex parte* communication, in violation of the judge’s duty not to initiate, permit, or consider *ex parte* communications, that is, any communications to or from the judge outside the presence of the parties concerning a pending or impending proceeding, and to make reasonable efforts to avoid such communications.

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5. *In re H.R.*

In 2022, Judge Archuleta presided over an appearance progress report and recall of a protective custody warrant in *In re H.R.*, regarding a 14-year-old victim of physical abuse with a history of multiple psychiatric hospitalizations.

At the hearing, Judge Archuleta disparaged H.R. as “taking advantage of the situation” and said the child “needs to take a little bit of personal responsibility.” Judge Archuleta ordered DCFS to place H.R. in a different foster home and refused to order a clothing allowance for H.R. The judge said, “I’m not willing to do a clothing allowance at this point in time. I’m sorry. I’m just not going to reward continued bad behavior with a clothing allowance. I think, if [H.R.] wants to try to earn the clothing allowance, I’m happy to try to work with her to do that. But this drug abuse, this runaway behavior, this disrespect to these caregivers who are trying to take care of her, no, I’m not going to do the clothing allowance. She can earn the clothing allowance.”

Judge Archuleta’s disparagement of H.R., a child, was discourteous and her refusal to order a clothing allowance conveyed the appearance of embroilment, bias, and retaliation against H.R.

6. *In re R.G.*

In 2022, Judge Archuleta presided over proceedings in *In re R.G.* Prior to calling the case, Judge Archuleta had an off-the-record discussion with all the attorneys. Judge Archuleta stated she intended to remove R.G. from his grandmother’s care. Minor’s counsel objected to the removal, because R.G. wanted to be present but had not been transported to court, and asked for a continuance; the judge gave counsel approximately 15 minutes to reach out to their clients before calling the case on the record.

After calling the matter, Judge Archuleta made comments about R.G. being voluntarily absent, which were not supported by the record and called into question minor’s counsel’s representation that there was an issue with transportation.

Judge Archuleta ordered that R.G. be removed from his grandmother’s care forthwith, because she had read a report from the previous year in which R.G. had taken a loaded firearm to school. Judge Archuleta stated R.G. was not attending school and the grandmother could not provide proper supervision for him. No petition to place R.G. in a more restrictive placement had been filed. Judge Archuleta did not state under what authority she was making the removal order, and she relied upon old information to remove R.G.

Minor’s counsel objected to removing R.G. from his grandmother’s care, stating he had resumed going to school and the juvenile delinquency court had not seen fit to remove him. Judge Archuleta responded, “Well, that’s fine. I have. I don’t care what the delinquency court is doing. I’m removing him.”

Minor’s counsel indicated the grandmother was a source of stability for R.G., and he had agreed to participate in individual counseling. Judge Archuleta argued with minor’s counsel and made gratuitous and sarcastic comments about R.G. being a danger to others, including saying, “His dad is already in state prison, and I’m trying to prevent him

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from ending up there, to the best of my ability. I believe this young man poses a danger, not only to himself, but to his family and to members of the community at large. . . . And that he's being allowed to remain in the current placement with his grandmother, frankly, shocks me beyond words. So[,] this young man is a danger, and I'm removing him from the home." The judge also said R.G. had not "bothered to call in or participate in today's proceedings." She stated she had no information about what was happening in the juvenile delinquency case, and added, "[N]or at this point do I care."

The mother's attorney joined minor's counsel's objection to the removal order, stating the mother was concerned that, if R.G. was removed from his grandmother's home, he would run away from placement and be on the streets. Judge Archuleta made gratuitous and sarcastic remarks about the mother. She also chastised the mother, instead of addressing the argument that R.G. had been doing better with his grandmother and might run away from placement if he were moved.

Judge Archuleta's conduct was discourteous and conveyed the appearance of bias and embroilment.

7. *In re A.O.*

In 2022, Judge Archuleta also presided over proceedings in *In re A.O.* Minor's counsel informed Judge Archuleta that A.O., who identified as transgender, was refusing to attend school because he was being bullied. Judge Archuleta asked whether any "reports" corroborated "this bullying" that A.O. "is claiming is happening at the school." Judge Archuleta told minor's counsel she wanted to know who was "stepping up and calling the school and doing something about it."

While discussing schools and whether an individualized education program (IEP) had been conducted, Judge Archuleta made comments implying that A.O. was being unreasonable, including asking, "So[,] are we going to keep having IEP's until we find a schooling that satisfies your client, [minor's counsel], or what?"

After Judge Archuleta read from a report that stated A.O. refused to attend school after being told he could not use his phone during school hours (which he reportedly said he needed to have to be able to contact his therapist and group home staff), the judge said, "It seems to me there's some manipulation and behavioral issues going on here that also need to be addressed." She said there was "no excuse" for A.O. to not be attending school, and he was "defying court orders and [had] been for an extended period of time."

Judge Archuleta then questioned county counsel about A.O.'s cell phone, stating she had ordered his phone taken at a previous hearing. County counsel indicated the judge's order had not been clear, and that, due to safety concerns, A.O.'s phone had not been taken away. Judge Archuleta interrupted, "Did someone come to me and ask for clarification on the court's order?" She repeated she had made an order and said A.O.'s phone was "to be removed forthwith." The judge continued, "The phone is being taken. [A.O.] is going to comply and cooperate."

The commission found Judge Archuleta's comments ("this bullying," asking if there were reports that could "corroborate what [A.O.] is claiming," and "are we going to keep

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having IEP's”), and comments implying A.O. was being unreasonable and manipulative were unnecessarily harsh. Judge Archuleta’s comment, “I want to know who is stepping up,” as well as demands for A.O. to comply with orders, implied DCFS was not doing enough to help A.O., and unnecessarily disparaged DCFS. Judge Archuleta’s conduct and comments about A.O. were discourteous and conveyed the appearance of embroilment.

PRIVATE DISCIPLINE

Private admonishments and advisory letters that became final in 2025 are summarized below. To maintain confidentiality, certain details of the cases have been omitted or obscured, making the summaries less informative than they otherwise might be. Because these summaries are intended, in part, to educate judges and the public, and to assist judges in avoiding inappropriate conduct, the commission believes it is better to describe the conduct in abbreviated form than to omit the summaries altogether.

Summaries of private discipline since 1998 are available on the commission’s website at <https://cjp.ca.gov>.

PRIVATE ADMONISHMENTS

Private admonishments are designed, in part, to correct problems at an early stage in the hope the misconduct will not be repeated or escalate, thus serving the commission’s larger purpose of maintaining the integrity of the California judiciary.

The commission may consider private discipline as aggravation in subsequent proceedings, particularly when the judge has repeated the conduct for which the judge was previously disciplined.

In 2025, nine private admonishments became final.

1. The judge made publicized remarks that were discourteous and injudicious, used profanity, and gave the appearance of bias.
2. The judge made condescending, sarcastic, and discourteous remarks, including remarks conveying the appearance of bias based on race or national origin, to self-represented defendants in three criminal matters. The judge also employed gratuitous profanity. In aggravation, the judge had prior discipline for similar misconduct. In mitigation, the judge successfully completed the commission’s mentoring program.
3. The judge made intemperate and inappropriate statements about the judge’s assignment to court staff, judicial officers, and attorneys, and in open court. The judge contacted attorneys in a pending matter over which another judge presided, giving the appearance the judge was acting out of pique or in retaliation. The judge made remarks that were critical of a statute and gave the appearance the judge did not intend to follow the law. The judge’s misconduct was aggravated by prior discipline.
4. In two different civil matters, the judge made undignified and demeaning comments to and about litigants, which conveyed the appearance of bias, including on the basis of national origin, ethnicity, and gender.

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5. The judge failed to issue a decision within 90 days after taking a matter under submission. The judge’s misconduct was aggravated by prior discipline for similar misconduct.

6. The judge engaged in a romantic relationship with a court employee over whom the judge, at times, had supervisory responsibilities and failed to disclose the relationship to court administration. The judge also used profanity and disparaged other judicial officers, attorneys, and the judge’s assignment in the judge’s communications with the employee, some of which occurred on the court’s computer system.

7. At a criminal hearing, the judge abandoned the role of neutral arbiter and exhibited poor demeanor, embroilment, and bias by engaging in combative dialogue with the defense attorney; interrupting the attorney on multiple occasions; denying the attorney the opportunity to be heard; and stating that the defense attorney was disingenuous.

8. The judge made gratuitous comments throughout multiple hearings that reflected impatience and frustration with a criminal defense attorney, created the appearance of embroilment and bias, and could reasonably be expected to impair the attorney-client relationship. The judge’s misconduct was aggravated by prior discipline for similar misconduct. The judge’s misconduct was mitigated by the judge’s completion of the commission’s mentoring program.

9. The judge made social media posts that constituted improper fundraising, suggested alignment with law enforcement, and used the prestige of office and the judicial title to promote charitable organizations and a for-profit business. The judge also publicly took a position on a controversial issue that could come before the court and made public remarks that gave the appearance of bias in favor of the local district attorney. The judge’s misconduct was aggravated by prior discipline for similar misconduct. The judge’s misconduct was mitigated by corrective actions the judge undertook.

ADVISORY LETTERS

As noted by the California Supreme Court in *Oberholzer v. Commission on Judicial Performance* (1999) 20 Cal.4th 371, 393: “Advisory letters may range from a mild suggestion to a severe rebuke.” An advisory letter may be issued when the impropriety is isolated or relatively minor, or when the impropriety is more serious but the judge has demonstrated an understanding of the problem and has taken steps to improve. An advisory letter is especially useful when there is an appearance of impropriety. An advisory letter might be appropriate when there is actionable misconduct offset by substantial mitigation.

In 2025, 12 advisory letters became final.

Comment on a Pending Case

Canon 3B(9) prohibits judges from making public comment about a pending or impending proceeding in any court, with limited exceptions.

IV. ACTIVE AND FORMER JUDGES—CASE SUMMARIES

1. The judge re-posted a social media post that contained commentary on a matter pending before the judge, thereby creating the impression the judge endorsed the original post.

Decisional Delay/False Salary Affidavits

Judges are required to perform the duties of judicial office diligently as well as impartially. (Canon 3.) Under California Constitution, article VI, section 19, a judge may not receive the judge's salary while any submitted matters remain pending and undecided for more than 90 days.

2. The judge ruled on two family law matters after each had been submitted for longer than 90 days. While those matters were under submission, the judge unknowingly filed multiple false salary affidavits. In mitigation, the judge self-reported the delays.

3. The judge ruled on a matter after it had been submitted for longer than 90 days. While that matter was under submission, the judge unknowingly filed multiple false salary affidavits. In aggravation, the judge had previously self-reported a delay in another matter.

Demeanor and Decorum

A judge "shall require order and decorum in proceedings before the judge" and "shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers and others with whom the judge deals in an official capacity" (Canons 3B(3), 3B(4).)

4. During a small claims trial, the judge made rude, sarcastic, and dismissive remarks to a self-represented litigant and, at times, spoke to the litigant with a raised voice.

Disqualification/Disclosure/Post-Disqualification Conduct

Judges must disqualify themselves under certain circumstances and trial judges must make appropriate disclosures to those appearing before them. (Canon 3E.)

5. The judge improperly passed upon the judge's own disqualification or upon the sufficiency in law, fact, or otherwise of the statement of disqualification. The judge's conduct reflected an abuse of authority.

Ex Parte Communications

Unless expressly allowed by law or expressly agreed to by the opposing party, ex parte communications are improper. (Canon 3B(7).)

6. The judge initiated a substantive, impermissible ex parte communication with a prosecutor.

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Failure to Ensure Rights

Society's commitment to institutional justice requires that judges be solicitous of the rights of persons who come before the court. (See *Geiler v. Commission on Judicial Qualifications* (1973) 10 Cal.3d 270, 286.)

7. The judge ruled on a matter before the time to submit a response expired, thus depriving a litigant of an opportunity to be heard. After the issue was called to the judge's attention, the judge did not correct the ruling to provide the litigant with an opportunity to be heard.

Miscellaneous Off-Bench Conduct

The canons also apply to conduct in which judges engage when they are off the bench.

8. The judge used the judicial title and prestige of office for a fundraising solicitation.

More Than One Type of Misconduct

Some cases involved more than one type of misconduct.

9. During a hearing, the judge was impatient, made statements about a litigant that gave the appearance of bias, made demeaning and discourteous remarks toward two attorneys, appeared angry, and used a sarcastic tone. In the same action, the judge also engaged in improper ex parte communications with an expert.

10. At a hearing in a criminal case, the judge considered three motions, including one that had not yet been received by the defendant's counsel, in the absence of the defendant's counsel.

11. The judge conveyed the appearance of embroilment, prejudgment, and bias against the district attorney's office by making discourteous remarks, drawing upon the judge's own experience as an attorney, and reading information into the record in a manner that was contrary to law.

12. In two separate matters, the judge made discourteous, impatient, sarcastic, and demeaning remarks to and about litigants. In one matter, the judge also made discourteous comments to counsel and improperly threatened to hold counsel in contempt. In the other matter, the judge improperly threatened to eject a self-represented litigant from the courtroom.

V. SUBORDINATE JUDICIAL OFFICERS

Since June 1998, the commission has shared authority with the superior courts for the discipline of subordinate judicial officers (SJO), attorneys employed by California’s state courts to serve as court commissioners and referees. In 2025, there were 200 authorized subordinate judicial officer positions in California.

SUBORDINATE JUDICIAL OFFICERS AUTHORIZED POSITIONS	
AS OF DECEMBER 31, 2025	
Court Commissioners	198
Court Referees	2
Total.....	200

COMMISSION PROCEDURES

The constitutional provisions governing the commission’s role in the oversight and discipline of court commissioners and referees expressly provide that the commission’s jurisdiction is discretionary. Each superior court retains initial jurisdiction to discipline subordinate judicial officers or dismiss them from its employment, and also has exclusive authority to respond to complaints about conduct outside the commission’s constitutional jurisdiction. Since the local court’s role is primary, the commission’s rules require that complaints about subordinate judicial officers be made first to the local court. (Commission Rule 109(c)(1).)

Complaints about subordinate judicial officers come before the commission in a number of ways. First, when a local court completes its disposition of a complaint, the complainant has the right to seek review by the commission. When closing the complaint, the court is required to advise the complainant to seek such review within 30 days. (California Rules of Court, rule 10.703(k)(2)(B); Commission Rule 109(c)(1).) Second, a local court must notify the commission when it disciplines a subordinate judicial officer for conduct that, if alleged against a judge, would be within the jurisdiction of the commission. (California Rules of Court, rule 10.703(j)(1); Commission Rule 109(c)(3).) Third, a local court must notify the commission if a subordinate judicial officer resigns while a preliminary or formal investigation is pending concerning conduct that, if alleged against a judge, would be within the jurisdiction of the commission, or under circumstances that would lead a reasonable person to conclude that the resignation was due, at least in part, to a complaint or allegation of misconduct. (California Rules of Court, rule 10.703(j)(2); Commission Rule 109(c)(3), (4).) Lastly, the commission may investigate or adjudicate a complaint against a subordinate judicial officer at the request of a local court. (California Rules of Court, rule 10.703(g)(2); Commission Rule 109(c)(2).)

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When a matter comes to the commission after disposition by a local court, the commission may commence an investigation of the subordinate judicial officer if it appears that the court has abused its discretion by failing to investigate sufficiently, by failing to impose discipline, or by imposing insufficient discipline. When a court commissioner or referee has resigned while an investigation is pending or has been terminated by the local court, the commission may commence an investigation to determine whether to conduct a hearing concerning the individual's fitness to serve as a subordinate judicial officer.

To facilitate the commission's review of complaints and discipline involving subordinate judicial officers, the California Rules of Court require superior courts to adopt procedures to ensure that complaints are handled consistently and that adequate records are maintained. (See California Rules of Court, rules 10.603(c)(4)(C) and 10.703.) Upon request by the commission, the superior court must make its records concerning a complaint available to the commission.

The Constitution requires the commission to exercise its disciplinary authority over subordinate judicial officers using the same standards specified in the Constitution for judges. Thus, the rules and procedures that govern investigations and formal proceedings concerning judges also apply to matters involving subordinate judicial officers. In addition to other disciplinary sanctions, the Constitution provides that a person found unfit to serve as a subordinate judicial officer after a hearing before the commission shall not be eligible to serve as a subordinate judicial officer. The Constitution also provides for discretionary review of commission determinations upon petition by the subordinate judicial officer to the California Supreme Court.

V.
SUBORDINATE JUDICIAL OFFICERS

2025 STATISTICS

Complaints Received and Investigated

In 2025, the commission reviewed 78 new complaints about subordinate judicial officers. Because the superior courts were required to conduct the initial investigations, the commission's function primarily entailed reviewing the local courts' actions to determine whether there was any basis for further investigation or action by the commission.

In 2025, the commission commenced one preliminary investigation.

RULE UNDER WHICH NEW COMPLAINTS WERE SUBMITTED	
Rule 109(c)(1) – appeal from local court's disposition	72
Rule 109(c)(2) – at the request of a local court	0
Rule 109(c)(3) – notification by local court of discipline	0
Rule 109(c)(4) – notification by local court of resignation with investigation pending	2
Rule 109(c)(5) – subordinate judicial officer retires or resigns before court receives complaint	4

2025 CASELOAD – SUBORDINATE JUDICIAL OFFICERS	
Cases Pending 1/1/25	4
New Complaints Considered	78
Cases Concluded	82
Cases Pending 12/31/25	1

V.
SUBORDINATE JUDICIAL OFFICERS

Cases Concluded

In 2025, the commission concluded its review of 82 complaints involving subordinate judicial officers. The commission closed 78 of these matters after initial review because it determined that the superior court’s handling and disposition of the complaints was adequate and no further proceedings were warranted. Following investigation, the commission imposed two public admonishments, one private admonishment, and closed one case without discipline.

At the end of the year, one matter remained pending before the commission.

2025 SUBORDINATE JUDICIAL OFFICERS COMPLAINT DISPOSITIONS	
Total complaint dispositions	82
Closed after initial review	78
After independent investigation by the commission:	
Public admonishment	2
Private admonishment	1
Closed without discipline	1

TYPE OF COURT CASE UNDERLYING SUBORDINATE JUDICIAL OFFICER COMPLAINTS CONCLUDED IN 2025	
Small Claims	36%
Family Law	28%
General Civil	23%
Criminal	2%
All Others	11%
(including off-bench)	
Traffic	1%

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SUBORDINATE JUDICIAL OFFICERS

SOURCE OF COMPLAINTS INVOLVING SUBORDINATE JUDICIAL OFFICERS CONCLUDED IN 2025	
Litigant/Family/Friend	89%
Judge/Court Staff	2%
Attorney	1%
All Other Complainants.....	8%
Source Other Than Complaint.....	0%
(includes anonymous letters, news reports)	

SUMMARIES OF DISCIPLINARY ACTION

PUBLIC DISCIPLINE

The commission issued two public admonishments to subordinate judicial officers in 2025.

**Public Admonishment of
Former Commissioner Bradley W. Sullivan
May 9, 2025**

The commission publicly admonished former Commissioner Bradley W. Sullivan of Calaveras County Superior Court for, on two occasions, initiating impermissible ex parte communications with litigants; and for holding a litigant in contempt without following proper procedures, in a manner that gave the appearance he was attempting to coerce the litigant to settle. In aggravation, the commissioner failed to cooperate with the commission’s investigation.

1. Impermissible Ex Parte Communications

On March 6, 2024, after his calendar concluded, Commissioner Sullivan entered the court’s self-help center, still wearing his judicial robe. Two litigants who had appeared before the commissioner earlier that afternoon were inside the self-help center. Commissioner Sullivan told one of the litigants, “I messed up and got confused between you and another case.” When a court employee in the self-help center asked Commissioner Sullivan whether court was in session, the commissioner removed his robe. He then sat down and discussed an unrelated case with the two litigants who had appeared before him. Presiding Judge Timothy Healy and Assistant Presiding Judge David Sanders subsequently counseled Commissioner Sullivan regarding his conduct.

On May 1, 2024, shortly after concluding his calendar, Commissioner Sullivan sent unsolicited text messages to a litigant who had just appeared before him, instructing her which judgment form to complete, how to complete the form, and where to file the form. Commissioner Sullivan also texted, “Send me your first try if you can.”

V. SUBORDINATE JUDICIAL OFFICERS

Presiding Judge Healy and Court Executive Officer Margaret Smith met with Commissioner Sullivan regarding his improper text messages. Commissioner Sullivan initially said he did not remember texting a litigant, then later acknowledged texting the litigant but said it was a procedural exchange.

2. Mishandling Contempt

On May 8, 2024, petitioner Erika Petersen-Johnson and respondent Kevin Johnson appeared before Commissioner Sullivan for a settlement conference in the family law matter of *Petersen-Johnson v. Johnson* (No. 22FL45986). Attorney Diane Anderson represented Ms. Petersen-Johnson; Mr. Johnson represented himself. At that time, Mr. Johnson was also the defendant in a criminal case, in which Ms. Petersen-Johnson was the alleged victim, and a related criminal protective order restrained Mr. Johnson.

After a discussion of financial issues, as the parties were about to go on a break, Mr. Johnson said something that allegedly included the word “bitch.” When Commissioner Sullivan questioned him, Mr. Johnson apologized and claimed that he had said, “This is a bitch,” referring to the spousal support negotiations.

When the parties returned from break, Ms. Petersen-Johnson alleged that Mr. Johnson had threatened her, flipped her off, and called her a “bitch.” Mr. Johnson denied the allegations.

Ms. Petersen-Johnson and Ms. Anderson requested court action to address Mr. Johnson’s alleged conduct. Commissioner Sullivan informed Mr. Johnson he should have an attorney present if the court held a contempt hearing, which Mr. Johnson declined, stating he understood the possible penalties.

Commissioner Sullivan commenced a contempt hearing and proceeded to take testimony and review video footage regarding the contempt allegation. He then re-commenced the settlement conference, and the parties entered the settlement into the record. Thereafter, Commissioner Sullivan held Mr. Johnson in contempt; issued, but stayed, a \$1,000 fine; and set the matter over for review by the assigned judge. The court’s minutes stated the contempt order was “suspended conditionally on successful resolution of 22FL459 and Respondent’s improved behavior and contrition[.]” Commissioner Sullivan did not set forth the specific contempt allegations against Mr. Johnson or make a record regarding the grounds for his finding that Mr. Johnson was in contempt of a court order.

Commissioner Sullivan held Mr. Johnson in contempt without following proper contempt procedures.

Further, by initiating contempt proceedings during a settlement conference, declining to adjudicate the alleged contempt, and then resuming the settlement conference, Commissioner Sullivan, at a minimum, created the appearance of coercion to settle. Commissioner Sullivan’s statement conditioning the suspension of the contempt fine on “the successful resolution of 22FL459 and Respondent’s improved behavior and contrition,” also gave the appearance of coercion.

V. SUBORDINATE JUDICIAL OFFICERS

The commission considered as an aggravating factor Commissioner Sullivan's failure to respond to any communications from the commission or cooperate with its investigation, and the fact that the second ex parte communication occurred after the presiding judge counseled Commissioner Sullivan regarding the impropriety of his earlier ex parte communications.

Former Commissioner Sullivan's conduct, described above, constituted, at a minimum, improper action.

Public Admonishment of Former Commissioner Robert Driessen December 11, 2025

The commission publicly admonished former Commissioner Robert Driessen of San Bernardino County Superior Court for multiple acts of misconduct, reflecting an abuse of authority, a failure to perform his duties impartially, competently, and diligently, and a failure to dispose of judicial matters fairly. Commissioner Driessen told a litigant he was an "authority higher than God"; issued an improper restraining order; improperly modified orders made by other judges; ignored applicable law and denied fee waivers based on his own contempt for fee waiver recipients; ordered an undetermined amount of cash be donated to charity in a dissolution matter; and, while on the bench and in open court, cut up drivers' licenses to make a point.

1. Issuance of an Unlawful Restraining Order

After denying a motion to vacate a default judgment in a small claims action, Commissioner Driessen suggested the defendant return to court later that day with a certified check to pay the judgment. Commissioner Driessen gratuitously commented that, if the defendant paid with a personal check, the plaintiff would later claim there was "some issue" with the check. Commissioner Driessen added, "The problem is if you give a personal check, trust me, I know what's going to happen."

The defendant said he wanted a letter from the plaintiff representing that she would not contact an unidentified "friend." Commissioner Driessen responded that he would "do [the defendant] one better" and that, if the defendant paid the plaintiff, he would order the plaintiff "not to do it." When the plaintiff objected, saying her church had told her to contact the person, Commissioner Driessen responded, "I'm ordering you not — I'm a higher authority than God. Okay?" Later that day, after the defendant had obtained a certified check, Commissioner Driessen ordered that the plaintiff not contact anyone and disparage the defendant, though the defendant had not presented any evidence the plaintiff had made disparaging remarks about him. Commissioner Driessen stated he was retaining jurisdiction over the matter and that, if the plaintiff violated that order, she would have to pay the money back to the defendant.

Commissioner Driessen abused his authority by issuing an unlawful restraining order against a small claims plaintiff, without evidence or due process; conveyed the

V. SUBORDINATE JUDICIAL OFFICERS

appearance of embroilment and bias against the plaintiff; and made discourteous remarks. Commissioner Driessen also abused his authority by retaining jurisdiction over the case, without legal authority.

In his response to the presiding judge regarding a complaint from the plaintiff about his conduct, Commissioner Driessen engaged in a lack of candor, made false or misleading statements, and mischaracterized the factual record.

2. Improper Denial of Fee Waivers

Commissioner Driessen presided over two small claims matters in which the plaintiff alleged damage to his vehicle, a 2008 Bentley. The plaintiff, who was statutorily entitled to a fee waiver based on his receipt of government benefits, had already been granted a fee waiver in one of the matters by a different judicial officer, and sought a fee waiver in the second action.

Commissioner Driessen improperly denied the plaintiff's fee waiver request in the second matter and improperly reversed the previously-granted fee waiver in the first case. During the fee waiver hearing, Commissioner Driessen improperly questioned the plaintiff about his income, his car, and his rent, before improperly denying his fee waiver request. Commissioner Driessen also reversed the previously-granted fee waiver in the first matter, without giving the plaintiff proper notice that the fee waiver would be at issue at the hearing. Commissioner Driessen ordered the plaintiff to pay the fees for each case the same day he denied and reversed the fee waivers, though, by statute, a litigant is entitled to 10 days to pay fees after the court denies a waiver request. Commissioner Driessen then dismissed both actions with prejudice, stating, untruthfully, that the plaintiff had indicated he was not going to pay the fees.

In relation to another matter later that same day, Commissioner Driessen made a comment reflecting bias and embroilment, saying a litigant who had a fee waiver "lost when he didn't pay his fees" and adding, "Fee waiver. Done. I don't care what you say at that point."

While presiding over a different action in which the plaintiff had a fee waiver, the commissioner made comments to the plaintiff about not paying filing fees.

In denying fee waivers and mischaracterizing a litigant's willingness to pay fees, Commissioner Driessen abused his authority, deprived litigants of the right to access the courts and due process, pursued a purpose other than the faithful discharge of his judicial duties, and demonstrated bad faith, bias, embroilment, and prejudgment.

3. Biased Remarks and Misrepresentation of Facts

Commissioner Driessen presided over a small claims matter in which the plaintiff sought damages for excessive towing charges and storage costs. Throughout the proceedings, Commissioner Driessen made sarcastic and gratuitous remarks that reflected bias against the plaintiff, including questioning why the plaintiff was at a shopping center, saying, upon learning the plaintiff planned to leave his vehicle in a parking lot overnight, "You think that was a great decision?" Commissioner Driessen's representation of the facts in his decision contradicted the record, and he failed to

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address any of the overcharges identified by the plaintiff, though the defendant had not presented any defense to those charges. Commissioner Driessen's misconduct conveyed the appearance of bias and the appearance that he failed to make a neutral finding or application of the law.

4. Order to Donate an Undetermined (and Possibly Nonexistent) Amount of Money to Charity

In a dissolution matter where the distribution of assets was at issue, Commissioner Driessen improperly took judicial notice of the price of gold. The petitioner in the action claimed the respondent took a safe containing \$80,000 in cash from their residence. Although it was unclear whether the cash had ever existed or, if it had, whether it was still under the respondent's control, Commissioner Driessen said the cash resulted from criminal activity and ordered that \$80,000 be put in a trust fund and donated to charity. Commissioner Driessen also made gratuitous and speculative comments about the respondent purchasing vehicles with money obtained from criminal activities.

5. Modification of Temporary Restraining Order Without Authority

Commissioner Driessen presided over an ex parte matter in a paternity case. Counsel for the petitioner argued Commissioner Driessen should not hear the ex parte, as another judicial officer had entered a superseding domestic violence temporary restraining order (TRO) that prohibited the respondent from having visitation or any other contact with the subject child. Without proper notice, Commissioner Driessen entered a nunc pro tunc order, modifying the TRO and allowing the respondent to have immediate custody of the child. Commissioner Driessen's modification of the TRO amounted to a change in custody and did not correct a mere clerical error, though the nunc pro tunc power is limited to correcting clerical errors, not judicial errors. Commissioner Driessen abused his authority by modifying a TRO issued by another judicial officer, without a noticed hearing and without the restraining order matter being before him. The commissioner also mischaracterized the record and made statements about counsel to court administration that conveyed the appearance of embroilment, bias, and retaliation.

6. Continuation of Trial, After Telling Litigant They Were Free to Leave

Commissioner Driessen presided over a different small claims trial, concerning a traffic collision. After the plaintiff interrupted the defendant during the proceedings, Commissioner Driessen took a break and told the defendant she was "free to leave." Thirty minutes later, after the defendant had left the courthouse, Commissioner Driessen recalled the case and continued the trial, engaging in ex parte communications with the plaintiff. The commissioner later sent an email to his supervising judges in which he engaged in a lack of candor and mischaracterized the record in the underlying action.

7. Cutting Up Drivers' Licenses

While presiding over traffic court, Commissioner Driessen used scissors to cut up the drivers' licenses of several defendants who had been ticketed for driving over 100

V.
SUBORDINATE JUDICIAL OFFICERS

miles per hour. By destroying the drivers' licenses, Commissioner Driessen abused his authority.

PRIVATE DISCIPLINE

The commission issued one private admonishment to a subordinate judicial officer in 2025.

The commissioner engaged in a pattern of poor demeanor by making disparaging, intemperate, and gratuitous remarks, including one remark that used profanity, to clerks regarding court employees, judicial officers, and a litigant.

VI. JUDICIAL DISABILITY RETIREMENT

VOLUNTARY DISABILITY RETIREMENT

In addition to its disciplinary function, the commission is responsible for evaluating and acting upon judges' applications for disability retirement. This responsibility is shared with the Chief Justice of the California Supreme Court. Disability retirement proceedings are confidential, with limited exceptions. The application procedure is set forth in Division V of the commission's policy declarations, which are available on the commission's website at <https://cjp.ca.gov>.

Judges are eligible to apply for disability retirement after either four or five years on the bench, depending on when they took office. This prerequisite does not apply if the disability results from injury or disease arising out of, and in the course of, judicial service.

The statutory test for disability retirement is a mental or physical condition that precludes the efficient discharge of judicial duties and is permanent or likely to become so. The applicant judge is required to prove this standard is satisfied. The judge must provide greater support for the application, and satisfy a higher burden of proof, if the application is filed while disciplinary proceedings are pending, if the judge has been defeated in an election, or if the judge has been convicted of a felony.

Judicial disability retirement may afford substantial lifetime benefits. Applications, accordingly, are carefully scrutinized by both the commission and the Chief Justice. In most cases, the commission will appoint an independent physician to review medical records, examine the judge, and report on whether the judge meets the test for disability retirement. Due to the law requiring that the disability be permanent or likely to become so, the applicant judge must exhaust all reasonable treatment options before a decision on the application can be made. If the commission finds the judge is disabled, but may recover with treatment, the commission will keep the application open and closely monitor the judge's progress, requiring regular medical reports and frequent medical examinations. Disability retirement will be approved only if the record, including the opinion of the commission's independent medical examiner, establishes that further treatment would be futile. If the commission determines that an application should be granted, it is referred to the Chief Justice for consideration. A judge whose application is denied is given an opportunity to seek review of the denial of benefits.

Once a judge retires on disability, the commission may review the judge's medical status every two years, prior to age 65, to ascertain whether he or she remains disabled. A judge who is no longer disabled becomes eligible to sit on assignment, at the discretion of the Chief Justice. Should an eligible judge refuse an assignment, the disability retirement allowance ceases.

The Judges' Retirement System has authority to terminate disability retirement benefits if the judge earns income from activities "substantially similar" to those which he or she was unable to perform due to disability. Accordingly, the commission's policy declarations require physicians, who support a judge's disability retirement application,

VI. JUDICIAL DISABILITY RETIREMENT

to specify the judicial duties that cannot be performed due to the condition in question. When the commission approves an application, it may prepare findings specifying those duties. Upon request of the Judges' Retirement System, the commission may provide information about a disability retirement application to assist in determining whether to terminate benefits.

INVOLUNTARY DISABILITY RETIREMENT

On occasion, a judge is absent from the bench for medical reasons for a substantial period of time, but does not apply for disability retirement. If the absence exceeds 90 court days in a 12-month period, the presiding judge is required to notify the commission. Due to the absent judge not being available for judicial service, the commission will invoke its disciplinary authority and conduct an investigation, which may include an independent medical examination. Should the investigation establish that the judge is disabled or displays a persistent failure or inability to perform judicial duties, the commission will institute formal proceedings, which may lead to discipline or involuntary disability retirement.

2025 STATISTICS

No disability retirement applications were pending before the commission at the beginning of 2025.

The commission received two disability retirement applications during 2025. The commission granted two disability retirement applications. There were no applications pending at the end of 2025.

VII. COMMISSION ORGANIZATION, STAFF AND BUDGET

COMMISSION ORGANIZATION AND STAFF

The commission has 29 authorized staff positions. The commission's authorized positions include 17 attorneys, 11 support staff, and 1 temporary staff position.

The Director-Chief Counsel heads the agency and reports directly to the commission. The Director-Chief Counsel oversees the intake and investigation of complaints and the commission examiner's handling of formal proceedings. The Director-Chief Counsel is also the primary liaison between the commission and the judiciary, the public, and the media. Gregory Dresser has served as Director-Chief Counsel since 2017.

The commission's staff counsel includes intake attorneys who are responsible for reviewing and evaluating new complaints, and investigating attorneys who are responsible for conducting preliminary investigations.

The commission appoints an attorney to serve as examiner during formal proceedings. Trial Counsel serves as examiner during formal proceedings, aided by Assistant Trial Counsel. The examiner is responsible for preparing cases for hearing before special masters, including presenting the evidence that supports the charges and briefing. The examiner also presents cases orally and in writing at hearings before the commission and the California Supreme Court.

One member of the commission's legal staff, the Legal Advisor to Commissioners, is solely responsible for assisting the commission in its deliberations during its adjudication of contested matters, and for coordinating formal hearings. That attorney does not participate in the investigation or prosecution of cases, and reports directly to the commission. Emma Bradford was appointed Legal Advisor in 2021.

**VII.
COMMISSION ORGANIZATION, STAFF AND BUDGET**

ORGANIZATIONAL CHART			
COMMISSION MEMBERS			
Director-Chief Counsel			Legal Advisor to Commissioners
Office of Trial Counsel 3 Attorneys 2 Legal Assistants to Trial Counsel*	Investigation Staff 4 Intake Attorneys 8 Investigating Attorneys* 4 Legal Assistants	Administrative Staff 2½ Administrative Assistants 1 Legal Assistant 1 Facilities Officer	½ Administrative Assistant

* Two positions are vacant.

2025-2026 BUDGET

The commission’s budget is separate from the budget of any other state agency or court. For the current 2025-2026 fiscal year, the commission’s budget is \$7,207,000.

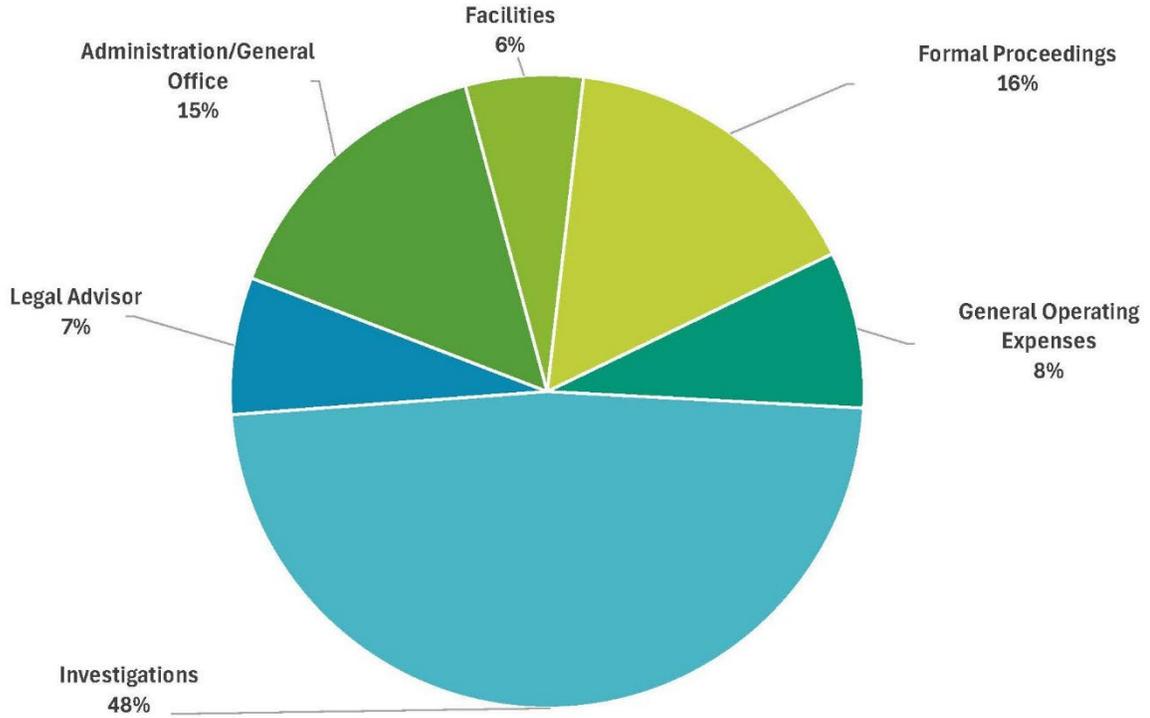
The commission’s constitutional mandate is the investigation of allegations of misconduct and the imposition of discipline. The members of the commission receive no salaries, only reimbursement of expenses relating to commission business. Due to the performance of the commission’s core functions being dependent upon the services of its legal and support staff, the commission’s budget is largely allocated to personnel expenses.

2024-2025 BUDGET

The commission’s final budget appropriation for the 2024-2025 fiscal year was \$7,200,000. Final expenditures totaled \$6,495,174. Approximately 48% of the commission’s budget supported the intake and investigation functions and approximately 23% was used in connection with formal proceedings. The remaining 29% went toward sustaining the general operations of the commission, including facilities, administrative staff, supplies, and security.

**VII.
COMMISSION ORGANIZATION, STAFF AND BUDGET**

**COMMISSION ON JUDICIAL PERFORMANCE
2024-2025 Actual Expenditures
\$6,495,174**



APPENDIX

APPENDIX 1. GOVERNING PROVISIONS

The following provisions governing the Commission on Judicial Performance are available on the commission's website at <https://cjp.ca.gov>.

California Constitution, Article VI, Sections 8, 18, 18.1 and 18.5

Rules of the Commission on Judicial Performance

Policy Declarations of the Commission on Judicial Performance

**California Rules of Court
(provisions pertaining to the Commission on Judicial Performance)**

**California Government Code
(provisions pertaining to the Commission on Judicial Performance)**

California Code of Civil Procedure Section 170.9

APPENDIX 2.
CALIFORNIA CODE OF JUDICIAL ETHICS
Adopted by the Supreme Court of California

Amended by the Supreme Court of California effective July 1, 2020; adopted effective January 15, 1996; previously amended March 4, 1999, December 13, 2000, December 30, 2002, June 18, 2003, December 22, 2003, January 1, 2005, June 1, 2005, July 1, 2006, January 1, 2007, January 1, 2008, April 29, 2009, January 1, 2013, January 21, 2015, August 19, 2015, December 1, 2016, and October 10, 2018.

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PREFACE

Formal standards of judicial conduct have existed for more than 65 years. The original Canons of Judicial Ethics promulgated by the American Bar Association were modified and adopted in 1949 for application in California by the Conference of California Judges (now the California Judges Association).

In 1969, the American Bar Association determined that then current needs and problems warranted revision of the canons. In the revision process, a special American Bar Association committee, headed by former California Chief Justice Roger Traynor, sought and considered the views of the bench and bar and other interested persons. The American Bar Association Code of Judicial Conduct was adopted by the House of Delegates of the American Bar Association August 16, 1972.

Effective January 5, 1975, the California Judges Association adopted a new California Code of Judicial Conduct adapted from the American Bar Association 1972 Model Code. The California code was recast in gender-neutral form in 1986.

In 1990, the American Bar Association Model Code was further revised after a lengthy study. The California Judges Association again reviewed the model code and adopted a revised California Code of Judicial Conduct on October 5, 1992.

Proposition 190 (amending Cal. Const., art. VI, § 18, subd. (m), operative March 1, 1995) created a new constitutional provision that states, “The Supreme Court shall make rules for the conduct of judges, both on and off the bench, and for judicial candidates in the conduct of their campaigns. These rules shall be referred to as the Code of Judicial Ethics.”

The Supreme Court formally adopted the 1992 Code of Judicial Conduct in March 1995, as a transitional measure pending further review.

The Supreme Court formally adopted the Code of Judicial Ethics effective January 15, 1996.

The Supreme Court has formally adopted amendments to the Code of Judicial Ethics on several occasions. The Advisory Committee Commentary is published by the Supreme Court Advisory Committee on the Code of Judicial Ethics.

PREAMBLE

Our legal system is based on the principle that an independent, fair, and competent judiciary will interpret and apply the laws that govern us. The role of the judiciary is central to American concepts of justice and the rule of law. Intrinsic to this code are the precepts that judges, individually and collectively, must respect and honor the judicial office as a public trust and must strive to enhance and maintain confidence in our legal system. The judge is an arbiter of facts and law for the resolution of disputes and is a highly visible member of government under the rule of law.

The Code of Judicial Ethics (“code”) establishes standards for ethical conduct of judges on and off the bench and for candidates for judicial office.* The code consists of broad declarations called canons, with subparts, and a terminology section. Following many canons is a commentary section prepared by the Supreme Court Advisory Committee on the Code of Judicial Ethics. The commentary, by explanation and example, provides guidance as to the purpose and meaning of the canons. The commentary does not constitute additional rules and should not be so construed. All members of the judiciary must comply with the code. Compliance is required to preserve the integrity* of the bench and to ensure the confidence of the public.

The canons should be read together as a whole, and each provision should be construed in context and consistent with every other provision. They are to be applied in conformance with constitutional requirements, statutes, other court rules, and decisional law. Nothing in the code shall either impair the essential independence* of judges in making judicial decisions or provide a separate basis for civil liability or criminal prosecution.

The code governs the conduct of judges and candidates for judicial office* and is binding upon them. Whether disciplinary action is appropriate, and the degree of discipline to be imposed, requires a reasoned application of the text and consideration of such factors as the seriousness of the transgression, if there is a pattern of improper activity, and the effect of the improper activity on others or on the judicial system.

TERMINOLOGY

Terms explained below are noted with an asterisk (*) in the canons where they appear. In addition, the canons in which these terms appear are cited after the explanation of each term below.

“Candidate for judicial office” is a person seeking election to or retention of a judicial office. A person becomes a candidate for judicial office as soon as he or she makes a public announcement of candidacy, declares or files as a candidate with the election authority, or authorizes solicitation or acceptance of contributions or support. See Preamble and Canons 3B(9) (Commentary), 3E(2)(b)(i), 3E(3)(a), 5, 5A, 5A (Commentary), 5B(1), 5B(2), 5B(3), 5B(4), 5B (Commentary), 5B(4) (Commentary), 5C, 5D, and 6E.

“Fiduciary” includes such relationships as executor, administrator, trustee, and guardian. See Canons 3E(5)(d), 4E(1), 4E(2), 4E(3), 4E (Commentary), 6B, and 6F (Commentary).

“Gender identity” means a person’s internal sense of being male, female, a combination of male and female, or neither male nor female. See Canons 2C, 2C (Commentary), 3B(5), 3B(6), 3C(1), and 3C(3).

“Gender expression” is the way people communicate or externally express their gender identity to others, through such means as pronouns used, clothing, appearance, and demeanor. See Canons 2C, 2C (Commentary), 3B(5), 3B(6), 3C(1), and 3C(3).

“Gift” means anything of value to the extent that consideration of equal or greater value is not received, and includes a rebate or discount in the price of anything of value unless the rebate or discount is made in the regular course of business to members of the public without regard to official status. See Canons 4D(5), 4D(5) (Commentary), 4D(6), 4D(6)(a), 4D(6)(b), 4D(6)(b) (Commentary), 4D(6)(d), 4D(6)(f), 4D(6)(i), 4D(6)(i) (Commentary), 4D(6) and 4D(7) (Commentary), 4H (Commentary), 5A (Commentary), 5B(4) (Commentary), 6D(2)(c), and 6D(7).

“Impartial,” “impartiality,” and “impartially” mean the absence of bias or prejudice in favor of, or against, particular parties or classes of parties, as well as the maintenance of an open mind in considering issues that may come before a judge. See Canons 1, 1 (Commentary), 2A, 2 and 2A (Commentary), 2B (Commentary), 2C (Commentary), 3, 3B(9) (Commentary), 3B(10) (Commentary), 3B(12), 3B(12) (Commentary), 3C(1), 3C(5), 3E(4)(b), 3E(4)(c),

2.

CALIFORNIA CODE OF JUDICIAL ETHICS TERMINOLOGY

4A(1), 4A (Commentary), 4C(3)(b) (Commentary), 4C(3)(c) (Commentary), 4D(1) (Commentary), 4D(6)(a) (Commentary), 4D(6)(b) (Commentary), 4D(6)(g) (Commentary), 4D(6)(i) (Commentary), 4H (Commentary), 5, 5A, 5A (Commentary), 5B (Commentary), 5B(4) (Commentary), 6D(2)(a), and 6D(3)(a)(vii).

“Impending proceeding” is a proceeding or matter that is imminent or expected to occur in the near future. The words “proceeding” and “matter” are used interchangeably, and are intended to have the same meaning. See Canons 2 and 2A (Commentary), 3B(7), 3B(7)(a), 3B(9), 3B(9) (Commentary), 4H (Commentary), and 6D(6). “Pending proceeding” is defined below.

“Impropriety” includes conduct that violates the law, court rules, or provisions of this code, as well as conduct that undermines a judge’s independence, integrity, or impartiality. See Canons 2, 2 and 2A (Commentary), 2B (Commentary), 2C (Commentary), 3B(9) (Commentary), 4D(1)(b) (Commentary), 4D(6)(g) (Commentary), 4D(6)(i) (Commentary), 4H, and 5.

“Independence” means a judge’s freedom from influence or control other than as established by law. See Preamble, Canons 1, 1 (Commentary), 2C, 4C(2) (Commentary), 4D(6)(a) (Commentary), 4D(6)(g) (Commentary), 4D(6)(i) (Commentary), 4H(3) (Commentary), 5, 5A (Commentary), 5B (Commentary), and 6D(1).

“Integrity” means probity, fairness, honesty, uprightness, and soundness of character. See Preamble, Canons 1, 1 (Commentary), 2A, 2 and 2A (Commentary), 2B (Commentary), 2C (Commentary), 3B(9) (Commentary), 3C(1), 3C(5), 4D(6)(a) (Commentary), 4D(6)(b) (Commentary), 4D(6)(g) (Commentary), 4D(6)(i) (Commentary), 4H (Commentary), 5, 5A (Commentary), 5B (Commentary), and 6D(1).

“Knowingly,” “knowledge,” “known,” and “knows” mean actual knowledge of the fact in question. A person’s knowledge may be inferred from circumstances. See Canons 2B(2)(b), 2B(2)(e), 2C (Commentary), 3B(2) (Commentary), 3B(7)(a), 3B(7)(a) (Commentary), 3D(2), 3D(5), 3E(5)(f), 5B(1)(b), 6D(3)(a)(i), 6D(3)(a) (Commentary), 6D(4) (Commentary), and 6D(5)(a).

“Law” means constitutional provisions, statutes, court rules, and decisional law. See Canons 1 (Commentary), 2A, 2C (Commentary), 3A, 3B(2), 3B(7), 3B(7)(c), 3B(8), 3B(8) (Commentary), 3B(12) (Commentary), 3E(1), 4C(3)(c) (Commentary), 4F, and 4H.

“Law, the legal system, or the administration of justice.” When a judge engages in an activity that relates to the law, the legal system, or the administration of justice, the judge should also consider factors such as whether the activity upholds the integrity, impartiality, and independence of the judiciary (Canons 1 and 2A), whether the activity impairs public confidence in the judiciary (Canon 2), whether the judge is allowing the activity to take precedence over judicial duties (Canon 3A), and whether engaging in the activity would cause the judge to be disqualified (Canon 4A(4)). See Canons 4B (Commentary), 4C(1), 4C(1) (Commentary), 4C(2), 4C(2) (Commentary), 4C(3)(a), 4C(3)(b) (Commentary), 4C(3)(d)(ii), 4C(3)(d) (Commentary), 4D(6)(d), 4D(6)(e), 5A (Commentary), 5D, and 5D (Commentary).

“Member of the judge’s family” means a spouse, registered domestic partner, child, grandchild, parent, grandparent, or other relative or person with whom the judge maintains a close familial relationship. See Canons 2B(3)(c), 2B (Commentary), 4C(3)(d)(i), 4D(1) (Commentary), 4D(2), 4D(5) (Commentary), 4E(1), and 4G (Commentary).

“Member of the judge’s family residing in the judge’s household” means a spouse or registered domestic partner and those persons who reside in the judge’s household and who are relatives of the judge, including relatives by marriage or persons with whom the judge maintains a close familial relationship. See Canons 4D(5), 4D(5) (Commentary), 4D(6), 4D(6)(b) (Commentary), 4D(6)(f) and 6D(2)(c).

“Nonpublic information” means information that, by law, is not available to the public. Nonpublic information may include, but is not limited to, information that is sealed by statute or court order, impounded, or communicated in camera, and information offered in grand jury proceedings, presentencing reports, dependency cases, or psychiatric reports. Nonpublic information also includes information from affidavits, jury results, or court rulings before it becomes public information. See Canons 3B(11) and 6D(8)(a).

“Pending proceeding” is a proceeding or matter that has commenced. A proceeding continues to be pending through any period during which an appeal may be filed and any appellate process until final disposition. The words

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“proceeding” and “matter” are used interchangeably, and are intended to have the same meaning. See Canons 2 and 2A (Commentary), 2B(3)(a), 3B(7), 3B(9), 3B(9) (Commentary), 3E(5)(a), 4H (Commentary), and 6D(6). “Impending proceeding” is defined above.

“Political organization” means a political party, political action committee, or other group, the principal purpose of which is to further the election or appointment of candidates to nonjudicial office. See Canon 5A.

“Registered domestic partner” means a person who has registered for domestic partnership pursuant to state law or who is recognized as a domestic partner pursuant to Family Code section 299.2. See Canons 3E(5)(d), 3E(5)(e), 3E(5)(i), 4D(6)(d), 4D(6)(f), 4D(6)(j), 4H(2), 5A (Commentary), 6D(3)(a)(v), and 6D(3)(a)(vi).

“Require.” Any canon prescribing that a judge “require” certain conduct of others means that a judge is to exercise reasonable direction and control over the conduct of those persons subject to the judge's direction and control. See Canons 3B(3), 3B(4), 3B(6), 3B(8) (Commentary), 3B(9), 3C(3), 6D(1), 6D(2)(a), and 6D(6).

“Service organization” includes any organization commonly referred to as a “fraternal organization.” See Canons 3E(5)(d), 4C(2) (Commentary), 4C(3)(b), 4C(3)(b) (Commentary), 4C(3)(d) (Commentary), 4D(6)(j), and 6D(2)(b).

“Subordinate judicial officer.” A subordinate judicial officer is, for the purposes of this code, a person appointed pursuant to article VI, section 22 of the California Constitution, including, but not limited to, a commissioner, referee, and hearing officer. See Canons 3D(3), 4G (Commentary), and 6A.

“Temporary Judge” means an active or inactive member of the bar who, pursuant to article VI, section 21 of the California Constitution, serves or expects to serve as a judge once, sporadically, or regularly on a part-time basis under a separate court appointment for each period of service or for each case heard. See Canons 3E(5)(h), 4C(3)(d)(i), 4C(3)(d) (Commentary), 6A, and 6D.

“Third degree of relationship” includes the following persons: great-grandparent, grandparent, parent, uncle, aunt, brother, sister, child, grandchild, great-grandchild, nephew, and niece. See Canons 3E(5)(e), 3E(5)(i), and 6D(3)(a)(v).

CANON 1

**A JUDGE SHALL UPHOLD THE INTEGRITY* AND
INDEPENDENCE* OF THE JUDICIARY**

An independent, impartial,* and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining, and enforcing high standards of conduct, and shall personally observe those standards so that the integrity* and independence* of the judiciary is preserved. The provisions of this code are to be construed and applied to further that objective. A judicial decision or administrative act later determined to be incorrect legally is not itself a violation of this code.

ADVISORY COMMITTEE COMMENTARY: Canon 1

Deference to the judgments and rulings of courts depends upon public confidence in the integrity and independence* of judges. The integrity* and independence* of judges depend in turn upon their acting without fear or favor. Although judges should be independent, they must comply with the law* and the provisions of this code. Public confidence in the impartiality* of the judiciary is maintained by the adherence of each judge to this responsibility. Conversely, violations of this code diminish public confidence in the judiciary and thereby do injury to the system of government under law.*

The basic function of an independent, impartial, and honorable judiciary is to maintain the utmost integrity* in decisionmaking, and this code should be read and interpreted with that function in mind.*

CANON 2

**A JUDGE SHALL AVOID IMPROPRIETY* AND THE
APPEARANCE OF IMPROPRIETY* IN ALL OF THE
JUDGE'S ACTIVITIES**

A. Promoting Public Confidence

A judge shall respect and comply with the law* and shall act at all times in a manner that promotes public confidence in the integrity* and impartiality* of the judiciary. A judge shall not make statements, whether public or nonpublic, that commit the judge with respect to cases, controversies, or issues that are likely to come before the courts or that are inconsistent with the impartial* performance of the adjudicative duties of judicial office.

ADVISORY COMMITTEE COMMENTARY: Canons 2 and 2A

Public confidence in the judiciary is eroded by irresponsible or improper conduct by judges.

A judge must avoid all impropriety and appearance of impropriety.* A judge must expect to be the subject of constant public scrutiny. A judge must therefore accept restrictions on the judge's conduct that might be viewed as burdensome by other members of the community and should do so freely and willingly.*

A judge must exercise caution when engaging in any type of electronic communication, including communication by text or email, or when participating in online social networking sites or otherwise posting material on the Internet, given the accessibility, widespread transmission, and permanence of electronic communications and material posted on the Internet. The same canons that govern a judge's ability to socialize and communicate in person, on paper, or over the telephone apply to electronic communications, including use of the Internet and social networking sites. These canons include, but are not limited to, Canons 2B(2) (lending the prestige of judicial office), 3B(7) (ex parte communications), 3B(9) (public comment about pending or impending proceedings*), 3E(2) (disclosure of information relevant to disqualification), and 4A (conducting extrajudicial activities to avoid casting doubt on the judge's capacity to act impartially,* demeaning the judicial office, or frequent disqualification).*

The prohibition against behaving with impropriety or the appearance of impropriety* applies to both the professional and personal conduct of a judge.*

The test for the appearance of impropriety is whether a person aware of the facts might reasonably entertain a doubt that the judge would be able to act with integrity,* impartiality,* and competence.*

As to membership in organizations that practice invidious discrimination, see Commentary under Canon 2C.

As to judges making statements that commit the judge with respect to cases, controversies, or issues that are likely to come before the courts, see Canon 3B(9) and its commentary concerning comments about a pending proceeding, Canon 3E(3)(a) concerning the disqualification of a judge who makes statements that commit the judge to a particular result, and Canon 5B(1)(a) concerning statements made during an election campaign that commit the candidate to a particular result. In addition, Code of Civil Procedure section 170.2, subdivision (b), provides that, with certain exceptions, a judge is not disqualified on the ground that the judge has, in any capacity, expressed a view on a legal or factual issue presented in the proceeding before the judge.*

B. Use of the Prestige of Judicial Office

(1) A judge shall not allow family, social, political, or other relationships to influence the judge’s judicial conduct or judgment, nor shall a judge convey or permit others to convey the impression that any individual is in a special position to influence the judge.

(2) A judge shall not lend the prestige of judicial office or use the judicial title in any manner, including any oral or written communication, to advance the pecuniary or personal interests of the judge or others. This canon does not prohibit the following:

(a) A judge may testify as a character witness, provided the judge does so only when subpoenaed.

(b) A judge may, without a subpoena, provide the Commission on Judicial Performance with a written communication containing (i) factual information regarding a matter pending before the commission or (ii) information related to the character of a judge who has a matter pending before the commission, provided that any such factual or character information is based on personal knowledge.* In commission proceedings, a judge shall provide information responsive to a subpoena or when officially requested to do so by the commission.

(c) A judge may provide factual information in State Bar disciplinary proceedings and shall provide information responsive to a subpoena or when officially requested to do so by the State Bar.

(d) A judge may respond to judicial selection inquiries, provide recommendations (including a general character reference relating to the evaluation of persons being considered for a judgeship), and otherwise participate in the process of judicial selection.

(e) A judge may serve as a reference or provide a letter of recommendation only if based on the judge's personal knowledge* of the individual. These written communications may include the judge's title and may be written on stationery that uses the judicial title.

(3) Except as permitted in subdivision (c) or otherwise authorized by law* or these canons:

(a) A judge shall not advance the pecuniary or personal interests of the judge or others by initiating communications with a sentencing judge or a representative of a probation department about a proceeding pending* before the sentencing judge, but may provide information in response to an official request. "Sentencing judge" includes a judge who makes a disposition pursuant to Welfare and Institutions Code section 725.

(b) A judge, other than the judge who presided over the trial of or sentenced the person seeking parole, pardon, or commutation of sentence, shall not initiate communications with the Board of Parole Hearings regarding parole or the Office of the Governor regarding parole, pardon, or commutation of sentence, but may provide these entities with information for the record in response to an official request.

(c) A judge may initiate communications concerning a member of the judge's family* with a representative of a probation department regarding sentencing, the Board of Parole Hearings regarding parole, or the Office of the Governor regarding parole, pardon, or commutation of sentence, provided the judge is not identified as a judge in the communication.

ADVISORY COMMITTEE COMMENTARY: Canon 2B

A strong judicial branch, based on the prestige that comes from effective and ethical performance, is essential to a system of government in which the judiciary functions independently of the executive and legislative branches. A judge should distinguish between proper and improper use of the prestige of office in all of his or her activities.

As to those communications that are permitted under this canon, a judge must keep in mind the general obligations to maintain high standards of conduct as set forth in Canon 1, and to avoid any impropriety or the appearance of impropriety* as set forth in Canon 2. A judge must also be mindful of Canon 2A,*

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which requires a judge to act at all times in a manner that promotes public confidence in the integrity and impartiality* of the courts.*

A judge must avoid lending the prestige of judicial office for the advancement of the private interests of the judge or others. For example, a judge must not use the judicial position to gain advantage in a civil suit involving a member of the judge's family, or use his or her position to gain deferential treatment when stopped by a police officer for a traffic offense.*

If a judge posts on social networking sites such as Facebook or crowdsourced sites such as Yelp or Trip Advisor, the judge may not lend the prestige of judicial office to advance the pecuniary or personal interests of the judge or others. For example, a judge may not comment on, recommend, or criticize businesses, products, or services on such sites if it is reasonably likely that the judge can be identified as a judge.

See canon 4C(3)(d)(iv) prohibiting the use of the prestige of judicial office for fundraising or membership solicitation, but allowing a judge to be a speaker, guest of honor, or recipient of an award for public or charitable service, provided the judge does not personally solicit funds and complies with Canons 4A (1), (2), (3), and (4).

As to the use of a judge's title to identify a judge's role in the presentation and creation of legal education programs and materials, see Commentary to Canon 4B. In contracts for publication of a judge's writings, a judge should retain control over the advertising, to the extent feasible, to avoid exploitation of the judge's office.

This canon does not afford a judge a privilege against testifying in response to any official summons.

See also Canons 3D(1) and 3D(2) concerning a judge's obligation to take appropriate corrective action regarding other judges who violate any provision of the Code of Judicial Ethics and attorneys who violate any provision of the Rules of Professional Conduct.

Except as set forth in Canon 2B(3)(a), this canon does not preclude consultations among judges. Additional limitations on such consultations among judges are set forth in Canon 3B(7)(a).

C. Membership in Organizations

A judge shall not hold membership in any organization that practices invidious discrimination on the basis of race, sex, gender, gender identity,* gender expression,* religion, national origin, ethnicity, or sexual orientation.

This canon does not apply to membership in a religious organization.

ADVISORY COMMITTEE COMMENTARY: Canon 2C

Membership by a judge in an organization that practices invidious discrimination on the basis of race, sex, gender, religion, national origin, ethnicity, or sexual orientation gives rise to a perception that the judge's impartiality is impaired. The code prohibits such membership by judges to preserve the fairness, impartiality,* independence,* and honor of the judiciary, to treat all parties equally under the law,* and to avoid impropriety* and the appearance of impropriety.**

Previously, Canon 2C contained exceptions to this prohibition for membership in religious organizations, membership in an official military organization of the United States and, so long as membership did not violate Canon 4A, membership in a nonprofit youth organization. The exceptions for membership in an official military organization of the United States and nonprofit youth organizations have been eliminated as exceptions to the canon. The exception for membership in religious organizations has been preserved.

Canon 2C refers to the current practices of the organization. Whether an organization practices invidious discrimination is often a complex question to which judges should be sensitive. The answer cannot be determined from a mere examination of an organization's current membership rolls, but rather depends on how the organization selects members and other relevant factors, such as whether the organization is dedicated to the preservation of religious, ethnic, or cultural values of legitimate common interest to its members, or whether it is in fact and effect an intimate, purely private organization whose membership limitations could not be constitutionally prohibited. Absent such factors, an organization is generally said to discriminate invidiously if it arbitrarily excludes from membership on the basis of race, religion, sex, gender, gender identity, gender expression,* national origin, ethnicity, or sexual orientation persons who would otherwise be admitted to membership.*

Although Canon 2C relates only to membership in organizations that invidiously discriminate on the basis of race, sex, gender, gender identity, gender expression,* religion, national origin, ethnicity, or sexual orientation, a judge's membership in an organization that engages in any discriminatory membership practices prohibited by law* also violates Canon 2 and Canon 2A and gives the appearance of impropriety.* In addition, it would be a violation of Canon 2 and Canon 2A for a judge to arrange a meeting at a club that the judge knows* practices such invidious discrimination or for the judge to use such a club regularly. Moreover, public manifestation by a judge of the judge's knowing* approval of invidious discrimination on any basis gives the appearance of impropriety* under Canon 2 and diminishes public confidence in the integrity* and impartiality* of the judiciary in violation of Canon 2A.*

CANON 3

**A JUDGE SHALL PERFORM THE DUTIES OF JUDICIAL OFFICE
IMPARTIALLY,* COMPETENTLY, AND DILIGENTLY**

A. Judicial Duties in General

All of the judicial duties prescribed by law* shall take precedence over all other activities of every judge. In the performance of these duties, the following standards apply.

B. Adjudicative Responsibilities

(1) A judge shall hear and decide all matters assigned to the judge except those in which he or she is disqualified.

ADVISORY COMMITTEE COMMENTARY: Canon 3B(1)

Canon 3B(1) is based upon the affirmative obligation contained in Code of Civil Procedure section 170.

(2) A judge shall be faithful to the law* regardless of partisan interests, public clamor, or fear of criticism, and shall maintain professional competence in the law.*

ADVISORY COMMITTEE COMMENTARY: Canon 3B(2)

Competence in the performance of judicial duties requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary to perform a judge's responsibilities of judicial office. Canon 1 provides that an incorrect legal ruling is not itself a violation of this code.*

(3) A judge shall require* order and decorum in proceedings before the judge.

(4) A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom the judge deals in an official capacity, and shall require* similar conduct of lawyers and of all staff and court personnel under the judge's direction and control.

(5) A judge shall perform judicial duties without bias or prejudice. A judge shall not, in the performance of judicial duties, engage in speech, gestures, or other conduct that would reasonably be perceived as (a) bias, prejudice, or harassment, including but not limited to bias, prejudice, or harassment based

upon race, sex, gender, gender identity,* gender expression,* religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation, or (b) sexual harassment.

(6) A judge shall require* lawyers in proceedings before the judge to refrain from (a) manifesting, by words or conduct, bias, prejudice, or harassment based upon race, sex, gender, gender identity,* gender expression,* religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation, or (b) sexual harassment against parties, witnesses, counsel, or others. This canon does not preclude legitimate advocacy when race, sex, gender, gender identity,* gender expression,* religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, political affiliation, or other similar factors are issues in the proceeding.

(7) A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the full right to be heard according to law.* Unless otherwise authorized by law,* a judge shall not independently investigate facts in a proceeding and shall consider only the evidence presented or facts that may be properly judicially noticed. This prohibition extends to information available in all media, including electronic. A judge shall not initiate, permit, or consider ex parte communications, that is, any communications to or from the judge outside the presence of the parties concerning a pending* or impending* proceeding, and shall make reasonable efforts to avoid such communications, except as follows:

(a) Except as stated below, a judge may consult with other judges. A judge presiding over a case shall not engage in discussions about that case with a judge who has previously been disqualified from hearing that case; likewise, a judge who knows* he or she is or would be disqualified from hearing a case shall not discuss that matter with the judge assigned to the case. A judge also shall not engage in discussions with a judge who may participate in appellate review of the matter, nor shall a judge who may participate in appellate review of a matter engage in discussions with the judge presiding over the case.

A judge may consult with court personnel or others authorized by law,* as long as the communication relates to that person's duty to aid the judge in carrying out the judge's adjudicative responsibilities.

In any discussion with judges or court personnel, a judge shall make reasonable efforts to avoid receiving factual information that is not part of

the record or an evaluation of that factual information. In such consultations, the judge shall not abrogate the responsibility personally to decide the matter.

For purposes of Canon 3B(7)(a), “court personnel” includes bailiffs, court reporters, court externs, research attorneys, courtroom clerks, and other employees of the court, but does not include the lawyers in a proceeding before a judge, persons who are appointed by the court to serve in some capacity in a proceeding, or employees of other governmental entities, such as lawyers, social workers, or representatives of the probation department.

ADVISORY COMMITTEE COMMENTARY: Canon 3B(7)(a)

Regarding communications between a judge presiding over a matter and a judge of a court with appellate jurisdiction over that matter, see Government Code section 68070.5.

Though a judge may have ex parte discussions with appropriate court personnel, a judge may do so only on matters that are within the proper performance of that person’s duties. For example, a bailiff may inform the judge of a threat to the judge or to the safety and security of the courtroom, but may not tell the judge ex parte that a defendant was overheard making an incriminating statement during a court recess. A clerk may point out to the judge a technical defect in a proposed sentence, but may not suggest to the judge that a defendant deserves a certain sentence.

A sentencing judge may not consult ex parte with a representative of the probation department about a matter pending before the sentencing judge.

This canon prohibits a judge who is presiding over a case from discussing that case with another judge who has already been disqualified from hearing that case. A judge also must be careful not to talk to a judge whom the judge knows would be disqualified from hearing the matter.*

(b) A judge may initiate, permit, or consider ex parte communications, where circumstances require, for scheduling, administrative purposes, or emergencies that do not deal with substantive matters provided:

- (i) the judge reasonably believes that no party will gain a procedural or tactical advantage as a result of the ex parte communication, and
- (ii) the judge makes provision promptly to notify all other parties of the substance of the ex parte communication and allows an opportunity to respond.

(c) A judge may initiate, permit, or consider any ex parte communication when expressly authorized by law* to do so or when authorized to do so by stipulation of the parties.

(d) If a judge receives an unauthorized ex parte communication, the judge shall make provision promptly to notify the parties of the substance of the communication and provide the parties with an opportunity to respond.

ADVISORY COMMITTEE COMMENTARY: Canon 3B(7)

An exception allowing a judge, under certain circumstances, to obtain the advice of a disinterested expert on the law has been eliminated from Canon 3B(7) because consulting with legal experts outside the presence of the parties is inconsistent with the core tenets of the adversarial system. Therefore, a judge shall not consult with legal experts outside the presence of the parties. Evidence Code section 730 provides for the appointment of an expert if a judge determines that expert testimony is necessary. A court may also invite the filing of amicus curiae briefs.*

An exception allowing a judge to confer with the parties separately in an effort to settle the matter before the judge has been moved from this canon to Canon 3B(12).

This canon does not prohibit court personnel from communicating scheduling information or carrying out similar administrative functions.

A judge is statutorily authorized to investigate and consult witnesses informally in small claims cases. Code of Civil Procedure section 116.520, subdivision (c).

(8) A judge shall dispose of all judicial matters fairly, promptly, and efficiently. A judge shall manage the courtroom in a manner that provides all litigants the opportunity to have their matters fairly adjudicated in accordance with the law.*

ADVISORY COMMITTEE COMMENTARY: Canon 3B(8)

The obligation of a judge to dispose of matters promptly and efficiently must not take precedence over the judge's obligation to dispose of the matters fairly and with patience. For example, when a litigant is self-represented, a judge has the discretion to take reasonable steps, appropriate under the circumstances and consistent with the law and the canons, to enable the litigant to be heard. A judge should monitor and supervise cases so as to reduce or eliminate dilatory practices, avoidable delays, and unnecessary costs.*

Prompt disposition of the court's business requires a judge to devote adequate time to judicial duties, to be punctual in attending court and expeditious

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in determining matters under submission, and to require that court officials, litigants, and their lawyers cooperate with the judge to those ends.*

(9) A judge shall not make any public comment about a pending* or impending* proceeding in any court, and shall not make any nonpublic comment that might substantially interfere with a fair trial or hearing. The judge shall require* similar abstention on the part of staff and court personnel subject to the judge’s direction and control. This canon does not prohibit judges from making statements in the course of their official duties or from explaining the procedures of the court, and does not apply to proceedings in which the judge is a litigant in a personal capacity. In connection with a judicial election or recall campaign, this canon does not prohibit any judge from making a public comment about a pending* proceeding, provided (a) the comment would not reasonably be expected to affect the outcome or impair the fairness of the proceeding, and (b) the comment is about the procedural, factual, or legal basis of a decision about which a judge has been criticized during the election or recall campaign. Other than cases in which the judge has personally participated, this canon does not prohibit judges from discussing, in legal education programs and materials, cases and issues pending in appellate courts. This educational exemption does not apply to cases over which the judge has presided or to comments or discussions that might interfere with a fair hearing of the case.

ADVISORY COMMITTEE COMMENTARY: Canon 3B(9)

The requirement that judges abstain from public comment regarding a pending or impending* proceeding continues during any appellate process and until final disposition. A judge shall make reasonable efforts to ascertain whether a case is pending* or impending* before commenting on it. This canon does not prohibit a judge from commenting on proceedings in which the judge is a litigant in a personal capacity, but in cases such as a writ of mandamus where the judge is a litigant in an official capacity, the judge must not comment publicly.*

“Making statements in the course of their official duties” and “explaining the procedures of the court” include providing an official transcript or partial official transcript of a court proceeding open to the public and explaining the rules of court and procedures related to a decision rendered by a judge.

The provision allowing a judge to make a public comment about a pending decision that is the subject of criticism during an election campaign applies to all judicial elections, including recall elections. Depending on the circumstances, the judge should consider whether it may be preferable for a third party, rather than the judge, to respond or issue statements in connection with allegations concerning the decision. For purposes of this provision, a recall campaign begins when a judge is served with a notice of intention to circulate a*

recall petition (see Elec. Code, § 11006), and a judicial election campaign begins when a judge or candidate for judicial office files a declaration of intention of candidacy for judicial office (see Elec. Code, § 8023).*

Although this canon does not prohibit a judge from commenting on cases that are not pending or impending* in any court, a judge must be cognizant of the general prohibition in Canon 2 against conduct involving impropriety* or the appearance of impropriety.* A judge should also be aware of the mandate in Canon 2A that a judge must act at all times in a manner that promotes public confidence in the integrity* and impartiality* of the judiciary. In addition, when commenting on a case pursuant to this canon, a judge must maintain the high standards of conduct, as set forth in Canon 1.*

Although a judge is permitted to make nonpublic comments about pending or impending* cases that will not substantially interfere with a fair trial or hearing, the judge should be cautious when making any such comments. There is always a risk that a comment can be misheard, misinterpreted, or repeated. A judge making such a comment must be mindful of the judge's obligation under Canon 2A to act at all times in a manner that promotes public confidence in the integrity* and impartiality* of the judiciary. When a judge makes a nonpublic comment about a case pending* before that judge, the judge must keep an open mind and not form an opinion prematurely or create the appearance of having formed an opinion prematurely.*

(10) A judge shall not commend or criticize jurors for their verdict other than in a court order or opinion in a proceeding, but may express appreciation to jurors for their service to the judicial system and the community.

ADVISORY COMMITTEE COMMENTARY: Canon 3B(10)

Commending or criticizing jurors for their verdict may imply a judicial expectation in future cases and may impair a juror's ability to be fair and impartial in a subsequent case.*

(11) A judge shall not disclose or use, for any purpose unrelated to judicial duties, nonpublic information* acquired in a judicial capacity.

(12) A judge may participate in settlement conferences or in other efforts to resolve matters in dispute, including matters pending before the judge. A judge may, with the express consent of the parties or their lawyers, confer separately with the parties and/or their lawyers during such resolution efforts. At all times during such resolution efforts, a judge shall remain impartial* and shall not engage in conduct that may reasonably be perceived as coercive.

ADVISORY COMMITTEE COMMENTARY: Canon 3B(12)

*While the judge plays an important role in overseeing efforts to resolve disputes, including conducting settlement discussions, a judge should be careful that efforts to resolve disputes do not undermine any party's right to be heard according to law.**

The judge should keep in mind the effect that the judge's participation in dispute resolution efforts may have on the judge's impartiality or the appearance of impartiality* if the case remains with the judge for trial after resolution efforts are unsuccessful. Accordingly, a judge may wish to consider whether: (1) the parties or their counsel have requested or objected to the participation by the trial judge in such discussions; (2) the parties and their counsel are relatively sophisticated in legal matters or the particular legal issues involved in the case; (3) a party is unrepresented; (4) the case will be tried by the judge or a jury; (5) the parties will participate with their counsel in settlement discussions and, if so, the effect of personal contact between the judge and parties; and (6) it is appropriate during the settlement conference for the judge to express an opinion on the merits or worth of the case or express an opinion on the legal issues that the judge may later have to rule upon.*

If a judge assigned to preside over a trial believes participation in resolution efforts could influence the judge's decisionmaking during trial, the judge may decline to engage in such efforts.

Where dispute resolution efforts of any type are unsuccessful, the judge should consider whether, due to events that occurred during the resolution efforts, the judge may be disqualified under the law from presiding over the trial. See, e.g., Code of Civil Procedure section 170.1, subdivision (a)(6)(A).*

C. Administrative Responsibilities

(1) A judge shall diligently discharge the judge's administrative responsibilities impartially,* on the basis of merit, without bias or prejudice, free of conflict of interest, and in a manner that promotes public confidence in the integrity* of the judiciary. A judge shall not, in the performance of administrative duties, engage in speech, gestures, or other conduct that would reasonably be perceived as (a) bias, prejudice, or harassment, including but not limited to bias, prejudice, or harassment based upon race, sex, gender, gender identity,* gender expression,* religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation, or (b) sexual harassment.

ADVISORY COMMITTEE COMMENTARY: Canon 3C(1)

In considering what constitutes a conflict of interest under this canon, a judge should be informed by Code of Civil Procedure section 170.1, subdivision (a)(6).

(2) A judge shall maintain professional competence in judicial administration, and shall cooperate with other judges and court officials in the administration of court business.

(3) A judge shall require* staff and court personnel under the judge's direction and control to observe appropriate standards of conduct and to refrain from (a) manifesting bias, prejudice, or harassment based upon race, sex, gender, gender identity,* gender expression,* religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation, or (b) sexual harassment in the performance of their official duties.

(4) A judge with supervisory authority for the judicial performance of other judges shall take reasonable measures to ensure the prompt disposition of matters before them and the proper performance of their other judicial responsibilities.

(5) A judge shall not make unnecessary court appointments. A judge shall exercise the power of appointment impartially,* on the basis of merit, without bias or prejudice, free of conflict of interest, and in a manner that promotes public confidence in the integrity* of the judiciary. A judge shall avoid nepotism and favoritism. A judge shall not approve compensation of appointees above the reasonable value of services rendered.

ADVISORY COMMITTEE COMMENTARY: Canon 3C(5)

Appointees of a judge include assigned counsel and officials such as referees, commissioners, special masters, receivers, and guardians. Consent by the parties to an appointment or an award of compensation does not relieve the judge of the obligation prescribed by Canon 3C(5).

D. Disciplinary Responsibilities

(1) Whenever a judge has reliable information that another judge has violated any provision of the Code of Judicial Ethics, that judge shall take appropriate corrective action, which may include reporting the violation to the appropriate authority. (See Commentary to Canon 3D(2).)

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(2) Whenever a judge has personal knowledge,* or concludes in a judicial decision, that a lawyer has committed misconduct or has violated any provision of the Rules of Professional Conduct, the judge shall take appropriate corrective action, which may include reporting the violation to the appropriate authority.

ADVISORY COMMITTEE COMMENTARY: Canons 3D(1) and 3D(2)

Appropriate corrective action could include direct communication with the judge or lawyer who has committed the violation, writing about the misconduct in a judicial decision, or other direct action, such as a confidential referral to a judicial or lawyer assistance program, or a report of the violation to the presiding judge, appropriate authority, or other agency or body. Judges should note that in addition to the action required by Canon 3D(2), California law imposes additional mandatory reporting requirements to the State Bar on judges regarding lawyer misconduct. See Business and Professions Code sections 6086.7 and 6086.8, subdivision (a), and California Rules of Court, rules 10.609 and 10.1017.

“Appropriate authority” means the authority with responsibility for initiation of the disciplinary process with respect to a violation to be reported.

(3) A judge shall promptly report in writing to the Commission on Judicial Performance when he or she is charged in court by misdemeanor citation, prosecutorial complaint, information, or indictment with any crime in the United States as specified below. Crimes that must be reported are: (1) all crimes, other than those that would be considered misdemeanors not involving moral turpitude or infractions under California law; and (2) all misdemeanors involving violence (including assaults), the use or possession of controlled substances, the misuse of prescriptions, or the personal use or furnishing of alcohol. A judge also shall promptly report in writing upon conviction of such crimes.

If the judge is a retired judge serving in the Temporary Assigned Judges Program, he or she shall promptly report such information in writing to the Chief Justice rather than to the Commission on Judicial Performance. If the judge is a subordinate judicial officer,* he or she shall promptly report such information in writing to both the presiding judge of the court in which the subordinate judicial officer* sits and the Commission on Judicial Performance.

(4) A judge shall cooperate with judicial and lawyer disciplinary agencies.

ADVISORY COMMITTEE COMMENTARY: Canons 3D(3) and 3D(4)

See Government Code section 68725, which requires judges to cooperate with and give reasonable assistance and information to the Commission on Judicial Performance, and rule 104 of the Rules of the Commission on Judicial Performance, which requires a respondent judge to cooperate with the commission in all proceedings in accordance with section 68725.

(5) A judge shall not retaliate, directly or indirectly, against a person known* or suspected to have assisted or cooperated with an investigation of a judge or a lawyer.

E. Disqualification and Disclosure

(1) A judge shall disqualify himself or herself in any proceeding in which disqualification is required by law.*

ADVISORY COMMITTEE COMMENTARY: Canon 3E(1)

The term “proceeding” as used in this canon encompasses prefiling judicial determinations. Thus, if a judge has a disqualifying interest in a matter, the judge is disqualified from taking any action in the matter, even if it predates the actual filing of a case, such as making a probable cause determination, signing a search or arrest warrant, setting bail, or ordering an own recognizance release. Interpreting “proceeding” to include prefiling judicial determinations effectuates the intent of the canon because it assures the parties and the public of the integrity and fairness of the judicial process.*

(2) In all trial court proceedings, a judge shall disclose on the record as follows:

(a) Information relevant to disqualification

A judge shall disclose information that is reasonably relevant to the question of disqualification under Code of Civil Procedure section 170.1, even if the judge believes there is no actual basis for disqualification.

(b) Campaign contributions in trial court elections

(i) Information required to be disclosed

In any matter before a judge who is or was a candidate for judicial office* in a trial court election, the judge shall disclose any contribution

or loan of \$100 or more from a party, individual lawyer, or law office or firm in that matter as required by this canon, even if the amount of the contribution or loan would not require disqualification. Such disclosure shall consist of the name of the contributor or lender, the amount of each contribution or loan, the cumulative amount of the contributor's contributions or lender's loans, and the date of each contribution or loan. The judge shall make reasonable efforts to obtain current information regarding contributions or loans received by his or her campaign and shall disclose the required information on the record.

(ii) Manner of disclosure

The judge shall ensure that the required information is conveyed on the record to the parties and lawyers appearing in the matter before the judge. The judge has discretion to select the manner of disclosure, but the manner used shall avoid the appearance that the judge is soliciting campaign contributions.

(iii) Timing of disclosure

Disclosure shall be made at the earliest reasonable opportunity after receiving each contribution or loan. The duty commences no later than one week after receipt of the first contribution or loan, and continues for a period of two years after the candidate takes the oath of office, or two years from the date of the contribution or loan, whichever event is later.

ADVISORY COMMITTEE COMMENTARY: Canon 3E(2)(b)

Code of Civil Procedure section 170.1, subdivision (a)(9)(C) requires a judge to "disclose any contribution from a party or lawyer in a matter that is before the court that is required to be reported under subdivision (f) of section 84211 of the Government Code, even if the amount would not require disqualification under this paragraph." This statute further provides that the "manner of disclosure shall be the same as that provided in Canon 3E of the Code of Judicial Ethics." Canon 3E(2)(b) sets forth the information the judge must disclose, the manner for making such disclosure, and the timing thereof.

"Contribution" includes monetary and in-kind contributions. See Cal. Code Regs., tit. 2, § 18215, subd. (b)(3). See generally Government Code section 84211, subdivision (f).

Disclosure of campaign contributions is intended to provide parties and lawyers appearing before a judge during and after a judicial campaign with easy

access to information about campaign contributions that may not require disqualification but could be relevant to the question of disqualification of the judge. The judge is responsible for ensuring that the disclosure is conveyed to the parties and lawyers appearing in the matter. The canon provides that the judge has discretion to select the manner of making the disclosure. The appropriate manner of disclosure will depend on whether all of the parties and lawyers are present in court, whether it is more efficient or practicable given the court's calendar to make a written disclosure, and other relevant circumstances that may affect the ability of the parties and lawyers to access the required information. The following alternatives for disclosure are non-exclusive. If all parties are present in court, the judge may conclude that the most effective and efficient manner of providing disclosure is to state orally the required information on the record in open court. In the alternative, again if all parties are present in court, a judge may determine that it is more appropriate to state orally on the record in open court that parties and lawyers may obtain the required information at an easily accessible location in the courthouse, and provide an opportunity for the parties and lawyers to review the available information. Another alternative, particularly if all or some parties are not present in court, is that the judge may disclose the campaign contribution in a written minute order or in the official court minutes and notify the parties and the lawyers of the written disclosure. See California Supreme Court Committee on Judicial Ethics Opinions, CJEO Formal Opinion No. 2013-002, pp. 7-8. If a party appearing in a matter before the judge is represented by a lawyer, it is sufficient to make the disclosure to the lawyer.

In addition to the disclosure obligations set forth in Canon 3E(2)(b), a judge must, pursuant to Canon 3E(2)(a), disclose on the record any other information that may be relevant to the question of disqualification. As examples, such an obligation may arise as a result of contributions or loans of which the judge is aware made by a party, lawyer, or law office or firm appearing before the judge to a third party in support of the judge or in opposition to the judge's opponent; a party, lawyer, or law office or firm's relationship to the judge or role in the campaign; or the aggregate contributions or loans from lawyers in one law office or firm.

Canon 3E(2)(b) does not eliminate the obligation of the judge to recuse himself or herself where the nature of the contribution or loan, the extent of the contributor's or lender's involvement in the judicial campaign, the relationship of the contributor or lender, or other circumstance requires recusal under Code of Civil Procedure section 170.1, and particularly section 170.1, subdivision (a)(6)(A).

(3) A judge shall disqualify himself or herself in accordance with the following:

(a) Statements that commit the judge to a particular result

A judge is disqualified if the judge, while a judge or candidate for judicial office,* made a statement, other than in a court proceeding, judicial decision, or opinion, that a person aware of the facts might reasonably believe commits the judge to reach a particular result or rule in a particular way in a proceeding.

(b) Bond ownership

Ownership of a corporate bond issued by a party to a proceeding and having a fair market value exceeding \$1,500 is disqualifying. Ownership of a government bond issued by a party to a proceeding is disqualifying only if the outcome of the proceeding could substantially affect the value of the judge's bond. Ownership in a mutual or common investment fund that holds bonds is not a disqualifying financial interest.

ADVISORY COMMITTEE COMMENTARY: Canon 3E(3)(b)

The distinction between corporate and government bonds is consistent with the Political Reform Act (see Gov. Code, § 82034), which requires disclosure of corporate bonds, but not government bonds. Canon 3E(3) is intended to assist judges in complying with Code of Civil Procedure section 170.1, subdivision (a)(3) and Canon 3E(5)(d).

(4) An appellate justice shall disqualify himself or herself in any proceeding if for any reason:

(a) the justice believes his or her recusal would further the interests of justice; or

(b) the justice substantially doubts his or her capacity to be impartial;* or

(c) the circumstances are such that a reasonable person aware of the facts would doubt the justice's ability to be impartial.*

(5) Disqualification of an appellate justice is also required in the following instances:

(a) The appellate justice has served as a lawyer in the pending* proceeding, or has served as a lawyer in any other proceeding involving any of the same parties if that other proceeding related to the same contested issues of fact and law as the present proceeding, or has given

advice to any party in the present proceeding upon any issue involved in the proceeding.

ADVISORY COMMITTEE COMMENTARY: Canon 3E(5)(a)

Canon 3E(5)(a) is consistent with Code of Civil Procedure section 170.1, subdivision (a)(2), which addresses disqualification of trial court judges based on prior representation of a party in the proceeding.

(b) Within the last two years, (i) a party to the proceeding, or an officer, director or trustee thereof, either was a client of the justice when the justice was engaged in the private practice of law or was a client of a lawyer with whom the justice was associated in the private practice of law; or (ii) a lawyer in the proceeding was associated with the justice in the private practice of law.

(c) The appellate justice represented a public officer or entity and personally advised or in any way represented that officer or entity concerning the factual or legal issues in the present proceeding in which the public officer or entity now appears.

(d) The appellate justice, his or her spouse or registered domestic partner,* or a minor child residing in the household, has a financial interest or is either a fiduciary* who has a financial interest in the proceeding, or is a director, advisor, or other active participant in the affairs of a party. A financial interest is defined as ownership of more than a 1 percent legal or equitable interest in a party, or a legal or equitable interest in a party of a fair market value exceeding \$1,500. Ownership in a mutual or common investment fund that holds securities does not itself constitute a financial interest; holding office in an educational, religious, charitable, service,* or civic organization does not confer a financial interest in the organization's securities; and a proprietary interest of a policyholder in a mutual insurance company or mutual savings association or similar interest is not a financial interest unless the outcome of the proceeding could substantially affect the value of the interest. A justice shall make reasonable efforts to keep informed about his or her personal and fiduciary* interests and those of his or her spouse or registered domestic partner* and of minor children living in the household.

(e)(i) The justice or his or her spouse or registered domestic partner,* or a person within the third degree of relationship* to either of them, or the spouse or registered domestic partner* thereof, is a party or an officer, director, or trustee of a party to the proceeding, or

(ii) a lawyer or spouse or registered domestic partner* of a lawyer in the proceeding is the spouse, registered domestic partner,* former spouse, former registered domestic partner,* child, sibling, or parent of the justice or of the justice's spouse or registered domestic partner,* or such a person is associated in the private practice of law with a lawyer in the proceeding.

(f) The justice

- (i) served as the judge before whom the proceeding was tried or heard in the lower court,
- (ii) has personal knowledge* of disputed evidentiary facts concerning the proceeding, or
- (iii) has a personal bias or prejudice concerning a party or a party's lawyer.

(g) A temporary or permanent physical impairment renders the justice unable properly to perceive the evidence or conduct the proceedings.

(h) The justice has a current arrangement concerning prospective employment or other compensated service as a dispute resolution neutral or is participating in, or, within the last two years has participated in, discussions regarding prospective employment or service as a dispute resolution neutral, or has been engaged in such employment or service, and any of the following applies:

- (i) The arrangement is, or the prior employment or discussion was, with a party to the proceeding;
- (ii) The matter before the justice includes issues relating to the enforcement of either an agreement to submit a dispute to an alternative dispute resolution process or an award or other final decision by a dispute resolution neutral;
- (iii) The justice directs the parties to participate in an alternative dispute resolution process in which the dispute resolution neutral will be an individual or entity with whom the justice has the arrangement, has previously been employed or served, or is discussing or has discussed the employment or service; or

(iv) The justice will select a dispute resolution neutral or entity to conduct an alternative dispute resolution process in the matter before the justice, and among those available for selection is an individual or entity with whom the justice has the arrangement, with whom the justice has previously been employed or served, or with whom the justice is discussing or has discussed the employment or service.

For purposes of Canon 3E(5)(h), “participating in discussions” or “has participated in discussions” means that the justice (i) solicited or otherwise indicated an interest in accepting or negotiating possible employment or service as an alternative dispute resolution neutral, or (ii) responded to an unsolicited statement regarding, or an offer of, such employment or service by expressing an interest in that employment or service, making any inquiry regarding the employment or service, or encouraging the person making the statement or offer to provide additional information about that possible employment or service. If a justice’s response to an unsolicited statement regarding a question about, or offer of, prospective employment or other compensated service as a dispute resolution neutral is limited to responding negatively, declining the offer, or declining to discuss such employment or service, that response does not constitute participating in discussions.

For purposes of Canon 3E(5)(h), “party” includes the parent, subsidiary, or other legal affiliate of any entity that is a party and is involved in the transaction, contract, or facts that gave rise to the issues subject to the proceeding.

For purposes of Canon 3E(5)(h), “dispute resolution neutral” means an arbitrator, a mediator, a temporary judge* appointed under article VI, section 21 of the California Constitution, a referee appointed under Code of Civil Procedure section 638 or 639, a special master, a neutral evaluator, a settlement officer, or a settlement facilitator.

(i) The justice’s spouse or registered domestic partner* or a person within the third degree of relationship* to the justice or his or her spouse or registered domestic partner,* or the person’s spouse or registered domestic partner,* was a witness in the proceeding.

(j) The justice has received a campaign contribution of \$5,000 or more from a party or lawyer in a matter that is before the court, and either of the following applies:

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- (i) The contribution was received in support of the justice's last election, if the last election was within the last six years; or
- (ii) The contribution was received in anticipation of an upcoming election.

Notwithstanding Canon 3E(5)(j), a justice shall disqualify himself or herself based on a contribution of a lesser amount if required by Canon 3E(4).

The disqualification required under Canon 3E(5)(j) may be waived if all parties that did not make the contribution agree to waive the disqualification.

ADVISORY COMMITTEE COMMENTARY: Canon 3E

Canon 3E(1) sets forth the general duty to disqualify applicable to a judge of any court. Sources for determining when recusal or disqualification is appropriate may include the applicable provisions of the Code of Civil Procedure, other provisions of the Code of Judicial Ethics, the Code of Conduct for United States Judges, the American Bar Association's Model Code of Judicial Conduct, and related case law.

The decision whether to disclose information under Canon 3E(2) is a decision based on the facts of the case before the judge. A judge is required to disclose only information that is related to the grounds for disqualification set forth in Code of Civil Procedure section 170.1.

Canon 3E(4) sets forth the general standards for recusal of an appellate justice. The term "appellate justice" includes justices of both the Courts of Appeal and the Supreme Court. Generally, the provisions concerning disqualification of an appellate justice are intended to assist justices in determining whether recusal is appropriate and to inform the public why recusal may occur.

The rule of necessity may override the rule of disqualification. For example, a judge might be required to participate in judicial review of a judicial salary statute, or might be the only judge available in a matter requiring judicial action, such as a hearing on probable cause or a temporary restraining order. In the latter case, the judge must promptly disclose on the record the basis for possible disqualification and use reasonable efforts to transfer the matter to another judge as soon as practicable.

In some instances, membership in certain organizations may have the potential to give an appearance of partiality, although membership in the organization generally may not be barred by Canon 2C, Canon 4, or any other specific canon. A judge holding membership in an organization should disqualify himself or herself whenever doing so would be appropriate in accordance with Canon 3E(1), 3E(4), or 3E(5) or statutory requirements. In addition, in some circumstances, the parties or their lawyers may consider a judge's membership

in an organization relevant to the question of disqualification, even if the judge believes there is no actual basis for disqualification. In accordance with this canon, a judge should disclose to the parties his or her membership in an organization, in any proceeding in which that information is reasonably relevant to the question of disqualification under Code of Civil Procedure section 170.1, even if the judge concludes there is no actual basis for disqualification.

(6) It shall not be grounds for disqualification that the justice:

(a) Is or is not a member of a racial, ethnic, religious, sexual, or similar group and the proceeding involves the rights of such a group;

(b) Has in any capacity expressed a view on a legal or factual issue presented in the proceeding, except as provided in Canon 3E(5)(a), (b), or (c);

(c) Has as a lawyer or public official participated in the drafting of laws* or in the effort to pass or defeat laws,* the meaning, effect, or application of which is in issue in the proceeding unless the judge believes that his or her prior involvement was so well known* as to raise a reasonable doubt in the public mind as to his or her capacity to be impartial.*

ADVISORY COMMITTEE COMMENTARY: Canon 3E(6)

Canon 3E(6) is substantively the same as Code of Civil Procedure section 170.2, which pertains to trial court judges.

CANON 4

**A JUDGE SHALL SO CONDUCT THE JUDGE’S QUASI-JUDICIAL AND
EXTRAJUDICIAL ACTIVITIES AS TO MINIMIZE THE RISK OF
CONFLICT WITH JUDICIAL OBLIGATIONS**

A. Extrajudicial Activities in General

A judge shall conduct all of the judge’s extrajudicial activities so that they do not

- (1) cast reasonable doubt on the judge’s capacity to act impartially,*
- (2) demean the judicial office,
- (3) interfere with the proper performance of judicial duties, or
- (4) lead to frequent disqualification of the judge.

ADVISORY COMMITTEE COMMENTARY: Canon 4A

Complete separation of a judge from extrajudicial activities is neither possible nor wise; a judge should not become isolated from the community in which he or she lives. Expressions of bias or prejudice by a judge, even outside the judge’s judicial activities, may cast reasonable doubt on the judge’s capacity to act impartially as a judge. Expressions that may do so include inappropriate use of humor or the use of demeaning remarks. See Canon 2C and accompanying Commentary.*

Because a judge’s judicial duties take precedence over all other activities (see Canon 3A), a judge must avoid extrajudicial activities that might reasonably result in the judge being disqualified.

B. Quasi-Judicial and Avocational Activities

A judge may speak, write, lecture, teach, and participate in activities concerning legal and nonlegal subject matters, subject to the requirements of this code.

ADVISORY COMMITTEE COMMENTARY: Canon 4B

As a judicial officer and person specially learned in the law, a judge is in a unique position to contribute to the improvement of the law, the legal system, and the administration of justice,* including revision of substantive and procedural law* and improvement of criminal and juvenile justice. To the extent that time permits, a judge may do so, either independently or through a bar or judicial association or other group dedicated to the improvement of the law.* It may be*

necessary to promote legal education programs and materials by identifying authors and speakers by judicial title. This is permissible, provided such use of the judicial title does not contravene Canons 2A and 2B.

Judges are not precluded by their office from engaging in other social, community, and intellectual endeavors so long as they do not interfere with the obligations under Canons 2C and 4A.

C. Governmental, Civic, or Charitable Activities

(1) A judge shall not appear at a public hearing or officially consult with an executive or legislative body or public official except on matters concerning the law, the legal system, or the administration of justice,* or in matters involving the judge's private economic or personal interests.

ADVISORY COMMITTEE COMMENTARY: Canon 4C(1)

When deciding whether to appear at a public hearing or to consult with an executive or legislative body or public official on matters concerning the law, the legal system, or the administration of justice, a judge should consider if that conduct would violate any other provisions of this code. For a list of factors to consider, see the explanation of "law, the legal system, or the administration of justice" in the Terminology section. See also Canon 2B regarding the obligation to avoid improper influence.*

(2) A judge shall not accept appointment to a governmental committee or commission or other governmental position that is concerned with issues of fact or policy on matters other than the improvement of the law, the legal system, or the administration of justice.* A judge may, however, serve in the military reserve or represent a national, state, or local government on ceremonial occasions or in connection with historical, educational, or cultural activities.

ADVISORY COMMITTEE COMMENTARY: Canon 4C(2)

Canon 4C(2) prohibits a judge from accepting any governmental position except one relating to the law, legal system, or administration of justice as authorized by Canon 4C(3). The appropriateness of accepting extrajudicial assignments must be assessed in light of the demands on judicial resources and the need to protect the courts from involvement in extrajudicial matters that may prove to be controversial. Judges shall not accept governmental appointments that are likely to interfere with the effectiveness and independence* of the judiciary, or that constitute a public office within the meaning of article VI, section 17 of the California Constitution.*

Canon 4C(2) does not govern a judge's service in a nongovernmental position. See Canon 4C(3) permitting service by a judge with organizations devoted to the improvement of the law, the legal system, or the administration of justice and with educational, religious, charitable, service,* or civic organizations not conducted for profit. For example, service on the board of a public educational institution, other than a law school, would be prohibited under Canon 4C(2), but service on the board of a public law school or any private educational institution would generally be permitted under Canon 4C(3).*

(3) Subject to the following limitations and the other requirements of this code,

(a) a judge may serve as an officer, director, trustee, or nonlegal advisor of an organization or governmental agency devoted to the improvement of the law, the legal system, or the administration of justice* provided that such position does not constitute a public office within the meaning of article VI, section 17 of the California Constitution;

(b) a judge may serve as an officer, director, trustee, or nonlegal advisor of an educational, religious, charitable, service,* or civic organization not conducted for profit;

ADVISORY COMMITTEE COMMENTARY: Canon 4C(3)

Canon 4C(3) does not apply to a judge's service in a governmental position unconnected with the improvement of the law, the legal system, or the administration of justice. See Canon 4C(2).*

Canon 4C(3) uses the phrase, "Subject to the following limitations and the other requirements of this code." As an example of the meaning of the phrase, a judge permitted by Canon 4C(3) to serve on the board of a service organization may be prohibited from such service by Canon 2C or 4A if the institution practices invidious discrimination or if service on the board otherwise casts reasonable doubt on the judge's capacity to act impartially* as a judge.*

Service by a judge on behalf of a civic or charitable organization may be governed by other provisions of Canon 4 in addition to Canon 4C. For example, a judge is prohibited by Canon 4G from serving as a legal advisor to a civic or charitable organization.

Service on the board of a homeowners association or a neighborhood protective group is proper if it is related to the protection of the judge's own economic interests. See Canons 4D(2) and 4D(4). See Canon 2B regarding the obligation to avoid improper use of the prestige of a judge's office.

(c) a judge shall not serve as an officer, director, trustee, or nonlegal advisor if it is likely that the organization

(i) will be engaged in judicial proceedings that would ordinarily come before the judge, or

(ii) will be engaged frequently in adversary proceedings in the court of which the judge is a member or in any court subject to the appellate jurisdiction of the court of which the judge is a member.

ADVISORY COMMITTEE COMMENTARY: Canon 4C(3)(c)

The changing nature of some organizations and of their relationship to the law makes it necessary for the judge regularly to reexamine the activities of each organization with which the judge is affiliated to determine if it is proper for the judge to continue the affiliation. Some organizations regularly engage in litigation to achieve their goals or fulfill their purposes. Judges should avoid a leadership role in such organizations as it could compromise the appearance of impartiality.**

(d) a judge as an officer, director, trustee, nonlegal advisor, or as a member or otherwise

(i) may assist such an organization in planning fundraising and may participate in the management and investment of the organization's funds. However, a judge shall not personally participate in the solicitation of funds or other fundraising activities, except that a judge may privately solicit funds for such an organization from members of the judge's family* or from other judges (excluding court commissioners, referees, court-appointed arbitrators, hearing officers, temporary judges,* and retired judges who serve in the Temporary Assigned Judges Program, practice law, or provide alternative dispute resolution services);

(ii) may make recommendations to public and private fund-granting organizations on projects and programs concerning the law, the legal system, or the administration of justice;*

(iii) shall not personally participate in membership solicitation if the solicitation might reasonably be perceived as coercive or if the membership solicitation is essentially a fundraising mechanism, except as permitted in Canon 4C(3)(d)(i);

(iv) shall not permit the use of the prestige of his or her judicial office for fundraising or membership solicitation but may be a speaker, guest of honor, or recipient of an award for public or charitable service

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provided the judge does not personally solicit funds and complies with Canons 4A(1), (2), (3), and (4).

ADVISORY COMMITTEE COMMENTARY: Canon 4C(3)(d)

A judge may solicit membership or endorse or encourage membership efforts for an organization devoted to the improvement of the law, the legal system, or the administration of justice, or a nonprofit educational, religious, charitable, service,* or civic organization as long as the solicitation cannot reasonably be perceived as coercive and is not essentially a fundraising mechanism. Solicitation of funds or memberships for an organization similarly involves the danger that the person solicited will feel obligated to respond favorably if the solicitor is in a position of influence or control. A judge must not engage in direct, individual solicitation of funds or memberships in person, in writing, or by telephone except in the following cases: (1) a judge may solicit other judges (excluding court commissioners, referees, retired judges, court-appointed arbitrators, hearing officers, and temporary judges,* and retired judges who serve in the Temporary Assigned Judges Program, practice law, or provide alternative dispute resolution services) for funds or memberships; (2) a judge may solicit other persons for membership in the organizations described above if neither those persons nor persons with whom they are affiliated are likely ever to appear before the court on which the judge serves; and (3) a judge who is an officer of such an organization may send a general membership solicitation mailing over the judge's signature.*

When deciding whether to make recommendations to public and private fund-granting organizations on projects and programs concerning the law, the legal system, or the administration of justice, a judge should consider whether that conduct would violate any other provision of this code. For a list of factors to consider, see the explanation of "law, the legal system, or the administration of justice" in the Terminology section.*

Use of an organization's letterhead for fundraising or membership solicitation does not violate Canon 4C(3)(d), provided the letterhead lists only the judge's name and office or other position in the organization, and designates the judge's judicial title only if other persons whose names appear on the letterhead have comparable designations. In addition, a judge must also make reasonable efforts to ensure that the judge's staff, court officials, and others subject to the judge's direction and control do not solicit funds on the judge's behalf for any purpose, charitable or otherwise.

(e) A judge may encourage lawyers to provide pro bono publico legal services.

ADVISORY COMMITTEE COMMENTARY: Canon 4C(3)(e)

In addition to appointing lawyers to serve as counsel for indigent parties in individual cases, a judge may promote broader access to justice by encouraging lawyers to participate in pro bono publico legal services, as long as the judge does not employ coercion or abuse the prestige of judicial office.

D. Financial Activities

- (1) A judge shall not engage in financial and business dealings that
- (a) may reasonably be perceived to exploit the judge's judicial position, or
 - (b) involve the judge in frequent transactions or continuing business relationships with lawyers or other persons likely to appear before the court on which the judge serves.

ADVISORY COMMITTEE COMMENTARY: Canon 4D(1)

The Time for Compliance provision of this code (Canon 6F) postpones the time for compliance with certain provisions of this canon in some cases. A judge must avoid financial and business dealings that involve the judge in frequent transactions or continuing business relationships with persons likely to appear either before the judge personally or before other judges on the judge's court. A judge shall discourage members of the judge's family from engaging in dealings that would reasonably appear to exploit the judge's judicial position or that would involve family members in frequent transactions or continuing business relationships with persons likely to appear before the judge. This rule is necessary to avoid creating an appearance of exploitation of office or favoritism and to minimize the potential for disqualification.*

Participation by a judge in financial and business dealings is subject to the general prohibitions in Canon 4A against activities that tend to reflect adversely on impartiality, demean the judicial office, or interfere with the proper performance of judicial duties. Such participation is also subject to the general prohibition in Canon 2 against activities involving impropriety* or the appearance of impropriety* and the prohibition in Canon 2B against the misuse of the prestige of judicial office.*

In addition, a judge must maintain high standards of conduct in all of the judge's activities, as set forth in Canon 1.

- (2) A judge may, subject to the requirements of this code, hold and manage investments of the judge and members of the judge's family,* including real estate, and engage in other remunerative activities. A judge shall not participate in, nor permit the judge's name to be used in connection with, any

business venture or commercial advertising that indicates the judge's title or affiliation with the judiciary or otherwise lend the power or prestige of his or her office to promote a business or any commercial venture.

(3) A judge shall not serve as an officer, director, manager, or employee of a business affected with a public interest, including, without limitation, a financial institution, insurance company, or public utility.

ADVISORY COMMITTEE COMMENTARY: Canon 4D(3)

Although participation by a judge in business activities might otherwise be permitted by Canon 4D, a judge may be prohibited from participation by other provisions of this code when, for example, the business entity frequently appears before the judge's court or the participation requires significant time away from judicial duties. Similarly, a judge must avoid participating in any business activity if the judge's participation would involve misuse of the prestige of judicial office. See Canon 2B.

(4) A judge shall manage personal investments and financial activities so as to minimize the necessity for disqualification. As soon as reasonably possible, a judge shall divest himself or herself of investments and other financial interests that would require frequent disqualification.

(5) Under no circumstance shall a judge accept a gift,* bequest, or favor if the donor is a party whose interests have come or are reasonably likely to come before the judge. A judge shall discourage members of the judge's family residing in the judge's household* from accepting similar benefits from parties who have come or are reasonably likely to come before the judge.

ADVISORY COMMITTEE COMMENTARY: Canon 4D(5)

In addition to the prohibitions set forth in Canon 4D(5) regarding gifts, other laws* may be applicable to judges, including, for example, Code of Civil Procedure section 170.9 and the Political Reform Act of 1974 (Gov. Code, § 81000 et seq.).*

Canon 4D(5) does not apply to contributions to a judge's campaign for judicial office, a matter governed by Canon 5, although such contributions may give rise to an obligation by the judge to disqualify or disclose. See Canon 3E(2)(b) and accompanying Commentary and Code of Civil Procedure section 170.1, subdivision (a)(9).

Because a gift, bequest, or favor to a member of the judge's family residing in the judge's household* might be viewed as intended to influence the judge, a judge must inform those family members of the relevant ethical constraints upon the judge in this regard and urge them to take these constraints*

into account when making decisions about accepting such gifts, bequests, or favors. A judge cannot, however, reasonably be expected to know or control all of the financial or business activities of all family members residing in the judge's household.**

The application of Canon 4D(5) requires recognition that a judge cannot reasonably be expected to anticipate all persons or interests that may come before the court.

(6) A judge shall not accept and shall discourage members of the judge's family residing in the judge's household* from accepting a gift,* bequest, favor, or loan from anyone except as hereinafter set forth. Gifts* that are permitted by Canons 4D(6)(a) through (i) may only be accepted if the gift,* bequest, favor, or loan would neither influence nor reasonably be perceived as intended to influence the judge in the performance of judicial duties:

(a) a gift,* bequest, favor, or loan from a person whose preexisting relationship with the judge would prevent the judge under Canon 3E from hearing a case involving that person;

ADVISORY COMMITTEE COMMENTARY: Canon 4D(6)(a)

Upon appointment or election as a judge or within a reasonable period of time thereafter, a judge may attend an event honoring the judge's appointment or election as a judge provided that (1) the judge would otherwise be disqualified from hearing any matter involving the person or entity holding or funding the event, and (2) a reasonable person would not conclude that attendance at the event undermines the judge's integrity, impartiality,* or independence.**

(b) a gift* for a special occasion from a relative or friend, if the gift* is fairly commensurate with the occasion and the relationship;

ADVISORY COMMITTEE COMMENTARY: Canon 4D(6)(b)

A gift to a judge, or to a member of the judge's family residing in the judge's household,* that is excessive in value raises questions about the judge's impartiality* and the integrity* of the judicial office and might require disqualification of the judge where disqualification would not otherwise be required. See, however, Canon 4D(6)(a).*

(c) commercial or financial opportunities and benefits, including special pricing and discounts, and loans from lending institutions in their regular course of business, if the same opportunities and benefits or loans are made available on the same terms to similarly situated persons who are not judges;

(d) any gift* incidental to a public testimonial, or educational or resource materials supplied by publishers on a complimentary basis for official use, or a discounted or complimentary membership in a bar-related association, or an invitation to the judge and the judge's spouse or registered domestic partner* or guest to attend a bar-related function or an activity devoted to the improvement of the law, the legal system, or the administration of justice;*

(e) advances or reimbursement for the reasonable cost of travel, transportation, lodging, and subsistence that is directly related to participation in any judicial, educational, civic, or governmental program or bar-related function or activity devoted to the improvement of the law, the legal system, or the administration of justice;*

ADVISORY COMMITTEE COMMENTARY: Canon 4D(6)(e)

Acceptance of an invitation to a law-related function is governed by Canon 4D(6)(d); acceptance of an invitation paid for by an individual lawyer or group of lawyers is governed by Canon 4D(6)(g). See also Canon 4H(2) and accompanying Commentary.

(f) a gift,* award, or benefit incident to the business, profession, or other separate activity of a spouse or registered domestic partner* or other member of the judge's family residing in the judge's household,* including gifts,* awards, and benefits for the use of both the spouse or registered domestic partner* or other family member and the judge;

(g) ordinary social hospitality;

ADVISORY COMMITTEE COMMENTARY: Canon 4D(6)(g)

Although Canon 4D(6)(g) does not preclude ordinary social hospitality, a judge should carefully weigh acceptance of such hospitality to avoid any appearance of impropriety or bias or any appearance that the judge is misusing the prestige of judicial office. See Canons 2 and 2B. A judge should also consider whether acceptance would affect the integrity,* impartiality,* or independence* of the judiciary. See Canon 2A.*

(h) an invitation to the judge and the judge's spouse, registered domestic partner,* or guest to attend an event sponsored by an educational, religious, charitable, service,* or civic organization with which the judge is associated or involved, if the same invitation is offered to persons who are not judges and who are similarly engaged with the organization.

(i) a nominal gift,* provided the gift* is not from a lawyer, law firm, or other person likely to appear before the court on which the judge serves, unless one or more of the exceptions in this canon applies.

ADVISORY COMMITTEE COMMENTARY: Canon 4D(6)(i)

For example, nominal gifts include snacks or a token memento from jurors, keychains or pens provided by vendors at legal conferences, or handicrafts or art projects from students.*

A judge should carefully weigh acceptance of any nominal gift to avoid any appearance of impropriety or bias or any appearance that the judge is misusing the prestige of judicial office. See Canons 2 and 2B. A judge should also consider whether acceptance would affect the integrity,* impartiality,* or independence* of the judiciary. See Canon 2A.*

(7) A judge may accept the following, provided that doing so would neither influence nor reasonably be perceived as intended to influence the judge in the performance of judicial duties:

(a) a scholarship or fellowship awarded on the same terms and based on the same criteria applied to other applicants;

(b) rewards and prizes given to competitors or participants in random drawings, contests, or other events that are open to persons who are not judges.

ADVISORY COMMITTEE COMMENTARY: Canons 4D(6) and 4D(7)

The references to such scholarships, fellowships, rewards, and prizes were moved from Canon 4D(6) to Canon 4D(7) because they are not considered to be gifts under this code, and a judge may accept them.*

E. Fiduciary* Activities

(1) A judge shall not serve as executor, administrator, or other personal representative, trustee, guardian, attorney in fact, or other fiduciary,* except for the estate, trust, or person of a member of the judge's family,* and then only if such service will not interfere with the proper performance of judicial duties. A judge may, however, act as a health care representative pursuant to an advance health care directive for a person whose preexisting relationship with the judge would prevent the judge from hearing a case involving that person under Canon 3E(1).

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(2) A judge shall not serve as a fiduciary* if it is likely that the judge as a fiduciary* will be engaged in proceedings that would ordinarily come before the judge, or if the estate, trust, or minor or conservatee will be engaged in contested proceedings in the court on which the judge serves or one under its appellate jurisdiction.

(3) The same restrictions on financial activities that apply to a judge personally also apply to the judge while acting in a fiduciary* capacity.

ADVISORY COMMITTEE COMMENTARY: Canon 4E

The Time for Compliance provision of this code (Canon 6F) postpones the time for compliance with certain provisions of this canon in some cases.

The restrictions imposed by this canon may conflict with the judge's obligation as a fiduciary. For example, a judge shall resign as trustee if detriment to the trust would result from divestiture of trust holdings the retention of which would place the judge in violation of Canon 4D(4).*

F. Service as Arbitrator or Mediator

A judge shall not act as an arbitrator or mediator or otherwise perform judicial functions in a private capacity unless expressly authorized by law.*

ADVISORY COMMITTEE COMMENTARY: Canon 4F

Canon 4F does not prohibit a judge from participating in arbitration, mediation, or settlement conferences performed as part of his or her judicial duties.

G. Practice of Law

A judge shall not practice law.

ADVISORY COMMITTEE COMMENTARY: Canon 4G

This prohibition refers to the practice of law in a representative capacity and not in a pro se capacity. A judge may act for himself or herself in all legal matters, including matters involving litigation and matters involving appearances before or other dealings with legislative and other governmental bodies. However, in so doing, a judge must not abuse the prestige of office to advance the interests of the judge or member of the judge's family. See Canon 2B.*

This prohibition applies to subordinate judicial officers, magistrates, special masters, and judges of the State Bar Court.*

H. Compensation, Reimbursement, and Honoraria

A judge may receive compensation and reimbursement of expenses as provided by law* for the extrajudicial activities permitted by this code, if the source of such payments does not give the appearance of influencing the judge's performance of judicial duties or otherwise give the appearance of impropriety.*

(1) Compensation shall not exceed a reasonable amount nor shall it exceed what a person who is not a judge would receive for the same activity.

(2) Expense reimbursement shall be limited to the actual cost of travel, food, lodging, and other costs reasonably incurred by the judge and, where appropriate to the occasion, by the judge's spouse, registered domestic partner,* or guest. Any payment in excess of such an amount is compensation.

(3) No judge shall accept any honorarium. "Honorarium" means any payment made in consideration for a speech given, an article published, or attendance at any public or private conference, convention, meeting, social event, meal, or like gathering. "Honorarium" does not include earned income for personal services that are customarily provided in connection with the practice of a bona fide business, trade, or profession, such as teaching or writing for a publisher, and does not include fees or other things of value received pursuant to Penal Code section 94.5 for performance of a marriage. For purposes of this canon, "teaching" includes presentations to impart educational information to lawyers in events qualifying for credit under Minimum Continuing Legal Education, to students in bona fide educational institutions, and to associations or groups of judges.

ADVISORY COMMITTEE COMMENTARY: Canon 4H

Judges should not accept compensation or reimbursement of expenses if acceptance would appear to a reasonable person to undermine the judge's integrity, impartiality,* or independence.**

A judge must assure himself or herself that acceptance of reimbursement or fee waivers would not appear to a reasonable person to undermine the judge's independence, integrity,* or impartiality.* The factors a judge should consider when deciding whether to accept reimbursement or a fee waiver for attendance at a particular activity include whether:*

(a) the sponsor is an accredited educational institution or bar association rather than a trade association or a for-profit entity;

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(b) the funding comes largely from numerous contributors rather than from a single entity, and whether the funding is earmarked for programs with specific content;

(c) the content is related or unrelated to the subject matter of a pending or impending* proceeding before the judge, or to matters that are likely to come before the judge;*

(d) the activity is primarily educational rather than recreational, and whether the costs of the event are reasonable and comparable to those associated with similar events sponsored by the judiciary, bar associations, or similar groups;

(e) information concerning the activity and its funding sources is available upon inquiry;

(f) the sponsor or source of funding is generally associated with particular parties or interests currently appearing or likely to appear in the judge's court, thus possibly requiring disqualification of the judge;

(g) differing viewpoints are presented;

(h) a broad range of judicial and nonjudicial participants are invited; or

(i) the program is designed specifically for judges.

*Judges should be aware of the statutory limitations on accepting gifts.**

CANON 5

A JUDGE OR CANDIDATE FOR JUDICIAL OFFICE* SHALL NOT ENGAGE IN POLITICAL OR CAMPAIGN ACTIVITY THAT IS INCONSISTENT WITH THE INDEPENDENCE,* INTEGRITY,* OR IMPARTIALITY* OF THE JUDICIARY

Judges and candidates for judicial office* are entitled to entertain their personal views on political questions. They are not required to surrender their rights or opinions as citizens. They shall, however, not engage in political activity that may create the appearance of political bias or impropriety.* Judicial independence,* impartiality,* and integrity* shall dictate the conduct of judges and candidates for judicial office.*

Judges and candidates for judicial office* shall comply with all applicable election, election campaign, and election campaign fundraising laws* and regulations.

ADVISORY COMMITTEE COMMENTARY: Canon 5

The term “political activity” should not be construed so narrowly as to prevent private comment.

A. Political Organizations*

Judges and candidates for judicial office* shall not

- (1) act as leaders or hold any office in a political organization;*
- (2) make speeches for a political organization* or candidate for nonjudicial office, or publicly endorse or publicly oppose a candidate for nonjudicial office; or
- (3) personally solicit funds for a political organization* or nonjudicial candidate; or make contributions to a political party or political organization* or to a nonjudicial candidate in excess of \$500 in any calendar year per political party or political organization* or candidate, or in excess of an aggregate of \$1,000 in any calendar year for all political parties or political organizations* or nonjudicial candidates.

ADVISORY COMMITTEE COMMENTARY: Canon 5A

This provision does not prohibit a judge or a candidate for judicial office from signing a petition to qualify a measure for the ballot, provided the judge does not use his or her official title.*

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Although attendance at political gatherings is not prohibited, any such attendance should be restricted so that it would not constitute an express public endorsement of a nonjudicial candidate or a measure not affecting the law, the legal system, or the administration of justice otherwise prohibited by this canon.*

Subject to the monetary limitation herein to political contributions, a judge or a candidate for judicial office may purchase tickets for political dinners or other similar dinner functions. Any admission price to such a political dinner or function in excess of the actual cost of the meal will be considered a political contribution. The prohibition in Canon 5A(3) does not preclude judges from contributing to a campaign fund for distribution among judges who are candidates for reelection or retention, nor does it apply to contributions to any judge or candidate for judicial office.**

Under this canon, a judge may publicly endorse or oppose a candidate for judicial office. Such positions are permitted because judicial officers have a special obligation to uphold the integrity,* impartiality,* and independence* of the judiciary and are in a unique position to know the qualifications necessary to serve as a competent judicial officer.*

Although family members of the judge or candidate for judicial office are not subject to the provisions of this code, a judge or candidate for judicial office* shall not avoid compliance with this code by making contributions through a spouse or registered domestic partner* or other family member.*

B. Conduct During Judicial Campaigns and Appointment Process

(1) A candidate for judicial office* or an applicant seeking appointment to judicial office shall not:

(a) make statements to the electorate or the appointing authority that commit the candidate or the applicant with respect to cases, controversies, or issues that are likely to come before the courts, or

(b) knowingly,* or with reckless disregard for the truth, make false or misleading statements about the identity, qualifications, present position, or any other fact concerning himself or herself or his or her opponent or other applicants.

(2) A candidate for judicial office* shall review and approve the content of all campaign statements and materials produced by the candidate or his or her campaign committee before its dissemination. A candidate shall take appropriate corrective action if the candidate learns of any misrepresentations made in his or her campaign statements or materials. A candidate shall take reasonable measures to prevent any misrepresentations being made in his or

her support by third parties. A candidate shall take reasonable measures to ensure that appropriate corrective action is taken if the candidate learns of any misrepresentations being made in his or her support by third parties.

(3) Every candidate for judicial office* shall complete a judicial campaign ethics course approved by the Supreme Court no earlier than one year before or no later than 60 days after the filing of a declaration of intention by the candidate, the formation of a campaign committee, or the receipt of any campaign contribution, whichever is earliest. If a judge appears on the ballot as a result of a petition indicating that a write-in campaign will be conducted for the office, the judge shall complete the course no later than 60 days after receiving notice of the filing of the petition, the formation of a campaign committee, or the receipt of any campaign contribution, whichever is earliest.

Unless a judge forms a campaign committee or solicits or receives campaign contributions, this requirement does not apply to judges who are unopposed for election and will not appear on the ballot.

Unless an appellate justice forms a campaign committee or solicits or receives campaign contributions, this requirement does not apply to appellate justices.

ADVISORY COMMITTEE COMMENTARY: Canon 5B

The purpose of Canon 5B is to preserve the integrity of the appointive and elective process for judicial office and to ensure that the public has accurate information about candidates for judicial office.* Compliance with these provisions will enhance the integrity,* impartiality,* and independence* of the judiciary and better inform the public about qualifications of candidates for judicial office.**

This code does not contain the “announce clause” that was the subject of the United States Supreme Court’s decision in Republican Party of Minnesota v. White (2002) 536 U.S. 765. That opinion did not address the “commit clause,” which is contained in Canon 5B(1)(a). The phrase “appear to commit” has been deleted because, although candidates for judicial office cannot promise to take a particular position on cases, controversies, or issues prior to taking the bench and presiding over individual cases, the phrase may have been overinclusive.*

Canon 5B(1)(b) prohibits knowingly making false or misleading statements during an election campaign because doing so would violate Canons 1 and 2A, and may violate other canons.

The time limit for completing a judicial campaign ethics course in Canon 5B(3) is triggered by the earliest of one of the following: the filing of a declaration of intention, the formation of a campaign committee, or the receipt of any

campaign contribution. If a judge's name appears on the ballot as a result of a petition indicating that a write-in campaign will be conducted, the time limit for completing the course is triggered by the earliest of one of the following: the notice of the filing of the petition, the formation of a campaign committee, or the receipt of any campaign contribution. A financial contribution by a candidate for judicial office to his or her own campaign constitutes receipt of a campaign contribution.*

(4) In judicial elections, judges may solicit campaign contributions or endorsements for their own campaigns or for other judges and attorneys who are candidates for judicial office.* Judges are permitted to solicit such contributions and endorsements from anyone, including attorneys and other judges, except that a judge shall not solicit campaign contributions or endorsements from California state court commissioners, referees, court-appointed arbitrators, hearing officers, and retired judges serving in the Temporary Assigned Judges Program, or from California state court personnel. In soliciting campaign contributions or endorsements, a judge shall not use the prestige of judicial office in a manner that would reasonably be perceived as coercive. See Canons 1, 2, 2A, and 2B.

ADVISORY COMMITTEE COMMENTARY: Canon 5B(4)

Regarding campaign contributions for a judge's own campaign, see Canon 3E(2)(b) and accompanying Commentary addressing disclosure of campaign contributions. See also Code of Civil Procedure section 170.1, subdivision (a)(9), which provides that a judge is disqualified if the judge has received a campaign contribution exceeding \$1,500 from a party or an attorney in the proceeding. Although it is improper for a judge to receive a gift from an attorney subject to exceptions noted in Canon 4D(6), a judge's campaign may receive attorney contributions. See also Government Code section 8314, which prohibits any elected state or local officer from using public resources, including buildings, telephones, and state-compensated time, for a campaign activity. Under section 8314, subdivision (b)(2), "campaign activity" does not include "the incidental and minimal use of public resources, such as equipment or office space, for campaign purposes, including the referral of unsolicited political mail, telephone calls, and visitors to private political entities."*

Even though it is permissible for a judge to solicit endorsements and campaign funds for attorneys who are candidates for judicial office, the judge must be cautious. Such solicitation may raise issues of disqualification and disclosure under Code of Civil Procedure section 170.1, subdivision (a), and Canon 3E. Even if the judge is not disqualified, disclosure may be required under Canon 3E(2)(a). For example, a judge who has solicited campaign funds or endorsements for a candidate who is an attorney must consider disclosing that*

solicitation in all cases in which the attorney candidate appears before the judge. The judge should also consider Canon 4A(1) and Canon 4A(4), which require a judge to conduct extrajudicial activities so they do not cast reasonable doubt on the judge's capacity to act impartially or lead to frequent disqualification.*

"Judicial elections" includes recall elections.

C. Speaking at Political Gatherings

Candidates for judicial office* may speak to political gatherings only on their own behalf or on behalf of another candidate for judicial office.*

D. Measures to Improve the Law

A judge or candidate for judicial office* may engage in activity in relation to measures concerning improvement of the law, the legal system, or the administration of justice,* only if the conduct is consistent with this code.

ADVISORY COMMITTEE COMMENTARY: Canon 5D

When deciding whether to engage in activity relating to measures concerning the law, the legal system, or the administration of justice, such as commenting publicly on ballot measures, a judge must consider whether the conduct would violate any other provisions of this code. See the explanation of "law, the legal system, or the administration of justice" in the Terminology section.*

CANON 6

COMPLIANCE WITH THE CODE OF JUDICIAL ETHICS

A. Judges

Anyone who is an officer of the state judicial system and who performs judicial functions including, but not limited to, a subordinate judicial officer,* a magistrate, a court-appointed arbitrator, a judge of the State Bar Court, a temporary judge,* or a special master, is a judge within the meaning of this code. All judges shall comply with this code except as provided below.

ADVISORY COMMITTEE COMMENTARY: Canon 6A

For the purposes of this canon, if a retired judge is serving in the Temporary Assigned Judges Program, the judge is considered to “perform judicial functions.” Because retired judges who are privately retained may perform judicial functions, their conduct while performing those functions should be guided by this code.

B. Retired Judge Serving in the Temporary Assigned Judges Program

A retired judge who has filed an application to serve on assignment, meets the eligibility requirements set by the Chief Justice for service, and has received an acknowledgment of participation in the Temporary Assigned Judges Program shall comply with all provisions of this code, except for the following:

4C(2)—Appointment to governmental positions

4E—Fiduciary* activities

C. Retired Judge as Arbitrator or Mediator

A retired judge serving in the Temporary Assigned Judges Program is not required to comply with Canon 4F of this code relating to serving as an arbitrator or mediator, or performing judicial functions in a private capacity, except as otherwise provided in the *Standards and Guidelines for Judicial Assignments* promulgated by the Chief Justice.

ADVISORY COMMITTEE COMMENTARY: Canon 6C

Article VI, section 6 of the California Constitution provides that a “retired judge who consents may be assigned to any court” by the Chief Justice. Retired judges who are serving in the Temporary Assigned Judges Program pursuant to

the above provision are bound by Canon 6B, including the requirement of Canon 4G barring the practice of law. Other provisions of California law, and standards and guidelines for eligibility and service set by the Chief Justice, further define the limitations on who may serve on assignment.*

D. Temporary Judge,* Referee, or Court-Appointed Arbitrator¹

A temporary judge,* a person serving as a referee pursuant to Code of Civil Procedure section 638 or 639, or a court-appointed arbitrator shall comply only with the following code provisions:

(1) A temporary judge,* a referee, or a court-appointed arbitrator shall comply with Canons 1 [integrity* and independence* of the judiciary], 2A [promoting public confidence], 3B(3) [order and decorum], 3B(4) [patient, dignified, and courteous treatment], 3B(6) [require* lawyers to refrain from manifestations of any form of bias or prejudice], 3D(1) [action regarding misconduct by another judge], and 3D(2) [action regarding misconduct by a lawyer], when the temporary judge,* referee, or court-appointed arbitrator is actually presiding in a proceeding or communicating with the parties, counsel, or staff or court personnel while serving in the capacity of a temporary judge,* referee, or court-appointed arbitrator in the case.

(2) A temporary judge,* referee, or court-appointed arbitrator shall, from the time of notice and acceptance of appointment until termination of the appointment:

(a) Comply with Canons 2B(1) [not allow family or other relationships to influence judicial conduct], 3B(1) [hear and decide all matters unless disqualified], 3B(2) [be faithful to and maintain competence in the law*], 3B(5) [perform judicial duties without bias or prejudice], 3B(7) [accord full right to be heard to those entitled; avoid ex parte communications, except as specified], 3B(8) [dispose of matters fairly and promptly], 3B(12) [remain impartial* and not engage in coercive conduct during efforts to resolve disputes], 3C(1) [discharge administrative responsibilities without bias and with competence and cooperatively], 3C(3) [require* staff and court personnel to observe standards of conduct and refrain from bias and prejudice], and 3C(5) [make only fair, necessary, and appropriate appointments];

¹ Reference should be made to relevant commentary to analogous or individual canons cited or described in this canon and appearing elsewhere in this code.

(b) Not personally solicit memberships or donations for religious, service,* educational, civic, or charitable organizations from the parties and lawyers appearing before the temporary judge,* referee, or court-appointed arbitrator;

(c) Under no circumstance accept a gift,* bequest, or favor if the donor is a party, person, or entity whose interests are reasonably likely to come before the temporary judge,* referee, or court-appointed arbitrator. A temporary judge,* referee, or court-appointed arbitrator shall discourage members of the judge's family residing in the judge's household* from accepting benefits from parties who are reasonably likely to come before the temporary judge,* referee, or court-appointed arbitrator.

(3) A temporary judge* shall, from the time of notice and acceptance of appointment until termination of the appointment, disqualify himself or herself in any proceeding as follows:

(a) A temporary judge*—other than a temporary judge solely conducting settlement conferences—is disqualified to serve in a proceeding if any one or more of the following are true:

(i) the temporary judge* has personal knowledge* (as defined in Code of Civil Procedure section 170.1, subdivision (a)(1)) of disputed evidentiary facts concerning the proceeding;

(ii) the temporary judge* has served as a lawyer (as defined in Code of Civil Procedure section 170.1, subdivision (a)(2)) in the proceeding;

(iii) the temporary judge,* within the past five years, has given legal advice to, or served as a lawyer (as defined in Code of Civil Procedure section 170.1, subdivision (a)(2)), except that this provision requires disqualification if the temporary judge* represented a party in the past five years rather than the two-year period specified in section 170.1, subdivision (a)(2)) for a party in the present proceeding;

ADVISORY COMMITTEE COMMENTARY: Canon 6D(3)(a)(iii)

The application of Canon 6D(3)(a)(iii), providing that a temporary judge is disqualified if he or she has given legal advice or served as a lawyer for a party to the proceeding in the past five years, may depend on the type of assignment and the amount of time available to investigate whether the temporary judge* has previously represented a party. If time permits, the temporary judge* must conduct such an investigation. Thus, if a temporary judge* is privately*

compensated by the parties or is presiding over a particular matter known in advance of the hearing, the temporary judge* is presumed to have adequate time to investigate. If, however, a temporary judge* is assigned to a high volume calendar, such as traffic or small claims, and has not been provided with the names of the parties prior to the assignment, the temporary judge* may rely on his or her memory to determine whether he or she has previously represented a party.*

(iv) the temporary judge* has a financial interest (as defined in Code of Civil Procedure sections 170.1, subdivision (a)(3), and 170.5) in the subject matter in the proceeding or in a party to the proceeding;

(v) the temporary judge,* or the spouse or registered domestic partner* of the temporary judge,* or a person within the third degree of relationship* to either of them, or the spouse or registered domestic partner* of such a person is a party to the proceeding or is an officer, director, or trustee of a party;

(vi) a lawyer or a spouse or registered domestic partner* of a lawyer in the proceeding is the spouse, former spouse, registered domestic partner,* former registered domestic partner,* child, sibling, or parent of the temporary judge* or the temporary judge's spouse or registered domestic partner,* or if such a person is associated in the private practice of law with a lawyer in the proceeding;

(vii) for any reason:

(A) the temporary judge* believes his or her recusal would further the interests of justice;

(B) the temporary judge* believes there is a substantial doubt as to his or her capacity to be impartial,* or

(C) a person aware of the facts might reasonably entertain a doubt that the temporary judge* would be able to be impartial.* Bias or prejudice toward an attorney in the proceeding may be grounds for disqualification; or

(viii) the temporary judge* has received a campaign contribution of \$1,500 or more from a party or lawyer in a matter that is before the court and the contribution was received in anticipation of an upcoming election.

(b) A temporary judge* before whom a proceeding was tried or heard is disqualified from participating in any appellate review of that proceeding.

(c) If the temporary judge* has a current arrangement concerning prospective employment or other compensated service as a dispute resolution neutral or is participating in, or, within the last two years has participated in, discussions regarding prospective employment or service as a dispute resolution neutral, or has been engaged in such employment or service, and any of the following applies:

(i) The arrangement or current employment is, or the prior employment or discussion was, with a party to the proceeding;

(ii) The temporary judge* directs the parties to participate in an alternative dispute resolution process in which the dispute resolution neutral will be an individual or entity with whom the temporary judge* has the arrangement, is currently employed or serves, has previously been employed or served, or is discussing or has discussed the employment or service; or

(iii) The temporary judge* will select a dispute resolution neutral or entity to conduct an alternative dispute resolution process in the matter before the temporary judge,* and among those available for selection is an individual or entity with whom the temporary judge* has the arrangement, is currently employed or serves, has previously been employed or served, or is discussing or has discussed the employment or service.

For the purposes of Canon 6D(3)(c), the definitions of “participating in discussions,” “has participated in discussions,” “party,” and “dispute resolution neutral” are set forth in Code of Civil Procedure section 170.1, subdivision (a)(8), except that the words “temporary judge” shall be substituted for the word “judge” in such definitions.

(d) A lawyer is disqualified from serving as a temporary judge* in a family law or unlawful detainer proceeding if in the same type of proceeding:

(i) the lawyer holds himself or herself out to the public as representing exclusively one side; or

(ii) the lawyer represents one side in 90 percent or more of the cases in which he or she appears.

ADVISORY COMMITTEE COMMENTARY: Canon 6D(3)(d)

Under Canon 6D(3)(d), “one side” means a category of persons such as landlords, tenants, or litigants exclusively of one gender.

(4) After a temporary judge* who has determined himself or herself to be disqualified from serving under Canon 6D(3)(a)–(d) has disclosed the basis for his or her disqualification on the record, the parties and their lawyers may agree to waive the disqualification and the temporary judge* may accept the waiver. The temporary judge* shall not seek to induce a waiver and shall avoid any effort to discover which lawyers or parties favored or opposed a waiver.

ADVISORY COMMITTEE COMMENTARY: Canon 6D(4)

Provisions addressing waiver of mandatory disqualifications or limitations, late discovery of grounds for disqualification or limitation, notification of the court when a disqualification or limitation applies, and requests for disqualification by the parties are located in rule 2.818 of the California Rules of Court. Rule 2.818 states that the waiver must be in writing, must recite the basis for the disqualification or limitation, and must state that it was knowingly made. It also states that the waiver is effective only when signed by all parties and their attorneys and filed in the record.*

(5) A temporary judge,* referee, or court-appointed arbitrator shall, from the time of notice and acceptance of appointment until termination of the appointment:

(a) In all proceedings, disclose in writing or on the record information as required by law,* or information that is reasonably relevant to the question of disqualification under Canon 6D(3), including personal or professional relationships known* to the temporary judge,* referee, or court-appointed arbitrator, that he or she or his or her law firm has had with a party, lawyer, or law firm in the current proceeding, even though the temporary judge,* referee, or court-appointed arbitrator concludes that there is no actual basis for disqualification; and

(b) In all proceedings, disclose in writing or on the record membership of the temporary judge,* referee, or court-appointed arbitrator in any organization that practices invidious discrimination on the basis of race, sex, gender, religion, national origin, ethnicity, or sexual orientation, except for membership in a religious organization.

(6) A temporary judge,* referee, or court-appointed arbitrator, from the time of notice and acceptance of appointment until the case is no longer pending in any court, shall not make any public comment about a pending* or impending* proceeding in which the temporary judge,* referee, or court-appointed arbitrator has been engaged, and shall not make any nonpublic comment that might substantially interfere with such proceeding. The temporary judge,* referee, or court-appointed arbitrator shall require* similar abstention on the part of staff and court personnel subject to his or her control. This canon does not prohibit the following:

- (a) Statements made in the course of the official duties of the temporary judge,* referee, or court-appointed arbitrator; and
- (b) Explanations about the procedures of the court.

(7) From the time of appointment and continuing for two years after the case is no longer pending* in any court, a temporary judge,* referee, or court-appointed arbitrator shall under no circumstances accept a gift,* bequest, or favor from a party, person, or entity whose interests have come before the temporary judge,* referee, or court-appointed arbitrator in the matter. The temporary judge,* referee, or court-appointed arbitrator shall discourage family members residing in the household of the temporary judge,* referee, or court-appointed arbitrator from accepting any benefits from such parties, persons or entities during the time period stated in this subdivision. The demand for or receipt by a temporary judge,* referee, or court-appointed arbitrator of a fee for his or her services rendered or to be rendered would not be a violation of this canon.

(8) A temporary judge,* referee, or court-appointed arbitrator shall, from the time of notice and acceptance of appointment and continuing indefinitely after the termination of the appointment:

- (a) Comply with Canon 3B(11) [no disclosure of nonpublic information* acquired in a judicial capacity] (except as required by law*);
- (b) Not commend or criticize jurors sitting in a proceeding before the temporary judge,* referee, or court-appointed arbitrator for their verdict other than in a court order or opinion in such proceeding, but may express appreciation to jurors for their service to the judicial system and the community; and

(c) Not lend the prestige of judicial office to advance his, her, or another person's pecuniary or personal interests and not use his or her judicial title in any written communication intended to advance his, her, or another person's pecuniary or personal interests, except to show his, her, or another person's qualifications.

(9)(a) A temporary judge* appointed under rule 2.810 of the California Rules of Court, from the time of the appointment and continuing indefinitely after the termination of the appointment, shall not use his or her title or service as a temporary judge* (1) as a description of the lawyer's current or former principal profession, vocation, or occupation on a ballot designation for judicial or other elected office, (2) in an advertisement about the lawyer's law firm or business, or (3) on a letterhead, business card, or other document that is distributed to the public identifying the lawyer or the lawyer's law firm.

(b) This canon does not prohibit a temporary judge* appointed under rule 2.810 of the California Rules of Court from using his or her title or service as a temporary judge* on an application to serve as a temporary judge,* including an application in other courts, on an application for employment or for an appointment to a judicial position, on an individual resume or a descriptive statement submitted in connection with an application for employment or for appointment or election to a judicial position, or in response to a request for information about the public service in which the lawyer has engaged.

(10) A temporary judge,* referee, or court-appointed arbitrator shall comply with Canon 6D(2) until the appointment has been terminated formally or until there is no reasonable probability that the temporary judge,* referee, or court-appointed arbitrator will further participate in the matter. A rebuttable presumption that the appointment has been formally terminated will arise if, within one year from the appointment or from the date of the last hearing scheduled in the matter, whichever is later, neither the appointing court nor counsel for any party in the matter has informed the temporary judge,* referee, or court-appointed arbitrator that the appointment remains in effect.

(11) A lawyer who has been a temporary judge,* referee, or court-appointed arbitrator in a matter shall not accept any representation relating to the matter without the informed written consent of all parties.

(12) When by reason of serving as a temporary judge,* referee, or court-appointed arbitrator in a matter, he or she has received confidential

information from a party, the person shall not, without the informed written consent of the party, accept employment in another matter in which the confidential information is material.

ADVISORY COMMITTEE COMMENTARY: Canon 6D

Any exceptions to the canons do not excuse a judicial officer's separate statutory duty to disclose information that may result in the judicial officer's recusal or disqualification.

E. Judicial Candidate

A candidate for judicial office* shall comply with the provisions of Canon 5.

F. Time for Compliance

A person to whom this code becomes applicable shall comply immediately with all provisions of this code except Canons 4D(4) and 4E and shall comply with Canons 4D(4) and 4E as soon as reasonably possible and in any event within a period of one year.

ADVISORY COMMITTEE COMMENTARY: Canon 6F

If serving as a fiduciary when selected as a judge, a new judge may, notwithstanding the prohibitions in Canon 4E, continue to serve as a fiduciary* but only for that period of time necessary to avoid adverse consequences to the beneficiary of the fiduciary* relationship and in no event longer than one year.*

G. (Canon 6G repealed effective June 1, 2005; adopted December 30, 2002.)

H. Judges on Leave Running for Other Public Office

A judge who is on leave while running for other public office pursuant to article VI, section 17 of the California Constitution shall comply with all provisions of this code, except for the following, insofar as the conduct relates to the campaign for public office for which the judge is on leave:

2B(2)—Lending the prestige of judicial office to advance the judge's personal interest

4C(1)—Appearing at public hearings

5—Engaging in political activity (including soliciting and accepting campaign contributions for the other public office).

ADVISORY COMMITTEE COMMENTARY: Canon 6H

These exceptions are applicable only during the time the judge is on leave while running for other public office. All of the provisions of this code will become applicable at the time a judge resumes his or her position as a judge. Conduct during elections for judicial office is governed by Canon 5.



APPENDIX 3.

COMPLAINT ABOUT A CALIFORNIA JUDGE, COURT COMMISSIONER OR REFEREE

*Confidential under California Constitution Article VI, Section 18,
and Commission Rule 102*

For information about the Commission on Judicial Performance and instructions on filling out and submitting this form, please visit the commission's website at <https://cjp.ca.gov>.

*** Indicates a required field**

Today's date:

Your name:*

Your pronouns (e.g., he/him, she/her, they/them):

Your email:*

Your telephone number:*

Your address:*

Your attorney's name (if any):

Your attorney's email:

Your attorney's telephone number:

Name of judge:*

OR Name of court commissioner or referee:*

(If your complaint involves a court commissioner or referee, you must first submit your complaint to the local court. If you have done so, please attach copies of your correspondence to and from that court.)

Court Level:*

County/Appellate District:*

Court case type (e.g., none, criminal, family law, small claims):*

Case name and number:

Your relationship to the case (e.g., litigant/family/friend, judge/court staff):*

Date or dates conduct occurred:*

Please specify what action or behavior of the judge, court commissioner, or referee is the basis of your complaint. Provide relevant dates and the names of others present. (Use additional pages if necessary.)*

**Return to: Commission on Judicial Performance
455 Golden Gate Avenue, Suite 14400
San Francisco, California 94102**

Telephone: (415) 557-1200

Fax: (415) 557-1266

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**APPENDIX 4.
TABLE OF COMMISSION PROCEEDINGS**

1. COMPLAINT FILED

2. COMPLAINT EVALUATION

3. INITIAL COMMISSION MEETING

Review complaint and staff evaluation

Possible actions:

- Close complaint
- Open preliminary investigation (see step 4)

**4. COMMISSION MEETING FOLLOWING
PRELIMINARY INVESTIGATION**

Review staff report and results of investigation

Possible actions:

- Close complaint
- Issue notice of tentative advisory letter* (see step 5)
- Issue notice of tentative *private* admonishment* (see step 5)
- Issue notice of tentative *public* admonishment* (see step 5)
- Institute formal proceedings* (see step 7)

*only if judge has been notified and given opportunity to respond to allegations

5. JUDGE'S OPTIONS

If a notice of tentative advisory letter is issued

- Accept the advisory letter
- Demand an appearance before the commission and waive the ability to petition the Supreme Court for a writ of mandate (see step 6)
- Petition the Supreme Court for a writ of mandate (see steps 8 & 9)

If a notice of tentative admonishment is issued

- Accept the admonishment
- Demand an appearance before the commission and waive any right to formal proceedings (see step 6)
- Reject the tentative admonishment and demand formal proceedings (see step 7)

6. APPEARANCE BEFORE COMMISSION TO CONTEST TENTATIVE ADVISORY LETTER OR ADMONISHMENT

Review record, judge's objections and argument

Possible actions:

- Close matter without disciplinary action
- Issue discipline per the tentative
- Issue lesser discipline

7. FORMAL PROCEEDINGS INSTITUTED

A. Evidentiary Hearing Before Special Masters

B. Special Masters' Report to Commission

C. Appearance Before Commission

Review special masters' report, record, and parties' briefs and arguments

Possible actions (see steps 8 and 9):

- Removal/Retirement
- Public censure
- Public admonishment
- Private admonishment
- Advisory letter
- Close case

**8. JUDGE'S OPTIONS FOLLOWING
COMMISSION DECISION**

- Accept commission action
- Petition Supreme Court for review (all sanctions except advisory letter)
- Petition Supreme Court for writ of mandate (if advisory letter)

**9. SUPREME COURT ACTION FOLLOWING
PETITION BY JUDGE**

- Grant review; affirm or reverse commission decision
- Deny review