

California Code of Judicial Ethics Study Guide

Quiz

Instructions: Answer the following questions in 2-3 sentences each.

1. **What is the primary purpose of the California Code of Judicial Ethics?**
2. **Explain the difference between "impropriety" and "appearance of impropriety" as defined in the Code.**
3. **What limitations does the Code place on a judge's ability to comment publicly on cases?**
4. **Describe the restrictions on a judge's participation in ex parte communications.**
5. **How does the Code address the issue of potential bias based on personal characteristics?**
6. **What are the guidelines regarding gifts and favors that a judge may accept?**
7. **Explain the limitations placed on a judge's involvement in business and financial activities.**
8. **Can a judge serve as a fiduciary, and if so, under what conditions?**
9. **What are the key restrictions on political and campaign activities for judges and judicial candidates?**
10. **What are the specific ethical obligations of temporary judges in California?**

Answer Key

1. The California Code of Judicial Ethics establishes standards of ethical conduct for judges and judicial candidates, both on and off the bench, to ensure public confidence in the integrity and impartiality of the judiciary.
2. "Impropriety" refers to conduct that violates the law, court rules, or the Code, while "appearance of impropriety" encompasses actions that, while not necessarily violating any rules, could undermine public perception of the judiciary's integrity and impartiality.
3. Judges are prohibited from making public comments about pending or impending cases that could substantially interfere with a fair trial. They are also restricted from making nonpublic comments that could have the same effect.
4. Judges generally cannot initiate, permit, or consider ex parte communications, meaning communication outside the presence of all parties involved in a case. Exceptions exist for consultations with other judges, authorized court personnel, and situations expressly permitted by law or stipulation.
5. The Code mandates that judges avoid bias or the appearance of bias based on personal characteristics such as race, gender, religion, sexual orientation, or socioeconomic status. Judges must ensure all individuals are treated fairly and respectfully, regardless of these factors.
6. Judges are prohibited from accepting gifts from parties whose interests have come or are likely to come before them. They can generally accept gifts from individuals with pre-existing relationships that wouldn't disqualify them from hearing a case, gifts incidental to public testimonials, and nominal gifts from individuals not likely to appear before them.
7. Judges must manage their investments to minimize the need for disqualification and are prohibited from serving as officers or employees of businesses affected by public interest, such as financial institutions. They also cannot use their judicial title for personal financial gain.
8. A judge can serve as a fiduciary only if the service doesn't interfere with judicial duties and if it's unlikely to involve proceedings before their court. They should avoid fiduciary roles that could create conflicts of interest.
9. Judges and candidates for judicial office are generally prohibited from engaging in political activities that could compromise the appearance of impartiality. This includes endorsing or

contributing to non-judicial candidates, personally soliciting funds for political organizations, and making pledges or promises that commit them to specific decisions.

10. Temporary judges in California are subject to many of the same ethical obligations as permanent judges, including rules regarding impartiality, ex parte communications, and conflicts of interest. They are also specifically prohibited from using their temporary judicial service for personal gain, such as in advertising or ballot designations.

Essay Questions

1. Analyze the importance of Canon 2, focusing on the obligation to avoid both impropriety and the appearance of impropriety. How does this Canon contribute to maintaining public confidence in the judiciary?
2. Discuss the ethical considerations surrounding a judge's participation in extrajudicial activities. How does the Code seek to balance a judge's right to personal and civic engagement with the need to maintain impartiality and avoid conflicts of interest?
3. Critically examine the guidelines for gift-giving and receiving outlined in Canon 4D. Do you believe these rules are adequate to prevent undue influence on judicial decision-making? Why or why not?
4. Explore the challenges faced by judges and judicial candidates in navigating the restrictions on political activity. How can these individuals balance their rights as citizens with their ethical obligations to maintain the impartiality of the judiciary?
5. Analyze the ethical obligations unique to temporary judges in California. To what extent do these rules effectively address potential conflicts of interest and ensure fairness in proceedings presided over by temporary judges?

Glossary of Key Terms

Term **Definition**

Candidate for judicial office*A person seeking election to or retention of a judicial position.

Impartiality*Absence of bias or prejudice in favor of, or against, particular parties or classes of parties, as well as maintaining an open mind in considering issues that may come before the judge.

Improper influence*An attempt to influence a judge's decision or action in a case by means other than the presentation of legal arguments and evidence through established legal procedures.

Independence*A judge's freedom from external influence or control, ensuring they make decisions based solely on the law and the facts of each case.

Integrity*Adherence to high moral and ethical principles, encompassing honesty, fairness, and a commitment to upholding the law.

Law*Includes constitutional provisions, statutes, court rules, and decisional law.

Member of the judge's family*A spouse, domestic partner, child, grandchild, parent, grandparent, or other relative or person with whom the judge maintains a close familial relationship.

Member of the judge's family residing in the judge's household*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.

Pending proceeding*A proceeding or matter that has commenced and continues through any period during which an appeal may be filed and any appellate process until final disposition.

Personal knowledge*Actual knowledge of the fact in question, as opposed to information learned secondhand or through conjecture.

Public confidence in the judiciary*The belief held by the public that judges will act fairly, impartially, and ethically in deciding cases.

Temporary judge*An active or inactive member of the bar who serves or expects to serve as a judge on a part-time basis under a separate court appointment for each period of service or for each case heard.