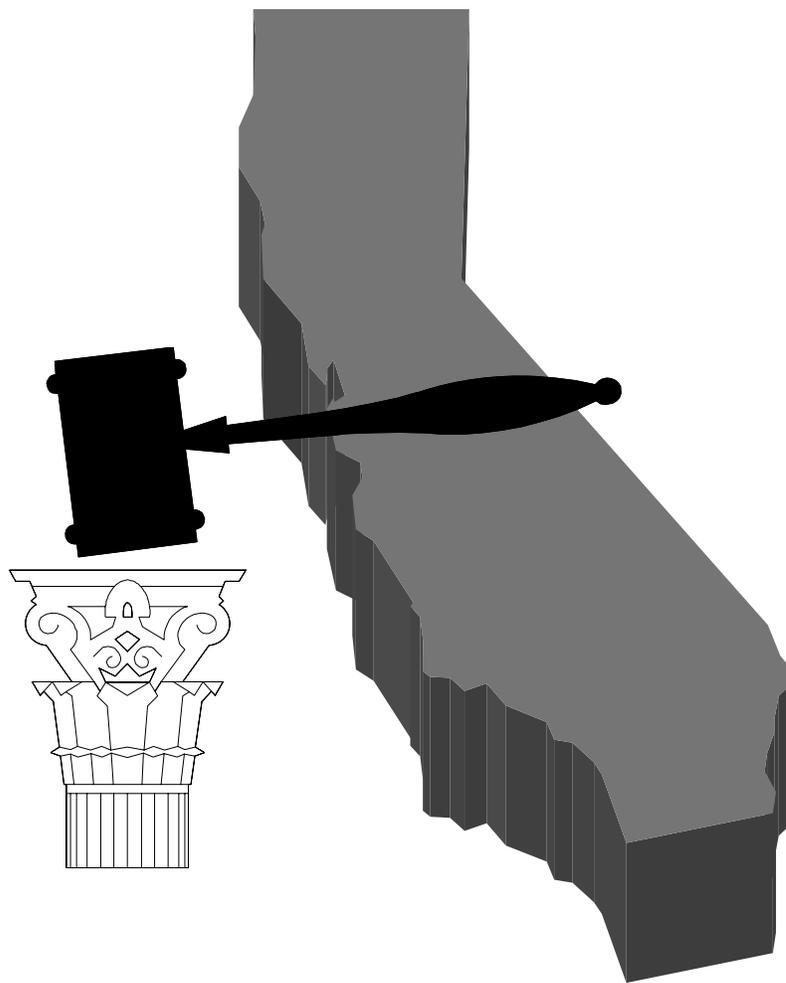


**State of California
Department of Industrial Relations**

**WORKERS' COMPENSATION ETHICS
ADVISORY COMMITTEE**



**2005
ANNUAL REPORT**

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2005 COMMITTEE MEMBERSHIP

HONORABLE JULIE CONGER
Chair
Alameda Superior Court Judge

KATHRYN RINGGOLD, ESQ.
Former Applicants' Attorney
Worker's Compensation Law

HONORABLE NORMAN DELATERRE
Workers' Compensation Judge
Workers' Compensation Appeals Board
Santa Ana

HONORABLE SUSAN HAMILTON
Presiding Workers' Compensation Judge
Workers' Compensation Appeals Board

MICHAEL McCLAIN, ESQ.
California Workers' Compensation
Institute
Representing Insurers

C. GORDON TAYLOR, ESQ.
Former Defense Attorney
Workers' Compensation Law

MR. JIM ZELKO
Kaiser Foundation Health Plan
Representing Self-Insurers

One Position for Committee Member
Representing Organized Labor is
Currently Vacant

One Position for Committee Member
From Outside the Workers'
Compensation Community is
Currently Vacant

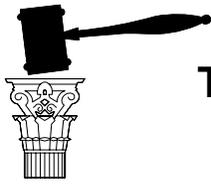
DWC STAFF

RICHARD STARKESON
DWC Attorney

HON. KENNETH PETERSON
DWC Acting Chief Judge

Ursula Jones
Admin Assistant

Keven Star
Court Administrator



1. THE ETHICS ADVISORY COMMITTEE: A PROFILE



1. The Ethics Advisory Committee: A Profile

A. The Committee's Functions

The Workers' Compensation Ethics Advisory Committee (EAC) is a state committee independent of the Division of Workers' Compensation, that is charged with reviewing and monitoring complaints of misconduct filed against workers' compensation administrative law judges. As civil servants, workers' compensation administrative law judges are not subject to review by the California Commission on Judicial Performance, the agency which is responsible for investigating misconduct complaints directed at judges serving on the Superior and Appellate courts. The EAC was established on December 1, 1995, and held its initial meeting in April 1996. The Committee's authority and duties are set forth in Title 8, California Code of Regulations, Sections 9720.1 through 9723.

The Committee holds its meetings at regular intervals to review complaints of judicial misconduct and to recommend to the Administrative Director of the Division of Workers' Compensation (DWC) if a complaint warrants a formal investigation by the Administrative Director's staff. When an investigation is conducted by the Administrative Director in reliance on the Committee's recommendation, both the Committee and complainant are informed of the investigation's findings and of any disciplinary or other remedial action taken.

B. Committee Membership

Pursuant to Title 8, California Code of Regulations, Section 9722, the Ethics Advisory Committee is composed of nine members who are appointed by the DWC Administrative Director for four year terms.

The Committee's composition is reflective of the various constituencies within the California workers' compensation community, and is composed of the following members:

- a member of the public representing organized labor;
- a member of the public representing insurers;
- a member of the public representing self-insured employers;
- an attorney who formerly practiced before the Workers' Compensation Appeals Board and who usually represented insurers or employers;
- an attorney who formerly practiced before the Workers' Compensation Appeals Board and who usually represented applicants (injured workers);
- a presiding judge;
- a judge or retired judge; and;
- two members of the public outside the workers' compensation community.

Committee member The Honorable Julie Conger, Alameda County Superior Court Presiding Judge, is currently the Chair of the Committee.

The EAC holds meetings approximately four times each year at the DWC Headquarters located at 1515 Clay Street, 17th Floor, Oakland, CA 94612. While EAC meetings are open to the public, when the Committee engages in the review and discussion of actual complaints, the Committee meets in executive session, and that portion of the proceedings is closed to the public.

The Committee is assisted in carrying out its functions by an attorney and secretary on the staff of the Division of Workers' Compensation.



2. Ethical Standards For Workers' Compensation Administrative Law Judges



2. Ethical Standards for Workers' Compensation Administrative Law Judges

Pursuant to Labor Code Section 123.5, workers' compensation administrative law judges are appointed by the Administrative Director from an eligibility list of attorneys who have met all qualifications imposed by the State Personnel Board, and who have received passing scores on a competitive civil service examination. Unlike judges in the Superior Courts, who are appointed or elected for specific terms, workers' compensation administrative law judges are designated as non-exempt civil service employees who may only be removed for cause under applicable civil service laws. The terms and conditions of employment for non-supervisory judges are governed by a collective bargaining agreement entered into between the State of California and the California Attorneys, Administrative Law Judges and Hearing Officers in State Employment (CASE). Although previously referred to as "workers' compensation referees," in 1998 the Legislature amended Labor Code Section 27, and adopted the new title of "workers' compensation administrative law judge," effective January 1, 1999. This change of title did not impact in any manner on the ethical obligations to which judges must adhere.

Currently, workers' compensation administrative law judges must comply with ethical standards imposed by three separate legal authorities: (1) The Code of Judicial Ethics, (2) The Political Reform Act of 1974, and (3) the DWC Ethics Regulations.

A. Code of Judicial Ethics

Under Labor Code Section 123.6, workers' compensation administrative law judges are required to adhere to the Code of Judicial Ethics (CJE) (previously entitled the California

Code of Judicial Conduct). The CJE was formally adopted by the California Supreme Court on January 16, 1996. The CJE is divided into six separate canons which address issues such as conflicts of interest, disqualification and recusal, prohibited financial and

political activities, ex parte communications with litigants, and judicial conduct towards litigants and court staff.

B. Political Reform Act

Title 8, California Code of Regulations, Section 9721.2(a) provides that no judge "may accept any gift, honorarium or travel that is forbidden to legislators under the Political Reform Act of 1974."

In 1974, California voters approved Proposition 9, which enacted the Political Reform Act of 1974 (codified in Sections 81000, et seq. of the Government Code). In 1990, the Legislature expanded the Political Reform Act, by enacting Government Code Sections 89500 to 89503.5, which mandated broad restrictions on receipt of honoraria, gifts and travel by judges, elected state and local government officials, and members of specific state commissions. Under Government Code Section 89502, payments cannot be accepted for giving speeches or attending conferences, conventions and social events (exceptions were made for activities connected with teaching and the practice of a profession). In addition, Government Code Section 89503 prohibits the acceptance of "gifts from any single source in any calendar year with a total value of more than two hundred fifty dollars." This amount is amended biannually by regulation of the Fair Political Practices Commission, and is now set at \$360. Political Reform Act provisions are enforced by the Fair Political Practices Commission.

In compliance with the Political Reform Act, all workers' compensation administrative law judges must file an annual Statement of Economic Interests with the Fair Political Practices Commission.

C. DWC Ethics Regulations

In the 1993, the California Legislature enacted comprehensive workers' compensation reform legislation. One significant component of the reform legislation was Assembly Bill 1252, which amended Labor Code Section 123.6 and directed the DWC Administrative Director to adopt ethics regulations which “[t]o the extent possible ... shall be consistent with the procedures established by the Commission on Judicial Performance for regulating the activities of state judges, and, to the extent possible, with the gift, honoraria, and travel restrictions on legislators contained in the Political Reform Act of 1974.” In addition, the reform legislation directed the Administrative Director to require workers' compensation administrative law judges to participate in continuing education, including courses in ethics and conflicts of interest issues, to further their effectiveness as judges. (Labor Code Section 5311.5.)

In compliance with the 1993 revisions to Labor Code Section 123.6, the Administrative Director adopted regulations which established the Ethics Advisory Committee and mandated strict ethical standards for workers' compensation administrative law judges. The ethics regulations, which became effective December 1, 1995, are contained in Title 8, Code of California Code of Regulations, Section 9720.1 et seq.

The ethical standards contained in the DWC ethics regulations are actually more stringent than the standards imposed on superior court judges. Title 8, California Code of Regulations, Section 9721.2 states that:

“[N]o judge may accept any gift, payment, honorarium, travel, meal or any other thing exceeding five dollars in value, the cost of which is significantly paid for by attorneys who practice before the Workers' Compensation Appeals Board or by others whose interest have come or are likely to come before the Board, without first obtaining the written approval of the administrative director ...”

In order to preclude any uncertainty, Section 9721.2 defines, “others whose interests have come or are likely to come before the Board” to include, but not be limited to:

“[A]ny person or entity which is or has been a party or lien claimant in a workers’ compensation proceeding, represents a party or lien claimant, provides education, consulting or other services relating to workers’ compensation, [or] otherwise participates in the workers’ compensation adjudicatory process”

The practical impact of Section 9721.2 is broad and far reaching, since a broad range of activities are precluded. Under Section 9721.2, a judge may not receive an honorarium for delivering a speech to an organization composed of claims administrators or workers’ compensation attorneys. Equally prohibited would be accepting tickets to an athletic event from an insurance carrier’s attorney, gifts of vacation travel from an industrial medical group, or accepting complimentary meals and entertainment from a language interpreting firm.

D. Requests to the Administrative Director for Approval of Gifts, Travel, Meals and Honoraria

Labor Code Section 123.6(b) provides that:

“Honoraria or travel allowed by the court administrator, and not otherwise prohibited by this section in connection with any public or private conference, convention, meeting, social event, or like gathering, the cost of which is significantly paid for by attorneys who practice before the board, may not be accepted unless the court administrator has provided prior approval in writing to the workers’ compensation administrative law judge allowing him or her to accept those payments.”

The ethics regulations promulgated by the Division of Workers’ Compensation to implement Labor Code Section 123.6(b) address not only honoraria and travel, but

specifically provide that judges may not accept any *gift, meals or any other thing exceeding five dollars in value* if the item was paid for by attorneys who practice before the Workers' Compensation Appeals Board. It should be emphasized that besides attorneys, Section 9721.2 of the ethics regulations also prohibits judges from accepting gifts, meals, travel, etc. from "others whose interests are likely to come before the Board." Hence, travel, gifts, meals, etc. offered to judges by physicians, medical groups, interpreters, and vocational rehabilitation counselors exceeding five dollars in value cannot be accepted by a judge unless prior written approval has been obtained from the Administrative Director.

Section 9721.2(c) of the ethics regulations provides for exceptions to the prior written approval requirement in certain enumerated situations. A judge is not obligated to obtain prior written approval to accept: (1) Gifts or other things of value received from a family member who does not appear before the judge, (2) "ordinary, modest social hospitality in a private home, or attendance at a wedding, graduation or religious ceremony", or (3) payments, "including a division of attorney's fees," received by the judge from a former employer for services performed before the judge was appointed. In addition, a judge does not require prior approval to engage in union activities.

In 2005, the Administrative Director processed approximately 78 requests for advisory ethics opinions or for written approvals to receive gifts, teaching fees, honoraria, or to speak at an educational seminar. The majority of these requests were processed by the Administrative Director within three working days of receipt.

During 2005, the most common request submitted to the Administrative Director sought approval to be a speaker or panelist at an educational seminar or convention sponsored by an organization within the workers' compensation community. In these situations, no honoraria were offered the employees.

The second most frequently encountered request sought advice on the application of the Code of Judicial Ethics or the DWC ethics regulations to a particular situation. Many judges requested guidance on disclosure, disqualification, and recusal requirements. In addition, numerous approval requests were submitted seeking approval to receive gifts of educational materials, attend educational seminars or courses on a tuition waiver basis, or to accept invitations to social functions hosted by persons or groups within the workers' compensation community.

E. Advisory Opinions Issued by the Administrative Director:

Section 9723(f) grants the Administrative Director authority to issue advisory opinions, on a discretionary basis, in response to a request from a workers' compensation administrative law judge or other interested person concerning the application of the Code of Judicial Ethics or the DWC ethics regulations to a specific situation.

In January 1997, the Administrative Director released three advisory opinions informing the workers' compensation community of the Division's ethics policies. The first advisory opinion defined those DWC employees performing "quasi judicial duties" who would be required to comply with the ethics regulations. The second advisory opinion addressed policies towards judges who self-publish books or who are owners of companies that publish their books. The third advisory opinion, which was issued with the concurrence of the Ethics Advisory Committee, addressed DWC policies regarding judges accepting teaching fees, travel expenses, meals and complimentary admission to educational seminars.



3. Complaint Procedures



3. Complaint Procedures

A. Filing a Complaint

Any person may file a complaint with the Ethics Advisory Committee. Although the Committee requires that complaints be presented in writing, the Committee will accept anonymous complaints.

Under Title 8, California Code of Regulations, Section 9723(e), no civil action or adverse employment action may be initiated or maintained against a person based on statements made to the Ethics Advisory Committee, or to the Administrative Director and his or her staff, during the course of an ethics investigation. Persons aggrieved by the conduct of a workers' compensation administrative law judge are not limited to, or required to pursue, a complaint before the EAC. Because many individuals prefer to present their particular complaints to the local presiding judge directly responsible for supervising a judge, Section 9722.1(a) of the ethics regulations provides that “[n]othing in these regulations prohibits any person from complaining directly to a presiding judge or to the administrative director. The presiding judge or the administrative director may, but is not required to, refer such complaints to the Committee.”

Examples of misconduct by a judge which may be properly presented to the Committee include: prohibited ex parte communications with litigants, excessive delays in issuing decisions, a failure by the judge to disclose to the parties a financial interest in a case, expressions of racial or gender prejudice, displays of harassment, profanity or rudeness towards litigants, accepting gifts or favors from litigants, and intoxication while performing judicial duties.

The EAC has adopted an official complaint form, and a sample is contained in the appendix to this report. While use of the complaint form is not mandatory, its use is encouraged since the form contains helpful examples of judicial misconduct, and it advises complainants that a decision by a judge which contains legal error does not constitute an ethical violation. Because a complaint can ultimately result in an adverse personnel action being initiated against a judge, the complaint form contains a notice advising complainants that it is unlawful to knowingly make a false or fraudulent material statement.

To further assist persons who may have complaints of misconduct involving other individuals within the workers' compensation system, the complaint form provides the names and addresses of those regulatory agencies responsible for investigating complaints of misconduct involving attorneys, claims administrators, Qualified Medical Evaluators, and other physicians.

Generally, a Committee case is opened with a letter from an injured worker, an attorney, or lien claimant who has been a party to a proceeding before the Workers' Compensation Appeals Board. After a complaint is received, the Committee's staff attorney reviews the complaint to ascertain if it concerns a workers' compensation administrative law judge or other DWC employee. While Labor Code Section 123.6 only required the Administrative Director to adopt ethics regulations for the Division's judges, the ethics regulations which were ultimately adopted are more encompassing and define the term "referee" to include "all persons performing judicial or quasi-judicial duties." (Title 8, California Code of Regulations, Section 9720.2.)

In January 1997, the Administrative Director issued an Advisory Opinion, which defined those DWC employees who would be considered "judges" for purposes of the ethics regulations. It was determined that, due to the quasi-judicial nature of their job duties,

rehabilitation consultants, DWC compliance officers (auditors), and DWC staff counsel would be required to comply with the ethics regulations.

Although workers' compensation compliance officers (auditors) and rehabilitation unit consultants must adhere to the Division's ethics regulations since they perform "quasi-judicial" duties, the EAC has limited its focus to reviewing complaints involving the conduct of judges only. Accordingly, any complaints alleging misconduct on the part of auditors or rehabilitation unit consultants are forwarded to the Presiding Judge in the office where the employee is assigned.

All complaints concerning judges are entered in the official log and assigned a case number and file folder. The complainant is then advised in writing that his or her complaint has been received, and that it will be presented to the Committee at the next scheduled meeting. The written reply informs the complainant of the history and functions of the EAC, and further advises that follow-up correspondence will be sent explaining the Committee's recommendation.

Every complaint received by the EAC which involves allegations of misconduct by a judge is formally reviewed by the Committee. In order to assure objectivity in its deliberations and recommendations, the Committee has adopted a policy requiring that the names of the complainant, the judge in question, as well as the specific WCAB office where the alleged misconduct occurred, be redacted from the copies of complaints reviewed at each meeting.

As in all prior years since the inception of the EAC, the majority of complaints received during 2005 were submitted by injured workers. Numerous injured workers addressed their dissatisfaction with the decision reached by the judge concerning the amount of workers' compensation benefits to which they were entitled. Additionally, many complaints focused on the alleged misconduct of attorneys, claims administrators, and physicians. Because a significant number of injured workers submit complaints that allege legal or

factual errors by judges, the information sheet furnished with the EAC complaint form reminds complainants that legal errors made by judges do not constitute judicial misconduct. (Canon 1, Code of Judicial Ethics.) Complainants alleging legal errors are further advised to seek assistance concerning the filing of a timely Petition for Reconsideration or Petition for Removal.

Many complaints contain conclusory statements and lack an adequate discussion of the circumstances surrounding the alleged misconduct. Few complaints furnish supporting evidence of misconduct. Conclusory and unsubstantiated complaints alleging that a judge "does not give employers a fair day in court " or that the judge "conspired with the insurance adjuster to deny me benefits" are generally not helpful to the Committee.

All complaints which fail to allege facts that might constitute judge misconduct are forwarded to the Administrative Director with a recommendation that no further action be taken on the complaint. The complainant is then advised in writing that the Committee has considered the complaint and, inasmuch as no misconduct was either alleged or established, the Committee has decided that no further action is appropriate.

B. Investigation by the Administrative Director

Where a complaint makes allegations, which if true would constitute misconduct by a judge, the Committee will recommend that the Administrative Director conduct an investigation. Should a complaint substantially allege criminal conduct, invidious discrimination, sexual harassment, or other serious acts that might require immediate action, it is referred to the Court Administrator and the Administrative Director on a priority basis. Normally, the investigation of a complaint is conducted by the DWC Associate Chief Judge responsible for the WCAB district office where the judge in question is employed. The course of the investigation is monitored by the Court Administrator. During the investigation, the WCAB case file may be reviewed, witnesses may be interviewed, written statements may be taken, and additional information may be solicited

from the complainant. Should the investigation disclose facts establishing improper, fraudulent, or unprofessional conduct on the part of other parties to the workers' compensation case, such as an attorney or physician, the findings are reported to the State Bar of California, the Medical Board, or other appropriate disciplinary forum.

Pursuant to Section 9722.1(f) of the ethics regulations, the Administrative Director is required to inform a judge of the nature of a complainant's allegations, and afford the judge the opportunity to submit a response. As provided by Government Code Section 19574.5, the Administrative Director has the option of placing a judge on leave of absence for up to 15 days during the pendency of the investigation should the complaint allege misappropriation of public funds or property, drug addiction, immorality, or "acts which would constitute a felony or a misdemeanor involving moral turpitude." Any disciplinary action taken against a judge by the Administrative Director is in the form required by Government Code Sections 19574 or 19590(b). The right of the Administrative Director under Title 8, California Code of Regulations, Section 9720.1 et seq. to enforce ethical standards among judges does not replace or reduce a judge's procedural rights under the State Civil Service Act. (Government Code Section 18500 et seq.) Furthermore, the rights and obligations of the Administrative Director and judges concerning the probationary period mandated by Government Code Sections 19170 through 19180 are not affected.

When the Administrative Director's staff has completed its investigation, the Committee is briefed on the investigation's findings, as well as any disciplinary or other remedial action taken.



4. COMPLAINT DIGEST



4. Complaint Digest

A. Complaint Statistics

By the end of the year 2005, with 169 Workers' Compensation Administrative Law Judges (including 5 judges serving as retired annuitants) plus 22 Presiding Workers' Compensation Administrative Law Judges employed at 24 district offices in California, the Ethics Advisory Committee received 38 complaints concerning workers' compensation administrative law judges. (See Table 1 at page 37.)

The last Committee meeting conducted in 2005 was held on December 9, 2005. By that time, the Committee had received 36 of the 38 complaints that were submitted in 2005.

With regard to 22 of the 45 complaints for which the Committee completed its review in 2005, the Committee determined that an insufficient showing of misconduct had been demonstrated by the complainant to warrant further investigation and action by the Administrative Director. These 22 complaints essentially alleged that the judges made procedural errors or their decisions contained legal or factual errors. This type of complaint, even if later established to have merit, does not constitute judicial misconduct pursuant to Canon 1 of the Code of Judicial Ethics. The appropriate redress for these types of errors is a petition for reconsideration or a petition for removal, filed with the W.C.A.B.

More detailed investigations were completed for one complaint filed in 2003, for 12 complaints filed in 2004, and 10 complaints filed in 2005. The Committee determined that the investigations revealed no ethical violations in 10 of the 2004 complaints, and in 10 of the 2005 complaints. However, the Committee found that the investigations revealed that ethical violations had occurred in two of the complaints filed in 2004. After formal investigation the Administrative Director in one case determined there was an ethical violation, but found that it was a technical inadvertent violation, was well-intentioned, and did not merit discipline. In the other case of an ethical violation, the judge named in the complaint was disciplined by the Administrative Director. (See complaint number 11 on page 35.)

The following groups within the workers' compensation community filed the 38 complaints during 2005:

▪ employees represented by attorneys before the WCAB	8 Complaints
▪ employees not represented before the WCAB	26 Complaints
▪ Anonymous	0 Complaints
▪ Applicant attorneys practicing before the WCAB	1 Complaint
▪ Defense attorneys practicing before the WCAB	1 Complaint
▪ Claims Administrator	0 Complaints
▪ Hearing Representative	1 Complaint
▪ Lien Claimant	1 Complaint

B. Disposition of Complaints investigated by the Administrative Director on the recommendation of the Ethics Advisory Committee

Of the 35 complaints reviewed by the EAC in 2005, the Committee recommended that the Court Administrator or Administrative Director conduct investigations in 20 of them. By

December 31, 2005, 8 cases were still under investigation, 20 investigations had been completed, and two complaints were not received in time for the Committee to review them at its December, 2005, meeting.

Complaints filed during 2005 which were still under active investigation at the end of 2005:

1. A defense attorney firm alleged that when one of their attorneys disclosed that she wanted to withdraw signed settlement stipulations, the judge, after hearing that the applicant was still employed by her client, ordered the attorney to file the stipulations. It was alleged that when the attorney refused to file the stipulations, the WCALJ threatened to bring in the police to forcibly take the document. The complaint was investigated and disciplinary proceedings were commenced and are continuing.

2. An unrepresented employee alleged that the judge was intimidating and biased against her. It was alleged that the judge ordered the defense counsel to collect and organize the applicant's evidence, which created a conflict and compromised her case. The complainant alleged that the judge issued a Joint Findings, Award and Order, but did not send her the Opinion and Decision. The complainant alleged that defense attorney sent these to her after the date to file a Petition for Reconsideration had run. She also alleged that the Findings, Award and Order was issued more than 90 days after the hearing. She also alleged that the judge was abusive, impatient, and inappropriate, reprimanded her, and threatened sanctions. The complainant alleged she was not allowed to consult with an advisor during the trial, that the judge displayed annoyance at the fact that she was unrepresented, and that the judge told her she should be represented rather than subject the court to a time consuming exercise.

3. An employee alleged that after her case was submitted for decision, more than 90 days elapsed before the decision was issued.

4. A lien representative alleged that the judge denied the representative his rights under the Americans With Disabilities Act. One representative had a hearing impairment and another had diabetes. The representative alleged that the judge refused to continue the case despite a doctor's note concerning the representative's travel restrictions, and the judge refused to allow a second representative to assist the first, who was tired due to his disability and also refused to allow them to explain why the first representative needed help. The complainant alleged that the judge did not allow "tag teaming," would not accommodate the hearing problem, and complained when the representative's assistant whispered information to him, and stated "Do you not understand what I said or do you not hear me?" In another case, the representative alleged his witness was unable to attend on a trial date due to a back injury, and that although the defense counsel agreed to a continuance, the judge refused a continuance and then had ex parte conversation with defense counsel about the matter.

5. A lien claimant alleged that the judge routinely issues conditional orders which arbitrarily reduce lien claims in order to avoid having to hold trials on liens. The use of these conditional orders requires lien claimants to respond to the orders before having a trial hearing. In the case involved in this complaint, the complainant alleged that the use of the conditional order reducing the lien, issued on the scheduled date set for trial of the lien, without allowing the trial to go forward on the date set, delayed a final adjudication of the lien for several months.

6. An employee alleged that when he went to a hearing, he learned that the judge had continued the hearing without any notice to him.

7. An unrepresented employee complained that the judge acted disrespectfully towards him, and had a contemptuous demeanor. The unrepresented employee alleged that at an expedited hearing where the employee asked for a continuance, the judge scolded the employee for not properly completing the form requesting an expedited hearing, and the judge never explained to the employee what errors in the form the judge was complaining

about. The employee alleged that at the expedited hearing, the judge threatened the employee with sanctions if he ever showed up again unprepared, and although he granted the continuance, he never asked the employee why he was seeking the continuance. The employee stated he had valid reasons for a continuance – his lack of evidence because of the employer’s unreasonable refusal to attend depositions and produce evidence. The employee also complained that the judge berated him for discharging his attorney, asked him in a sarcastic and unpleasant tone why he had dismissed his attorney, and pointed out that the discharged attorney was a former judge at that district office. This complaint was filed in December, 2005, and to be considered by the Committee at a meeting in 2006.

8. A represented employee alleged that the judge acted improperly by making the false statement about the reports of the Agreed Medical Examiner, “He doesn’t have anything to do with it anymore.” The doctor had retired several years earlier, although he had written that he would continue to meet his obligations for supplemental reports and depositions regarding workers he had seen in the last ten years. The employee complained that the judge did not properly regard the earlier report of the agreed medical evaluator, and that in doing so, he was acting out of malice toward her. This complaint was filed at the end of December, 2005, to be considered by the Committee at a meeting in 2006.

Complaints filed during 2005 for which investigations were completed in 2005:

1. An employee alleged that his file was missing documents and was informed by the judge that his file needed to be reconstructed. It was not reconstructed for over a year. He alleged that an attorney was responsible for taking documents out of the file, and they reappeared later. He also alleged that the lawyers knew that the Permanent & Stationary report had been issued for over a year, but told the judge they needed more time to obtain a P&S report. It allegedly took over four years from the time the parties agreed to a permanent disability rating for settlement to be finalized. The complaint also stated that the defendant did not have someone with settlement authority present at the mandatory settlement conference and that the judge should not have taken the matter off calendar.

The employee contended that the court failed to process his Declaration of Readiness for four months, that he was required to produce another copy because it was lost, and then the mandatory settlement conference was not set until eight months after the date of the original Declaration of Readiness requesting a mandatory settlement conference. After considering the report of the investigation, the Committee concluded that the ethical violations alleged were not factually supported. It also concluded that there were clerical errors in the handling of the paperwork in the office, and recommended to the Administrative Director that procedures be changed to prevent such problems in the future. The Administrative Director was made aware of the problems with the file so that the problems could be investigated and corrective action taken if appropriate.

2. An unrepresented employee alleged that the judge denied his right to appear in court on nine occasions. He objected to the judge's award of attorney fees and a requirement to attend a third Qualified Medical Evaluator examination. He stated that armed guards are present at the hearings and that they intimidate him. He also stated that the case is nine years old, he received the 100% disability award in 2002, a second 100% disability award in 2004, and his case was still being litigated. He alleged that the judge was covering up his employer's misconduct. The allegations were investigated, and the Committee determined that the record did not support a finding of judicial misconduct. Allegations of legal or administrative errors by judges do not fall within the purview of the Ethics Advisory Committee since, even if the allegations were later proven to be correct, they do not constitute *ethical violations*. Canon 1 of the Code of Judicial Ethics provides that "[a] judicial decision or administrative act later determined to be incorrect legally is not itself a violation of this Code."

3. The employee and her prior representative alleged that judge removed her representative and forced her to represent herself. She alleged the judge called the police on her former attorney. She alleged that the judge did what the defense wanted under threat of reporting him for accepting bribes. The defendants sought an order barring benefits for failure to appear at a medical examination. Applicant argued there was no

order. The judge issued an order requiring the applicant to attend a Qualified Medical Evaluator panel examination. Applicant alleged that this was in contradiction to a prior order, and that the judge was acting as the defendant's lawyer. The allegations were investigated, and the Committee determined that the record did not support a finding of judicial misconduct. Allegations of legal or administrative errors by judges do not fall within the purview of the Ethics Advisory Committee since, even if the allegations were later proven to be correct, they do not constitute *ethical violations*. Canon 1 of the Code of Judicial Ethics provides that "[a] judicial decision or administrative act later determined to be incorrect legally is not itself a violation of this Code."

4. Complainants, who are African American, alleged the judge racially discriminated against them by referring to them as "you people" on several occasions, and by referring to the employee as "it" in the minutes of hearing. The allegations were investigated, and the Committee determined that the record did not support a finding of judicial misconduct. A witness was interviewed, who related that several people in the courtroom were being loud. According to the witness, the judge came into the courtroom and said, "You people either have to quiet down or leave the courtroom." The complainant appeared to take offense at this remark. In the context of a judge entering a courtroom and attempting to quell unruly behavior, the Committee found the use of the term "you people" did not connote a racial animus. An examination of the Minutes of Hearing showed the use of the symbol for the Greek letter *pi* for the applicant, and that the judge did not refer to the applicant as "it." The minutes read: "It is now 10:45 & I've been informed that π has left." The Committee recognized that the use of the symbol for the Greek letter *pi* is common legal shorthand for the word *plaintiff*. The Committee concluded that the allegations of the complaint were not factually supported.

5. An injured unrepresented African American employee alleged that the judge was prejudiced and racially biased. She alleged that the judge mentioned that applicant filed a Petition for Reconsideration and pointed out that the WCAB denied the petition, and that he held the filing of the petition against her. The complainant also alleged that the judge was

biased toward the defense by stating that the defense witness was the only credible party. The complainant alleged that the judge refused to read or accept her pre-trial statement and then told her she was not prepared for trial. The complainant alleged that the judge was rude and impatient, and ordered her to re-submit a list of exhibits to the defense. She complained that the judge told her she should hire an attorney, and that he did not believe her.

The committee investigated this case, and had a presiding WCALJ review the files in her case, to see if there were anything which would support her claims of bias. The investigatory report of the WCALJ revealed the following: The complainant received an award of 100% permanent disability in 1980. In the years since the award was issued, the complainant had represented herself in virtually constant litigation concerning her claims of enforcement of the treatment awards as well as multiple claims of entitlement to penalties. Most of the three full storage boxes in her case were filled with documents having more to do with the complainant's conduct and her claims of misconduct by the defense attorneys and the various WCALJ's who had handled the cases than with the actual issues. As far back as 1984, the defendants accused the complainant of making threatening comments against County employees and police intervention was required.

In the years since 1984, the complainant had accused most of the judges assigned to her case of bias, and had made unsubstantiated statements that the judges were drunken and incompetent. She unsuccessfully petitioned for disqualification of several of these judges. The response of one of the retired judges to her request for recusal included the statement that, "The applicant became upset and agitated over a simple procedural ruling . . . when the undersigned granted both sides a full 30 days to submit Points and Authorities. She was so upset by this simple procedural ruling that she requested the undersigned recuse himself, which request was denied." The file reflects that the complainant began to call the district office and to appear in person on days when her case was not scheduled for hearing. Many of the telephone messages reflected the staff's complaints that the complainant was harassing them, and she repeatedly called to complain about the judge.

She called him a “bastard” and complained that he held ex-parte meetings with the defense. She sought to have the judge which is the subject of this complaint disqualified for bias, and the W.C.A.B. determined that there were no grounds for disqualification.

The Committee concluded that the allegations of the complaint were not factually supported.

6-7. An unrepresented employee alleged that the records of his case were destroyed and reconstructed, but that no documents were requested from him. The complainant also alleged that on a day set for hearing, he had many former employees present to testify, but that the judge changed the rules, dealt that day only with documents submitted by the defense, and made all the witnesses wait. The complainant also alleged that the defense put a dead rat in his mail box and that judge did nothing about it. The complainant also alleged that he was never allowed a Qualified Medical Evaluator examination. Following its review of the complaint, the Committee did not identify any violations of the California Code of Judicial Ethics or the Division’s ethics regulations.

In a second separate complaint by the same unrepresented employee, the employee alleged that the judge should have informed him of the statute of limitations, but did not. The employee also alleged that the judge showed bias in favor of the defense by not admitting letters of employee’s witnesses into evidence after the trial. According to the employee, the judge stated that if the letters had been admitted into evidence, they would not have affected the decision. Following its review of the complaint, the Committee did not identify any violations of the California Code of Judicial Ethics or the Division’s ethics regulations. The Administrative Director was made aware of the problem of missing records so that it could be investigated and corrective action taken if appropriate.

8. An employee alleged that the judge refused to grant her motion to dismiss her counsel who had lied to her about the report of an Agreed Medical Evaluator. She

alleged that the judge would not allow her to file papers to contradict the AME's findings, because she was represented by counsel. The record of this case was reviewed by the Associate Chief Judge. From his review, it was determined that the complainant's claim that the judge refused to dismiss her attorney was accurate. This may have been a legal error, but did not involve an ethical violation. Allegations of legal or administrative errors by judges do not fall within the purview of the Ethics Advisory Committee since, even if the allegations were later proven to be correct, they do not constitute *ethical violations*. Canon 1 of the Code of Judicial Ethics provides that "[a] judicial decision or administrative act later determined to be incorrect legally is not itself a violation of this Code." The W.C.A.B. in its decision on reconsideration in her case urged applicant to follow the WCALJ's advice to retain an attorney, and not attempt to represent herself in her complex case. Following its review of the complaint, the Committee did not identify any violations of the California Code of Judicial Ethics or the Division's ethics regulations.

9. Although this complaint by an applicant's attorney was filed originally against two judges, the complainant later clarified that he was only complaining about the performance of a court reporter in their courtrooms, who was unwilling to try to keep up with the speed of the employee's attorney. The Committee did not identify any violations of the California Code of Judicial Ethics or the Division's ethics regulations, which are not applicable to court reporters. The Committee has not been charged to investigate allegations against court reporters. The Administrative Director was made aware of the allegation of court reporter problems so that they could be investigated and corrective action taken as appropriate.

10. An unrepresented employee alleged that although the report of an Independent Medical Evaluator rated at 50%, the insurance company would not pay permanent disability owed. He complained that the judge ignored him. His cases were six and nine years old, yet still unresolved. The complainant also alleged that the judge was prejudiced against him. The complainant also alleged that the Presiding Judge threatened to call the police if he refused to leave the DWC offices. The complainant also alleged that he had

subpoenaed a doctor to testify at trial, but that the judge let the doctor file a declaration instead of appearing. The complainant also alleged that that the defense attorney caused his medical treatment to be stopped because of the *Wal-Mart* decision (must be employed at the employer in question for at least six months for a psychiatric injury), but his injury was instead a chemical exposure. He alleged that the judge unethically allowed this stoppage of treatment.

The committee investigated this case, and had a presiding judge review the files in the case.

The presiding judge audited three full storage boxes of files of this complex case in which two independent medical examiners had been appointed, and in which after reconsideration was denied on the issue of the appointment of the medical examiners, there had yet been no decision on the applicant's entitlement to disability benefits.

The judge's actions in supporting the request that the applicant leave the offices of the Rehabilitation Unit on a particular day, or that the police would be called, did not evidence bias against the applicant, but rather reflected an appropriate concern for the welfare of the staff and office. The Committee concluded that the allegations of the complaint were not factually supported.

11. The complainant alleged that the judge acted unethically because the judge issued his report and recommendation on a petition for removal one day before the defense served its answer to the petition. (The judge's recommendation was sent out within 3 days.) Following its review of the complaint, the Committee did not identify any violations of the California Code of Judicial Ethics or the Division's ethics regulations.

12. An unrepresented employee alleged that: (1) the insurance company cancelled a conference scheduled to discuss the reduction of his benefits; (2) his file was lost and then became mutilated; (3) when the employee complained to the claims administrator regarding denial of benefits, the judge said the claims administrator was not responsible and if the

employee did not understand, the judge would dismiss his case; and (4) when he went to review his file, the WCAB staff person kept him waiting two hours. The record of this case was reviewed by the Associate Chief Judge. After considering the report of his review, the Committee concluded that the ethical violations alleged were not factually supported. The Administrative Director was made aware of the problems of missing records and record review delay so that they could be investigated and corrective action taken if appropriate.

13. An unrepresented employee re-alleged a previous complaint about his case file having wrong dates of injury and wrong case numbers. He alleged that after he filed a declaration of readiness on June 7, a mandatory settlement conference was scheduled for October, but that it was taken off calendar. The complainant states that the record does not show who filed this decision, what date it was filed or who was served. Following its review of the complaint, the Committee did not identify any violations of the California Code of Judicial Ethics or the Division's ethics regulations.

14. An unrepresented employee alleged that the judge who presided over the mandatory settlement conference refused to remove herself as trial judge. The employee also alleged that the judge denied her right to see a physician. The employee alleged that the judge announced in the courtroom that she likes settlements. The employee also alleged that the judge did not enter into the minutes that the applicant was present, and that the date signed was different than the date of the mandatory settlement conference. Following its review of the complaint, the Committee did not identify any violations of the California Code of Judicial Ethics or the Division's ethics regulations.

15. An unrepresented employee alleged there was discrimination against her because she was African American. The employee also alleged that although her trial was completed on February 9, and a Findings and Award issued on March 8, the employer had still not paid benefits as of June 9. She alleged that the judge favored the defendants by allowing unnecessary delays (three months and twenty months), and allowed the defense to

delay payments. The Committee had the file investigated by a presiding judge. Nothing in the file indicated any racial comments were made. Nothing in file demonstrated any abuse in the granting of continuances. From a review of the file it did not appear that there was any error or any favoritism demonstrated by the judge. Following its review of the complaint, the Committee did not find that the allegations were factually supported.

16. An unrepresented employee alleged that the judge was no longer an active member of the bar, that the judge used his personal notes instead of a transcript, that the judge denied the employee due process and her benefits by siding with the defense, and admitted to knowing the defense attorney. Following its review of the complaint, the Committee did not identify any violations of the California Code of Judicial Ethics or the Division's ethics regulations.

17. An unrepresented employee alleged that the judge failed to presume the treating physician's testimony to be correct and therefore failed to award future medical care. The employee also alleged that the judge failed liberally to construe the facts and law in the applicant's favor. The employee also alleged that instead of being faithful to the law, the judge was guided by his personal opinions. Following its review of the complaint, the Committee did not identify any violations of the California Code of Judicial Ethics or the Division's ethics regulations.

18. A represented employee alleged that the judge did not want to find cumulative physical and psychic injury and therefore he ignored and distorted the facts presented in hearings, depositions, documents, medical records and evaluations that supported the claim. The employee alleged that a witness for the employer committed perjury and the matter was not addressed by the court. The employee also alleged that the judge referred to applicant's allegations as "a reign of terror," which was stated with sarcasm. The employee also alleged that the judge told the applicant's attorney that he had no intention of reading the transcripts of the four depositions. The Committee found that some of the allegations were of legal or administrative errors by the judge which do not fall within the

purview of the Ethics Advisory Committee since, even if the allegations were later proven to be correct, they do not constitute *ethical violations*. Canon 1 of the Code of Judicial Ethics provides that "[a] judicial decision or administrative act later determined to be incorrect legally is not itself a violation of this Code." The W.C.A.B. had denied the employee's petition for reconsideration on these claims.

The Committee did have the other complaints investigated by a presiding judge, who reviewed the lengthy transcripts in the case. He found the judge did refer to applicant's litany of complaints as a reign of terror, but did not in any way state that applicant was engaged in a reign of terror. After applicant had testified at length as to his employer's intention to have him discharged the court asked, "And did you infer that to mean that there was some sort of corporate authority to institute a reign of terror, if you will, against you?" After considering the report of the investigation, the Committee concluded that the ethical violations alleged were not factually supported.

19. An unrepresented employee alleged that the judge failed to award him temporary disability, penalties, and interest. He also alleged that the permanent disability award was improper and that he never received a rating. Following its review of the complaint, the Committee did not identify any violations of the California Code of Judicial Ethics or the Division's ethics regulations.

20. An unrepresented employee alleged that he was discriminated against as an African American, because of the failure to be awarded a 100% permanent disability rating. He alleged that the judge ignored the employer's written termination policy which stated that the employee was terminated due to "disability." He alleged that the judge failed to enforce and rule on the delay in medical treatment and combined medical and vocational permanent disabilities. The employee also alleged that the judge excluded all the material evidence that would allow him to establish an accurate permanent disability rating. He alleged that the record shows that the judge's decisions were based on his personal prejudices.

Following its review of the complaint, the Committee did not identify any violations of the California Code of Judicial Ethics or the Division's ethics regulations.

21. An unrepresented employee alleged that the judge issued a subpoena ordering him to appear for a doctor's appointment without first holding a hearing regarding the previously missed appointment. He also alleged that the appointments are scheduled nine months to a year in the future, that reports are issued nine months later, and that the claims administrator then argues that the reports are out of date. He also alleged that the doctors' offices are 25 to 75 miles from his home, which are too far given his medical condition. Following its review of the complaint, the Committee did not identify any violations of the California Code of Judicial Ethics or the Division's ethics regulations.

22. A represented employee alleged that that her attorney breached the attorney client privilege by providing her records to the attorneys who represent the employer in a civil suit. She alleged that all parties were aware that her employer did not carry workers' compensation insurance for her when the claims administrator denied her demand for vocation rehabilitation and that all parties were also aware that defendants continued to delay and deny all of her complaints and claims. The employee also alleged that she was forced off the job during an investigation into the employer's lack of workers' compensation coverage. The employee also alleged that because of false statements contained in her records, she was underpaid in salary and benefits and received no workers' compensation benefits. Following its review of the complaint, the Committee did not identify any violations of the California Code of Judicial Ethics or the Division's ethics regulations.

23. An unrepresented employee alleged that the judge failed to rule on a motion for change of venue for more than five months, despite the fact that the regulation (section 10411) required him rule within 30 days. The employee did not believe the fact that he has a petition for removal pending with the WCAB excused a duty to rule on the motion for change of venue. The employee also alleged that his earlier declarations of readiness were rejected by the judge. This complaint was filed while the Committee was still investigating a

complaint filed in 2004 by the same employee. Following its review of the complaint, the Committee did not identify any violations of the California Code of Judicial Ethics or the Division's ethics regulations.

24. A represented employee alleged that the information and assistance officer had advised her of the time and place of a hearing in her case, but that when she went to the courtroom at the proper hour to testify, the judge told her that she "did not have any business here," and threw her out of the room. The Committee had the complaint investigated by a presiding judge, who reviewed the files in the case and interviewed an attorney who was present in the room at the time, and also interviewed the information and assistance officer.

The investigating presiding judge found that the event in question took place at a lien conference in August, held to dispose of eighteen unresolved liens (out of twenty-four filed), after her case had been settled by compromise and release in May. In the interim, the employee had filed a petition for reconsideration on her compromise and release, alleging that she was made to sign the compromise and release under duress by her former attorney. The W.C.A.B. denied the petition for reconsideration. The employee appeared at the lien conference, and, according to the interviewed attorney, was rather emotional and creating a scene.

The interviewed attorney related that after the employee ranted for a while, the judge, in a matter of fact tone, said that her petition for reconsideration had been denied and that the only issues to be resolved were the liens. The judge advised applicant her only available recourse was to file for a writ with the Court of Appeal. The employee next demanded that the liens be denied since she was not helped by any of the treatments. Finally, after the applicant became very upset and loud, the judge in a normal tone stated "It is best if you would leave." The employee's response was "Why don't you listen to me?" The Information and Assistance Officer said she had had previous conferences with the employee, and described the employee as emotional and volatile. The Information and

Assistance Officer also advised the applicant of the procedure to file a writ of review. After considering the report of the investigation, the Committee concluded that the ethical violations alleged were not factually supported.

25. A represented employee alleged that the judge approved Stipulations with Request for an Award without either him or his attorney being present, at a time when his cases were not calendared for hearing. He alleged that that the judge participated in a deception by the two attorneys, in assisting in having the Stipulations approved in secret. The employee alleged that in September, 2002, he signed Stipulations with Request for an Award which had been falsely described to him by his attorney. In a September, 2003, letter written to his attorney (in Spanish), he claims he directed his attorney not to present the Stipulations to the W.C.A.B. The employee also wrote in September to the judge (in English). His letter to the judge stated that the insurance company was “trying to decide” his case, and complained that an examining physician declared him to be permanent and stationary a year before the examination. His letter asked questions of the judge and said that he was being denied compensation for internal medical problems based on the reports by a chiropractor and orthopedist. He claimed that he did not learn of the approval of the Stipulations and issuance of the Award until May, 2003, at which time he filed a petition for reconsideration, which was denied by the W.C.A.B.

The employee also alleged that the judge was not truthful in his Report and Recommendation on Petition for Reconsideration, in stating that he was unaware of any improper activities on the part of the employee’s attorney. The employee also alleged that the judge did not have jurisdiction to enter an order in January, 2003, because his cases were still under investigation by the Conservation and Liquidation Office, acting in regard to an insolvent carrier. Following its review of the complaint, the Committee did not identify any violations of the California Code of Judicial Ethics or the Division’s ethics regulations.

26. An unrepresented employee alleged that the judge continually denied the employee’s petitions for expedited hearing on issues of entitlement to medical treatment and entitlement

to temporary disability, even though the W.C.A.B., in 1998, while denying employee's petition for reconsideration on an earlier denial of a petition for expedited hearing, opined that the judge would be authorized to hold an expedited hearing on the issue of temporary disability, and leaving the matter to the discretion of the judge. The employee asserted that the repeated denial of requests for expedited hearings represented an intentional delaying of the case, or were the result of bias based on race, disability, or socioeconomic status. Following its review of the complaint, the Committee did not identify any violations of the California Code of Judicial Ethics or the Division's ethics regulations.

27-28. An employee alleged that at a Mandatory Settlement Conference, the judge orally ordered the employee to give his deposition as noticed, despite the employer not having paid mileage for previous depositions. The employee also alleged that the judge ignored the employee's filed petition for a protective order, even though the employer filed no response to the petition. The employee alleged that the employer had noticed twelve depositions, and that the employer cancelled seven of them without any oral or written notice. This information was included in the employee's application for the protective order. The employee also alleged that the judge "did not respond" to the employee's petitions for expenses (travel to medical examinations and deposition mileage expense) and for increased compensation under Labor Code section 4553. The employee also alleged that he was not sent a notice of the time and place of the Mandatory Settlement Conference, and that on the day before the Mandatory Settlement Conference, his attorney received only an amended notice for the Mandatory Settlement Conference, for a different date, and served by employer's counsel.

The employee also complained that 23 days after the employee notified the W.C.A.B. that he had dismissed his attorney, the judge wrote to the employee's former attorney, and did not send a copy of the letter to the employee. The judge's letter included the statement: "Mr. [employee] is not in pro per, and the document filed does not allege facts that fall under Labor Code §4553." The employee also complains that he sent five letters to the judge, and that the judge did not respond.

The same employee also alleged in a second complaint, most of which was duplicative of this complaint, that at a Mandatory Settlement Conference the judge orally ordered him to give a deposition noticed by the employer, and ignored the employee's filed motion for a protective order.

Following its review of the complaints, the Committee did not identify any violations of the California Code of Judicial Ethics or the Division's ethics regulations. Allegations of legal or administrative errors by judges do not fall within the purview of the Ethics Advisory Committee since, even if the allegations were later proven to be correct, they do not constitute *ethical violations*. Canon 1 of the Code of Judicial Ethics provides that "[a] judicial decision or administrative act later determined to be incorrect legally is not itself a violation of this Code."

29. An unrepresented employee alleged that the judge erred in recommending the dismissal of a petition for reconsideration on the basis of timeliness. The employee alleged that this recommendation was based on bias on the part of the judge, because although the judge enforced a timeliness requirement for the filing of the employee's petition, the judge allowed the admission of the report of an improper defense medical examination (allegedly improper in part because of the time frames when it was obtained.) The employee also alleged that the judge inaccurately characterized employee's alleged failure to object to admission of a medical report as the employee having waived his rights, when employee contends she had in fact timely objected in writing to the medical report. The employee also alleged that the judge, in his report on petition for reconsideration, applied to her, an unrepresented employee, the same strict standards of compliance with W.C.A.B. rules which are applicable to an attorney, even though she had to file a petition for reconsideration in pro per because her attorney did not communicate to her that he would not file a petition, after she had requested the attorney to file one. Following its review of the complaint, the Committee did not identify any violations of the California Code of Judicial Ethics or the Division's ethics regulations.

30. An unrepresented employee complained that since her attorney retired, she had not been able to receive medical treatment. Following its review of the complaint, the Committee did not identify any violations of the California Code of Judicial Ethics or the Division's ethics regulations.

Complaints filed during 2004 which are still under active investigation:

None.

Complaints filed during 2004 for which investigations were completed in 2005:

1. An unrepresented employee complained that four judges who had handled his case acted improperly. The judges allegedly waited too long before ruling on motions, failed to base orders on substantial evidence, prevented the transcript from being prepared until after the Board issued a ruling on a petition for reconsideration, tried to prevent the employee from filing a petition for reconsideration, set forth false facts in the report and recommendations, twice ruled on a motion to compel a psychiatric exam one day after the employee received notice of the motion (before the employee had an opportunity to respond), failed to require the defendant to seek agreement regarding an Agreed Medical Evaluation, required the employee to travel to a distant district office instead of making the judge travel to the local district office, improperly quashed the employee's subpoenas of judges, granted a petition to quash before the employee received a copy of the petition, and dated an order one day after the postmark on the envelope. The employee contended that one judge finally overturned the orders compelling the employee to medical exams, suspending proceedings and barring accrual of disability payments. One judge allegedly claimed that the employee's signature on the Declaration of Readiness concerning the issue of the defendant's refusal to authorize the Qualified Medical Evaluation meant that all discovery was completed. Finally, the employee alleged that at the mandatory settlement conference, the judge was brusque with employee.

The Committee found that some of the allegations were of legal or administrative errors by the judge which do not fall within the purview of the Ethics Advisory Committee since, even if the allegations were later proven to be correct, they do not constitute *ethical violations*. Canon 1 of the Code of Judicial Ethics provides that "[a] judicial decision or administrative act later determined to be incorrect legally is not itself a violation of this Code." The W.C.A.B. had denied the employee's petition for reconsideration on these claims.

The Committee did have the other complaints investigated by the Associate Chief Judge, who reviewed the lengthy files in the case. After considering the report of the investigation, the Committee concluded that the ethical violations alleged were not factually supported.

2. An employee alleged that the judge snapped at him, threatened to take away his 100% disability award and chuckled. He also alleged that the defense attorney called the judge "judgy." He contended that the judge is biased against him. This complaint was investigated by an Associate Chief Judge. After considering the report of the investigation, the Committee concluded that the ethical violations alleged were not factually supported.

3. A separate complaint was filed by the employee who filed the complaint listed in number 2. In this complaint the employee alleged that the judge retaliated against him for previously filing a judicial ethics complaint. This complaint was investigated by an Associate Chief Judge. After considering the report of the investigation, the Committee concluded that the ethical violations alleged were not factually supported.

4. In a third complaint, the same employee listed above alleged that the WCALJ hampered his attempts to acquire information to enforce a Findings and Award, that the defendants failed to provide a print out of benefits, and that the defendants issued a bad check and refused to issue a replacement check. The judge allegedly vacated an enforcement of an award. Also, the employee alleged that the judge ruled against a

commutation of the award, but handed him a card from a settlement service that buys awards. This complaint was investigated by an Associate Chief Judge. After considering the report of the investigation, the Committee concluded that none of the ethical violations alleged were factually supported, except the allegation that the judge gave the applicant the business card of a firm which purchased awards for settlement. The Committee found that this was a technical inadvertent violation. The Administrative Director determined that this technical inadvertent violation was well-intentioned, and did not merit discipline.

5. A represented employee alleged trial delays as follows: trial was set; the defense attorney did not bring exhibits, so the trial was continued for two months; delays caused the trial to start late and all of the witnesses were not able to testify, so the case was continued for another two months. The defense attorney asked for a new date because of a conflict with a religious holiday and the trial was continued again. The defense counsel did not show up, so the case was continued for two more months. Additionally, the judge was allegedly friendly with a defense witness, and allegedly rude, abusive and intimidating to the employee during her testimony. The employee alleged that the judge's summary of the trial was unreasonable, lacked cites to case law or the Labor Code, and referred to a witness who did not testify. Finally, the employee alleged that documents disappeared from the court files. A Presiding Judge investigated this case. After considering the report of the investigation, the Committee concluded that some of the complaints alleged that the judge made procedural or factual errors, and that none of the ethical violations alleged were factually supported.

6. An employee alleged that two WCALJs deprived her of her right to a fair trial. One WCALJ told her that she should not go to trial because the doctor's report said her injury was not work related. She further alleged that a second WCALJ told her that it was not true that the doctor's report described the injury as non-industrial and that the first judge made a mistake. The second WCALJ allegedly told the employee that she needed to hire an attorney or he would "throw her case out." The second WCALJ allegedly also refused to exclude the Agreed Medical Evaluator's report even though the employee was

unrepresented. A presiding Judge conducted an investigation. After considering the report of the investigation, the Committee concluded that the ethical violations alleged were not factually supported.

7. An unrepresented employee alleged that she appeared five times in the judge's courtroom with no progress. She alleged that the judge verbally manipulated her into withdrawing her statement that the judge denied her medical benefits, that the judge told her she needed to obtain her own doctor, and that defense did not need to pay for her psychiatrist. The judge allegedly was rude and would not let her leave the witness chair even after she told the judge that she was uncomfortable. She also alleged that the judge would not let her get her paper work when she was on the witness stand. The employee complained that the judge allowed her former attorney to be present. The judge allegedly allowed the defense attorney to interrogate the employee in a hostile manner and was nice to the defense attorney. Finally, the employee alleged that when she told the judge that she needed an hour to do paper work, the judge left the courtroom and did not return. Following its review of the complaint, the Committee did not identify any violations of the California Code of Judicial Ethics or the Division's ethics regulations.

8. An applicant's attorney alleged that she signed in and met with the defense counsel who wanted a continuance because of an amendment alleging psychological damages. She reminded him that the case was set for a priority conference on the issue of AOE/COE because the employee was not receiving benefits and suggested the matter be set for trial on the limited issue. She left for ten minutes. While she was gone, the judge allegedly met with the defense counsel (conducted an ex parte communication) and took the case off calendar. The judge allegedly said the case was set for a mandatory settlement conference. The complainant alleged that: (1) improper ex parte communication occurred; (2) the case was taken off calendar in violation of the law; and (3) once the error was brought to the judge's attention, the judge refused to put the matter back on calendar. This complaint was investigated by a Presiding Judge. After considering the report of the investigation, the Committee concluded that the ethical violations alleged were not factually supported.

9. An employee alleged that the judge: (1) ignored the Superior Court's restraining order by forcing personal contact on two dates; (2) arbitrarily opened, closed, and re-opened discovery for only the defendant on three dates; (3) refused to force the defendant to provide constant moderate pain control before or after trial despite the Qualified Medical Evaluator's authorization; and (4) was aware that the defendant had attempted murder of the employee. A Presiding Judge reviewed the files. After its review of the complaint and the report of the Presiding Judge, the Committee did not identify any violations of the California Code of Judicial Ethics or the Division's ethics regulations.

10. A represented employee alleged that the judge violated Canon 3B(1) (which requires a judge to hear and decide all matters assigned) by refusing to accept the evidence prepared at the mandatory settlement conference, by rescinding her previous order to have all discovery end on a specific date without good cause and by taking a court date off calendar for no good cause (defense counsel was not present and must have been aware of the order, although the employee and her attorney were not). She also alleged that the judge violated Canon 3B(2) (which requires a judge to be faithful to the law regardless of partisan interests) by refusing to rule on a motion to join the State of California Dept. of Self-Insurance; that the judge violated Canon 3B(7) (which requires a judge to accord every person a full right to be heard) by refusing to allow the employee to participate in the mandatory settlement conference; and that the judge violated Canon 3B(8) (which requires a judge to dispose of all matters fairly and promptly) by allowing the case to continue after the award and order and a Supreme Court decision in her favor, by compelling her to attend a Qualified Medical Evaluation even though treatment was refused, and by refusing to set the case for trial. A Presiding Judge investigated this case. After considering the report of the investigation, the Committee concluded that some of the complaints alleged that the judge made procedural errors, and that none of the ethical violations alleged were factually supported.

11. A police officer complained that a WCALJ insisted that a photo citation should be dismissed, was rude, threw her WCALJ business card on his desk, and said, "See what happens when one of you guys comes before me." The complaint was investigated and disciplinary proceedings were commenced. The Administrative Director and the WCALJ stipulated to the WCALJ's two months' suspension without pay.

12. An employee alleged that the judge was biased towards the defense, was selective regarding what he allowed to be put on the record, prohibited discovery concerning the claims adjuster's handling of the case. The employee alleged that the judge refused to allow hearings on penalties in violation of due process, and refused a request for an expedited hearing for over ninety days. This case was investigated by a Presiding Judge. After considering the report of the investigation, the Committee concluded that the ethical violations alleged were not factually supported.

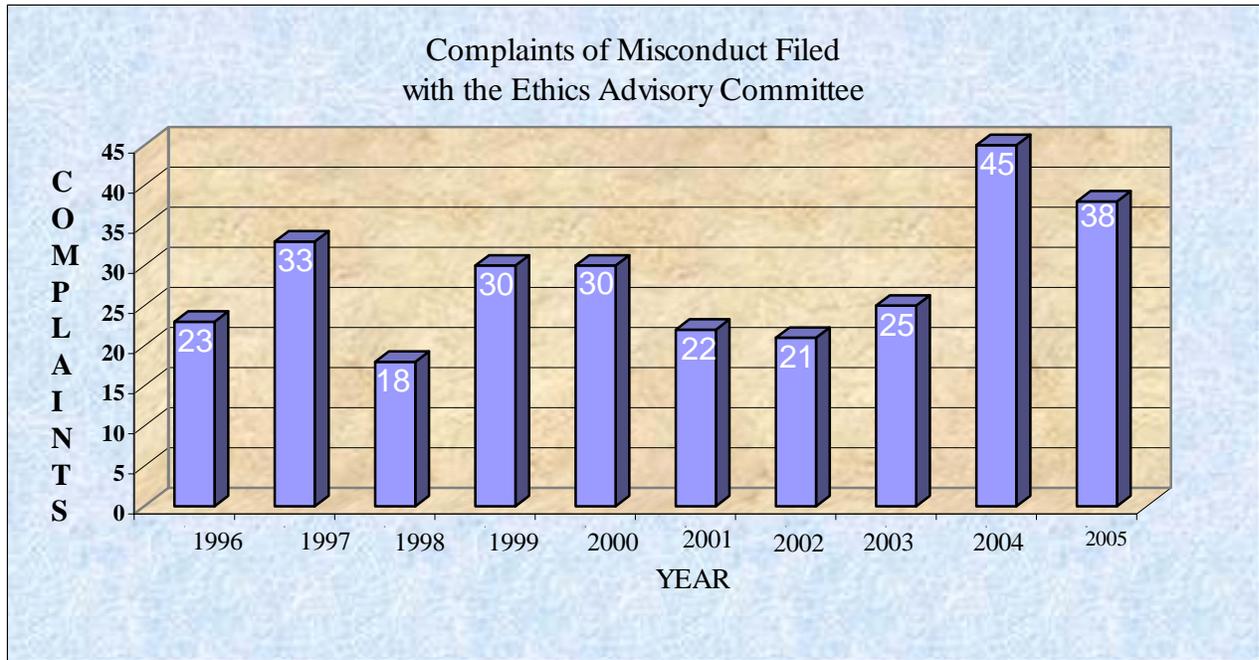
13. The same employee as in Complaint No, 12, also alleged in a separate complaint that he requested an expedited hearing, which should have been held within thirty days, but was scheduled for 90 days later. By doing this, the judge halted his access to prescriptions. This case was investigated by a Presiding Judge. After considering the report of the investigation, the Committee concluded that the ethical violations alleged were not factually supported.

14. A claims adjuster complained that the judge had not issued her decision until 296 days after the hearing, and that the judge failed to make a decision on the defendant's motions and discovery issues for over a year. This case was investigated by a Presiding Judge. After considering the report of the investigation, the Committee concluded that the ethical violations alleged were not factually supported.

Complaints filed during 2003 for which investigations were completed in 2005:

1. An employee alleged that more than 90 days had passed after the hearing and before the order was issued. He also complained that there was an ex parte communication between the defense attorneys and the WCALJ. The employee fears that the presiding judge is biased against him because he testified publicly against the presiding judge during the CHSWC/Rand study public hearing, and the presiding judge later mentioned his public testimony. After the disposition of a petition for reconsideration, the case was investigated by an Associate Chief Judge. After considering the report of the investigation, the Committee concluded that the ethical violations alleged were not factually supported.

TABLE 1





APPENDIX 1.

Ethics Regulations: Title 8, California Code of Regulations, §9720.1 et seq.



TITLE 8. INDUSTRIAL RELATIONS
DIVISION 1. DEPARTMENT OF INDUSTRIAL RELATIONS
CHAPTER 4.5. DIVISION OF WORKERS' COMPENSATION
SUBCHAPTER 1. ADMINISTRATIVE DIRECTOR--ADMINISTRATIVE RULES
ARTICLE 1.6. ETHICAL STANDARDS OF WORKERS' COMPENSATION
REFEREES; ENFORCEMENT OF STANDARDS

§ 9720.1. Authority.

The rules and regulations contained in Article 1.6 are adopted pursuant to the authority contained in Sections 123.6, 133, and 5307.3 of the Labor Code. This article is designed to enforce the highest ethical standards among workers' compensation referees and to provide all parties with an independent, impartial investigation into allegations of misconduct by referees.

Note: Authority cited: Sections 123.6, 133 and 5307.3, Labor Code.
Reference: Sections 111 and 123.6, Labor Code.

§ 9720.2. Definitions

For purposes of this Article and Section 123.6 of the Labor Code, the following definitions shall apply:

- (a) "Code" shall mean the Code of Judicial Conduct. When the Supreme Court adopts a Code of Judicial Ethics pursuant to Article VI, section 18(m), of the Constitution, "Code" shall mean the Code of Judicial Ethics and any subsequent revision thereof.
- (b) "Committee" shall mean the Workers' Compensation Ethics Advisory Committee as specified in Section 9722 of these regulations.
- (c) "Complaint" shall mean a statement alleging facts that, if true, might constitute misconduct.
- (d) "Misconduct" shall mean any conduct of a referee that is contrary to the Code or to the other rules of conduct that apply to referees.
- (e) "Referee" shall mean a worker's compensation referee employed by the administrative director pursuant to Section 123.5 of the Labor Code. The term includes Presiding Workers' Compensation Referees, Regional Managers (Claims Adjudication), the Assistant Chief, the Administrative Director and any other person, including pro tem referees and state employees, while they are exercising judicial or quasi-judicial powers.

Note: Authority cited: Sections 123.6, 133 and 5307.3, Labor Code.
Reference: Sections 111 and 123.6, Labor Code.

§ 9721.1. Code of Judicial Conduct or Ethics

Every referee shall abide by the Code.

Note: Authority cited: Sections 123.6, 133 and 5307.3, Labor Code.

Reference: Sections 111 and 123.6, Labor Code.

§ 9721.2. Gifts, Honoraria and Travel

(a) No referee may accept any gift, honorarium or travel that is forbidden to legislators under the Political Reform Act of 1974.

(b) No referee may accept any gift, payment, honorarium, travel, meal or any other thing exceeding five dollars in value, the cost of which is significantly paid for by attorneys who practice before the Workers Compensation Appeals Board or by others whose interests have come or are likely to come before the Board, without first obtaining the written approval of the administrative director. Copies of requests and responses shall be forwarded to the Committee for its annual report. For purposes of this section, "attorneys" includes individual attorneys, law firms, and professional associations that include attorneys as members. For purposes of this section, "others whose interests have come or are likely to come before the Board" includes, but is not limited to, any person or entity which is or has been a party or lien claimant in a workers' compensation proceeding, represents a party or lien claimant, provides educational, consulting or other services relating to workers' compensation, otherwise participates in the workers' compensation adjudicatory process or is an association that includes such persons as members or represents their interests.

(c) This section does not apply to (1) gifts, payments, travel, meals or other things of value given to a referee by a family member who does not appear before the referee in question, (2) ordinary, modest social hospitality in a private home or attendance at a wedding, graduation or religious ceremony, (3) payments, including a division of attorney's fees, made to a referee by the referee's former law firm or other former employer, for services actually rendered prior to the referee's appointment, or (4) union activities of referees.

Note: Authority cited: Sections 123.6, 133 and 5307.3, Labor Code.

Reference: Sections 111 and 123.6, Labor Code.

§ 9721.2. Gifts, Honoraria and Travel

(a) No referee may accept any gift, honorarium or travel that is forbidden to legislators under the Political Reform Act of 1974.

(b) No referee may accept any gift, payment, honorarium, travel, meal or any other thing exceeding five dollars in value, the cost of which is significantly paid for by attorneys who practice before the Workers Compensation Appeals Board or by others whose interests have come or are likely to come before the Board, without first obtaining the written approval of the

administrative director. Copies of requests and responses shall be forwarded to the Committee for its annual report. For purposes of this section, "attorneys" includes individual attorneys, law firms, and professional associations that include attorneys as members. For purposes of this section, "others whose interests have come or are likely to come before the Board" includes, but is not limited to, any person or entity which is or has been a party or lien claimant in a workers' compensation proceeding, represents a party or lien claimant, provides educational, consulting or other services relating to workers' compensation, otherwise participates in the workers' compensation adjudicatory process or is an association that includes such persons as members or represents their interests.

(c) This section does not apply to (1) gifts, payments, travel, meals or other things of value given to a referee by a family member who does not appear before the referee in question, (2) ordinary, modest social hospitality in a private home or attendance at a wedding, graduation or religious ceremony, (3) payments, including a division of attorney's fees, made to a referee by the referee's former law firm or other former employer, for services actually rendered prior to the referee's appointment, or (4) union activities of referees.

Note: Authority cited: Sections 123.6, 133 and 5307.3, Labor Code.

Reference: Sections 111 and 123.6, Labor Code.

§ 9721.32. Duty to Report Misconduct

When circumstances warrant, a referee shall take or initiate appropriate disciplinary measures against a referee, lawyer, party, witness, or other person who participates in the workers' compensation process for unprofessional, fraudulent or other improper conduct of which the referee becomes aware.

Note: Authority cited: Sections 123.6, 133 and 5307.3, Labor Code.

Reference: Sections 111 and 123.6, Labor Code.

§ 9722. The Workers' Compensation Ethics Advisory Committee

(a) There shall be a Workers' Compensation Ethics Advisory Committee consisting of nine members appointed by the administrative director:

(1) a member of the public representing organized labor,

(2) a member of the public representing insurers,

(3) a member of the public representing self-insured employers,

(4) an attorney who formerly practiced before the Workers' Compensation Appeals Board and who usually represented insurers or employers,

(5) an attorney who formerly practiced before the Workers' Compensation Appeals Board and

who usually represented applicants,

(6) a presiding referee,

(7) a referee or retired referee,

(8) and (9) two members of the public outside the workers' compensation community.

Members shall serve for a term of four years. However, to create staggered terms, the first term of members in odd-numbered categories above shall be two years. The administrative director shall designate a chairperson.

(b) The Committee shall meet as necessary to carry out its responsibilities under this article. State employees shall meet on state time and at state expense.

(c) The Committee may do the following:

(1) Receive complaints made against referees,

(2) Forward those complaints to the administrative director with a recommendation to investigate or not to investigate,

(3) Monitor the outcome of complaints, and

(4) Make reports and recommendations to the administrative director, the legislature and the public concerning the integrity of the workers' compensation adjudicatory process. The Committee shall make a public report on or before February 15 or each year, summarizing the activities of the Committee in the previous calendar year. The report shall not contain personally identifiable information concerning complainants or referees, unless the information is already public.

(d) The administrative director shall make staff available to the Committee to assist it in carrying out its functions.

(e) The Committee may receive information that is not available to the public. The Committee shall hold such information strictly confidential from public disclosure. However, this rule of confidentiality shall not prevent the Committee from disclosing information to the referee, if the referee is otherwise entitled to the information.

Note: Authority cited: Sections 123.6, 133 and 5307.3, Labor Code.

Reference: Sections 111 and 123.6, Labor Code.

§ 9722.1. Commencing an Investigation

(a) Any person may file a complaint with the Committee. The Committee may require

complaints to be filed in a particular form. Nothing in these regulations prohibits any person from complaining directly to a presiding referee or to the administrative director. The presiding referee or the administrative director may, but is not required to, refer such complaints to the Committee.

(b) The Committee shall review the complaint. The Committee may make brief, informal inquiries to obtain information needed to clarify the complaint.

(c) If the Committee determines that the complaint does not allege facts that might constitute misconduct, or if the complaint is merely conjectural or conclusory, obviously unfounded, or stale, or alleges only isolated legal error by the referee, the Committee shall forward the complaint to the administrative director with a recommendation not to proceed with the complaint.

(d) If the Committee determines that the complaint might have merit, the Committee shall refer the complaint to the administrative director. Complaints against the administrative director shall be referred to the Director of Industrial Relations.

(e) Complaints making substantial allegations of criminal conduct, invidious discrimination, sexual harassment, or other serious acts that might require the administrative director's immediate attention, shall be referred forthwith to the administrative director. All other complaints shall be referred to the administrative director within 60 days.

(f) During the course of the investigation, the administrative director shall inform the referee of the nature of the charges. The referee shall have the opportunity to submit a response. A referee who has been informed of the charges shall also be informed of the outcome of the investigation.

Note: Authority cited: Sections 123.6, 133 and 5307.3, Labor Code.

Reference: Sections 111 and 123.6, Labor Code.

§ 9722.2. Investigation and Action by the Administrative Director

(a) Upon receiving a complaint from the Committee, the administrative director shall investigate whether a referee has engaged in misconduct.

(b) If the administrative director determines after investigation that the complaint is unfounded or insufficient to justify discipline or other action, the administrative director shall so inform the complainant and the Committee.

(c) If the administrative director determines after investigation that misconduct has occurred, he or she shall take appropriate disciplinary or other action against the referee. The administrative director's action shall be in the form required by Government Code section 19574 or section 19590(b).

(d) The administrative director shall provide the Committee with a copy of his or her decision

and shall inform the complaining party of the outcome of the investigation.

Note: Authority cited: Sections 123.6, 133 and 5307.3, Labor Code.

Reference: Sections 111 and 123.6, Labor Code.

§ 9723. Miscellaneous Provisions

(a) This article does not replace or diminish the procedural rights of a referee under the State Civil Service Act. Documentation of unfounded or unsustained complaints or complaints which warrant no further investigation shall not be retained in the employee's personnel file.

(b) This article does not replace or diminish the authority of the administrative director to investigate allegations of misconduct, to impose appropriate discipline, or to take any other action authorized by law.

(c) Nothing in this article shall affect the rights and obligations of the administrative director and referees concerning the probationary period under Government Code sections 19170 through 19180.

(d) Pursuant to Government Code section 19574.5, the administrative director may place a referee on leave of absence pending investigation of the accusations listed in that section.

(e) No civil action may be maintained against any person, or adverse employment action taken against a person by any employer, public or private, based on statements presented by the person in proceedings under this section.

(f) A referee or other interested person may request the administrative director to issue an advisory opinion on the application of the Code or other rules to a particular situation. The administrative director may, in his or her sole discretion, issue an advisory opinion. The administrative director may issue an advisory opinion on his or her own initiative.

Note: Authority cited: Sections 123.6, 133 and 5307.3, Labor Code.

Reference: Sections 111 and 123.6, Labor Code.



APPENDIX 2.

California Code of Judicial Ethics



APPENDIX

DIVISION II. California Code of Judicial Ethics

Amended by the Supreme Court of California effective June 1, 2005; previously amended March 4, 1999, December 13, 2000, December 30, 2002, June 18, 2003, December 22, 2003, and January 1, 2005

Preface

Preamble

Terminology

Canon 1. A judge shall uphold the integrity and independence of the judiciary.

Canon 2. A judge shall avoid impropriety and the appearance of impropriety in all of the judge's activities.

Canon 3. A judge shall perform the duties of judicial office impartially and diligently.

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.

Canon 5. A judge or judicial candidate shall refrain from inappropriate political activity.

Canon 6. Compliance with the code of judicial ethics.

PREFACE

1
2
3 Formal standards of judicial conduct have existed for more than 50 years.
4 The original Canons of Judicial Ethics promulgated by the American Bar
5 Association were modified and adopted in 1949 for application in California by the
6 Conference of California Judges (now the California Judges Association).

7
8 In 1969, the American Bar Association determined that current needs and
9 problems warranted revision of the Canons. In the revision process, a special
10 American Bar Association committee, headed by former California Chief Justice
11 Roger Traynor, sought and considered the views of the bench and bar and other
12 interested persons. The American Bar Association Code of Judicial Conduct was
13 adopted by the House of Delegates of the American Bar Association August 16,
14 1972.

15
16 Effective January 5, 1975, the California Judges Association adopted a new
17 California Code of Judicial Conduct adapted from the American Bar Association
18 1972 Model Code. The California code was recast in gender-neutral form in 1986.

19
20 In 1990, the American Bar Association Model Code was further revised after
21 a lengthy study. The California Judges Association again reviewed the model code
22 and adopted a revised California Code of Judicial Conduct on October 5, 1992.

23
24 Proposition 190 (amending Cal. Const., art. VI, § 18(m), effective March 1,
25 1995) created a new constitutional provision that states, "The Supreme Court shall
26 make rules for the conduct of judges, both on and off the bench, and for judicial
27 candidates[*] in the conduct of their campaigns. These rules shall be referred to as
28 the Code of Judicial Ethics."

29
30 The Supreme Court formally adopted the 1992 Code of Judicial Conduct in
31 March 1995, as a transitional measure pending further review.

32
33 The Supreme Court formally adopted the Code of Judicial Ethics effective
34 January 15, 1996.

35
36 The Supreme Court formally adopted amendments to the Code of Judicial
37 Ethics, effective April 15, 1996. The *Advisory Committee Commentary* is published
38 by the Supreme Court Advisory Committee on Judicial Ethics.

* Terms with an asterisk (*) are defined in the Terminology section.

PREAMBLE

1
2
3 Our legal system is based on the principle that an independent, fair, and
4 competent judiciary will interpret and apply the laws that govern us. The role of the
5 judiciary is central to American concepts of justice and the rule of law. Intrinsic to
6 this code are the precepts that judges, individually and collectively, must respect
7 and honor the judicial office as a public trust and strive to enhance and maintain
8 confidence in our legal system. The judge is an arbiter of facts and law for the
9 resolution of disputes and a highly visible member of government under the rule of
10 law.

11
12 The Code of Judicial Ethics ("Code") establishes standards for ethical
13 conduct of judges on and off the bench and for candidates for judicial office. The
14 Code consists of broad declarations called Canons, with subparts, and a
15 Terminology section. Following each Canon is a Commentary section prepared by
16 the Supreme Court Advisory Committee on Judicial Ethics. The Commentary, by
17 explanation and example, provides guidance as to the purpose and meaning of the
18 Canons. The Commentary does not constitute additional rules and should not be so
19 construed. All members of the judiciary must comply with the Code. Compliance is
20 required to preserve the integrity of the bench and to ensure the confidence of the
21 public.

22
23 The Canons should be read together as a whole, and each provision should
24 be construed in context and consistent with every other provision. They are to be
25 applied in conformance with constitutional requirements, statutes, other court rules,
26 and decisional law. Nothing in the Code shall either impair the essential
27 independence of judges in making judicial decisions or provide a separate basis for
28 civil liability or criminal prosecution.

29
30 The Code governs the conduct of judges and judicial candidates* and is
31 binding upon them. Whether disciplinary action is appropriate, and the degree of
32 discipline to be imposed, requires a reasoned application of the text and
33 consideration of such factors as the seriousness of the transgression, whether there
34 is a pattern of improper activity, and the effect of the improper activity on others or
35 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 terms appear are cited after the explanation of each term below.

"Appropriate authority" denotes the authority with responsibility for initiation of the disciplinary process with respect to a violation to be reported. See Commentary to Canon 3D.

"Candidate." A candidate is a person seeking election for or retention of judicial office by election. 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. The term "candidate" has the same meaning when applied to a judge seeking election to nonjudicial office, unless on leave of absence. See Preamble and Canons 2B(3), the preliminary paragraph of 5, 5A, 5B, 5C, and 6E.

"Court personnel" does not include the lawyers in a proceeding before a judge. See Canons 3B(4), 3B(7)(b), 3B(9), and 3C(2).

"Fiduciary" includes such relationships as executor, administrator, trustee, and guardian. See Canons 4E, 6B, and 6F (*Commentary*).

"Law" denotes court rules as well as statutes, constitutional provisions, and decisional law. See Canons 1 (*Commentary*), 2A, 2C (*Commentary*), 3A, 3B(2), 3B(7), 3E, 4B (*Commentary*), 4C, 4D(6)(a)-(b), 4F, 4H, and 5D.

"Member of the judge's family" denotes a spouse, child, grandchild, parent, grandparent, or other relative or person with whom the judge maintains a close familial relationship. See Canons 2B(2), 4D(1) (*Commentary*), 4D(2), 4E, 4G (*Commentary*), and 5A.

"Member of the judge's family residing in the judge's household" denotes a spouse and those persons who reside in the judge's household 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) and 4D(6).

"Nonprofit youth organization" is any nonprofit corporation or association, not organized for the private gain of any person, whose purposes are irrevocably dedicated to benefiting and serving the interests of minors and which maintains its

1 nonprofit status in accordance with applicable state and federal tax laws. See Canon
2 2C.

3
4 "Nonpublic information" denotes information that, by law, is not available to
5 the public. Nonpublic information may include but is not limited to information that
6 is sealed by statute or court order, impounded, or communicated in camera; and
7 information offered in grand jury proceedings, presentencing reports, dependency
8 cases, or psychiatric reports. See Canon 3B(11).

9
10 "Political organization" denotes a political party, political action committee,
11 or other group, the principal purpose of which is to further the election or
12 appointment of candidates to nonjudicial office. See Canon 5A.

13
14 "Temporary Judge." A temporary judge is an active or inactive member of
15 the bar who, pursuant to article VI, section 21 of the California Constitution, serves
16 or expects to serve as a judge once, sporadically, or regularly on a part-time basis
17 under a separate court appointment for each period of service or for each case
18 heard. See Canons 4C(3)(d)(i), 6A, and 6D.

19
20 "Require." Any Canon prescribing that a judge "require" certain conduct of
21 others means that a judge is to exercise reasonable direction and control over the
22 conduct of those persons subject to the judge's direction and control. See Canons
23 3B(3), 3B(4), 3B(6), 3B(8) (*Commentary*), 3B(9), and 3C(2).

24
25 "Subordinate judicial officer." A subordinate judicial officer is, for the
26 purposes of this Code, a person appointed pursuant to article VI, section 22 of the
27 California Constitution, including, but not limited to, a commissioner, referee, and
28 hearing officer. See Canon 6A.

29
30

CANON 1

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

An independent 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 will be 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

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 and honorable judiciary is to maintain the utmost integrity in decision making, 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.

ADVISORY COMMITTEE COMMENTARY

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.

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.

See also Commentary under Canon 2C.

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 to advance the pecuniary or personal interests of the judge or others; nor shall a judge testify voluntarily as a character witness. A judge shall not initiate communications with a sentencing judge or a probation or corrections officer, but may provide them with information for the record in response to an official request. A judge may initiate communications with a probation or

1 **corrections officer concerning a member of the judge's family,* provided the**
 2 **judge is not identified as a judge in the communication.**

3
 4 *ADVISORY COMMITTEE COMMENTARY*

5 *A strong judicial branch, based on the prestige which comes from effective*
 6 *and ethical performance, is essential to a system of government in which the*
 7 *judiciary functions independently of the executive and legislative branches. Judges*
 8 *should distinguish between proper and improper use of the prestige of office in all*
 9 *of their activities.*

10
 11 *A judge must avoid lending the prestige of judicial office for the*
 12 *advancement of the private interests of the judge or others. For example, a judge*
 13 *must not use the judicial position to gain advantage in a civil suit involving a*
 14 *member of the judge's family;* or use his or her position to gain deferential*
 15 *treatment when stopped by a police officer for a traffic offense.*

16
 17 *As to the use of a judge's title to identify a judge's role in the presentation*
 18 *and creation of legal education programs and materials, see Commentary to Canon*
 19 *4B. In contracts for publication of a judge's writings, a judge should retain control*
 20 *over the advertising, to the extent feasible, to avoid exploitation of the judge's*
 21 *office. As to the acceptance of awards, see Canon 4D(6)(c) and Commentary.*

22
 23 *A judge must not testify as a character witness without being subpoenaed*
 24 *because to do so may lend the prestige of the judicial office in support of the party*
 25 *for whom the judge testifies. A judge may provide information on behalf of a lawyer*
 26 *or a judge involved in disciplinary proceedings, and shall provide information to*
 27 *disciplinary bodies when officially requested to do so. This Canon does not afford*
 28 *judges a privilege against testifying in response to any official summons.*

29
 30 *This Canon does not preclude internal discussions among judges regarding*
 31 *the application of substantive or procedural provisions of law to any pending*
 32 *criminal or civil case.*

33
 34 **(3) A judge may respond to judicial selection inquiries, provide**
 35 **recommendations (including a general character reference, relating to the**
 36 **evaluation of persons being considered for a judgeship) and otherwise**
 37 **participate in the process of judicial selection.**

38
 39 **(4) A judge shall not use the judicial title in any written communication**
 40 **intended to advance the personal or pecuniary interest of the judge. A judge**
 41 **may serve as a reference or provide a letter of recommendation only if based**
 42 **on the judge's personal knowledge of the individual. These written**

1 communications may include the judge's title and be written on stationery that
2 uses the judicial title.

3 4 C. Membership in Organizations

5
6 A judge shall not hold membership in any organization that practices
7 invidious discrimination on the basis of race, sex, religion, national origin, or
8 sexual orientation.

9
10 This Canon does not apply to membership in a religious organization or
11 an official military organization of the United States. So long as membership
12 does not violate Canon 4A, this Canon does not bar membership in a nonprofit
13 youth organization.*

14 15 *ADVISORY COMMITTEE COMMENTARY*

16 *Membership of a judge in an organization that practices invidious*
17 *discrimination gives rise to a perception that the judge's impartiality is impaired.*
18 *This Canon exempts membership in religious and military organizations and,*
19 *subject to Canon 4A, does not bar membership in nonprofit youth organizations.**
20 *These exemptions are necessary because membership in United States military*
21 *organizations is subject to current valid military regulations, and religious beliefs*
22 *are constitutionally protected. Membership in nonprofit youth organizations* is not*
23 *barred to accommodate individual rights of intimate association and free*
24 *expression. See also Canon 3E and its Commentary concerning disqualification*
25 *and disclosure.*

26
27 *Canon 2C refers to the current practices of the organization. Whether an*
28 *organization practices invidious discrimination is often a complex question to*
29 *which judges should be sensitive. The answer cannot be determined from a mere*
30 *examination of an organization's current membership rolls but rather depends on*
31 *how the organization selects members and other relevant factors, such as whether*
32 *the organization is dedicated to the preservation of religious, ethnic, or cultural*
33 *values of legitimate common interest to its members, or whether it is in fact and*
34 *effect an intimate, purely private organization whose membership limitations could*
35 *not be constitutionally prohibited. Absent such factors, an organization is generally*
36 *said to discriminate invidiously if it arbitrarily excludes from membership on the*
37 *basis of race, religion, sex, national origin, or sexual orientation persons who*
38 *would otherwise be admitted to membership.*

39
40 *Although Canon 2C relates only to membership in organizations that*
41 *invidiously discriminate on the basis of race, sex, religion, national origin, or*
42 *sexual orientation, a judge's membership in an organization that engages in any*
43 *discriminatory membership practices prohibited by law* also violates Canon 2 and*

1 *Canon 2A and gives the appearance of impropriety. In addition, it would be a*
2 *violation of Canon 2 and Canon 2A for a judge to arrange a meeting at a club that*
3 *the judge knows practices such invidious discrimination or for the judge to use such*
4 *a club regularly. Moreover, public manifestation by a judge of the judge's knowing*
5 *approval of invidious discrimination on any basis gives the appearance of*
6 *impropriety under Canon 2 and diminishes public confidence in the integrity and*
7 *impartiality of the judiciary in violation of Canon 2A.*

8

9 **Canon 2C amended effective June 18, 2003.**

CANON 3

A JUDGE SHALL PERFORM THE DUTIES OF JUDICIAL OFFICE IMPARTIALLY 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) is based upon the affirmative obligation contained in the Code of Civil Procedure.

(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.*

(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 court staff and 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 (1) bias or prejudice, including but not limited to bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation, or socioeconomic status, or (2) sexual harassment.

(Canon 3B (5) amended effective December 22, 2003.)

(6) A judge shall require* lawyers in proceedings before the judge to refrain from manifesting, by words or conduct, bias or prejudice based upon

1 race, sex, religion, national origin, disability, age, sexual orientation, or
2 socioeconomic status against parties, witnesses, counsel, or others. This Canon
3 does not preclude legitimate advocacy when race, sex, religion, national origin,
4 disability, age, sexual orientation, socioeconomic status or other similar factors
5 are issues in the proceeding.

6
7 (7) A judge shall accord to every person who has a legal interest in a
8 proceeding, or that person's lawyer, full right to be heard according to law.* A
9 judge shall not initiate, permit, or consider ex parte communications, or
10 consider other communications made to the judge outside the presence of the
11 parties concerning a pending or impending proceeding, except as follows:

12
13 (a) A judge may obtain the advice of a disinterested expert on the law*
14 applicable to a proceeding before the judge if the judge gives notice to the
15 parties of the person consulted and the substance of the advice, and affords the
16 parties reasonable opportunity to respond.

17
18 (b) A judge may consult with court personnel* whose function is to aid
19 the judge in carrying out the judge's adjudicative responsibilities or with other
20 judges.

21
22 (c) A judge may, with the consent of the parties, confer separately with
23 the parties and their lawyers in an effort to mediate or settle matters pending
24 before the judge.

25
26 (d) A judge may initiate ex parte communications, where circumstances
27 require, for scheduling, administrative purposes, or emergencies that do not
28 deal with substantive matters provided:

29
30 (i) the judge reasonably believes that no party will gain a
31 procedural or tactical advantage as a result of the ex parte communication,
32 and

33
34 (ii) the judge makes provision promptly to notify all other parties
35 of the substance of the ex parte communication and allows an opportunity to
36 respond.

37
38 (e) A judge may initiate or consider any ex parte communication when
39 expressly authorized by law* to do so.

40
41 *ADVISORY COMMITTEE COMMENTARY*

42 *The proscription against communications concerning a proceeding includes*
43 *communications from lawyers, law professors, and other persons who are not*

1 participants in the proceeding, except to the limited extent permitted by the
 2 exceptions noted in Canon 3B(7).

3
 4 *This Canon does not prohibit a judge from initiating or considering an ex*
 5 *parte communication when authorized to do so by stipulation of the parties.*

6
 7 *This Canon does not prohibit court staff from communicating scheduling*
 8 *information or carrying out similar administrative functions.*

9
 10 *An appropriate and often desirable procedure for a court to obtain the*
 11 *advice of a disinterested expert on legal issues is to invite the expert to file an*
 12 *amicus curiae brief.*

13
 14 *A judge must not independently investigate facts in a case and must consider*
 15 *only the evidence presented, unless otherwise authorized by law.* For example, a*
 16 *judge is statutorily authorized to investigate and consult witnesses informally in*
 17 *small claims cases.*

18
 19 **(8) A judge shall dispose of all judicial matters fairly, promptly, and**
 20 **efficiently.**

21
 22 *ADVISORY COMMITTEE COMMENTARY*

23 *The obligation of a judge to dispose of matters promptly and efficiently must*
 24 *not take precedence over the judge's obligation to dispose of the matters fairly and*
 25 *with patience. A judge should monitor and supervise cases so as to reduce or*
 26 *eliminate dilatory practices, avoidable delays, and unnecessary costs. A judge*
 27 *should encourage and seek to facilitate settlement, but parties should not feel*
 28 *coerced into surrendering the right to have their controversy resolved by the courts.*

29
 30 *Prompt disposition of the court's business requires a judge to devote*
 31 *adequate time to judicial duties, to be punctual in attending court and expeditious*
 32 *in determining matters under submission, and to require* that court officials,*
 33 *litigants, and their lawyers cooperate with the judge to that end.*

34
 35 **(9) A judge shall not make any public comment about a pending or**
 36 **impending proceeding in any court, and shall not make any nonpublic**
 37 **comment that might substantially interfere with a fair trial or hearing. The**
 38 **judge shall require* similar abstention on the part of court personnel* subject**
 39 **to the judge's direction and control. This Canon does not prohibit judges from**
 40 **making statements in the course of their official duties or from explaining for**
 41 **public information the procedures of the court, and does not apply to**
 42 **proceedings in which the judge is a litigant in a personal capacity. Other than**
 43 **cases in which the judge has personally participated, this Canon does not**

1 **prohibit judges from discussing in legal education programs and materials,**
2 **cases and issues pending in appellate courts. This educational exemption does**
3 **not apply to cases over which the judge has presided or to comments or**
4 **discussions that might interfere with a fair hearing of the case.**

5
6 *ADVISORY COMMITTEE COMMENTARY*

7 *The requirement that judges abstain from public comment regarding a*
8 *pending or impending proceeding continues during any appellate process and until*
9 *final disposition. This Canon does not prohibit a judge from commenting on*
10 *proceedings in which the judge is a litigant in a personal capacity, but in cases*
11 *such*
12 *as a writ of mandamus where the judge is a litigant in an official capacity, the*
13 *judge must not comment publicly.*

14
15 **(10) A judge shall not commend or criticize jurors for their verdict other**
16 **than in a court order or opinion in a proceeding, but may express appreciation**
17 **to jurors for their service to the judicial system and the community.**

18
19 *ADVISORY COMMITTEE COMMENTARY*

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

23
24 **(11) A judge shall not disclose or use, for any purpose unrelated to**
25 **judicial duties, nonpublic information* acquired in a judicial capacity.**

26
27 *ADVISORY COMMITTEE COMMENTARY*

28 *This Canon makes it clear that judges cannot make use of information from*
29 *affidavits, jury results, or court rulings, before they become public information, in*
30 *order to gain a personal advantage.*

31
32 **C. Administrative Responsibilities**

33
34 **(1) A judge shall diligently discharge the judge's administrative**
35 **responsibilities without bias or prejudice and maintain professional**
36 **competence in judicial administration, and shall cooperate with other judges**
37 **and court officials in the administration of court business.**

38
39 **(2) A judge shall require* staff and court personnel* under the judge's**
40 **direction and control to observe appropriate standards of conduct and to**
41 **refrain from manifesting bias or prejudice based upon race, sex, religion,**
42 **national origin, disability, age, sexual orientation, or socioeconomic status in**
43 **the performance of their official duties.**

1
2 **(3) A judge with supervisory authority for the judicial performance of**
3 **other judges shall take reasonable measures to ensure the prompt disposition**
4 **of matters before them and the proper performance of their other judicial**
5 **responsibilities.**

6
7 **(4) A judge shall not make unnecessary court appointments. A judge**
8 **shall exercise the power of appointment impartially and on the basis of merit.**
9 **A judge shall avoid nepotism and favoritism. A judge shall not approve**
10 **compensation of appointees above the reasonable value of services rendered.**

11
12 *ADVISORY COMMITTEE COMMENTARY*

13 *Appointees of a judge include assigned counsel, officials such as referees,*
14 *commissioners, special masters, receivers, and guardians, and personnel such as*
15 *clerks, secretaries, court reporters, court interpreters, and bailiffs. Consent by the*
16 *parties to an appointment or an award of compensation does not relieve the judge*
17 *of the obligation prescribed by Canon 3C(4).*

18
19 **(5) A judge shall perform administrative duties without bias or**
20 **prejudice. A judge shall not, in the performance of administrative duties,**
21 **engage in speech, gestures, or other conduct that would reasonably be**
22 **perceived as (1) bias or prejudice, including but not limited to bias or**
23 **prejudice based upon race, sex, religion, national origin, disability, age, sexual**
24 **orientation, or socioeconomic status, or (2) sexual harassment.**

25
26 **(Canon 3C (5) adopted effective December 22, 2003.)**

27
28 **D. Disciplinary Responsibilities**

29
30 **(1) Whenever a judge has reliable information that another judge has**
31 **violated any provision of the Code of Judicial Ethics, the judge shall take or**
32 **initiate appropriate corrective action, which may include reporting the**
33 **violation to the appropriate authority.***

34
35 **(2) Whenever a judge has personal knowledge that a lawyer has violated**
36 **any provision of the Rules of Professional Conduct, the judge shall take**
37 **appropriate corrective action.**

38
39 **(3) A judge who is charged by prosecutorial complaint, information, or**
40 **indictment or convicted of a crime in the United States, other than one that**
41 **would be considered a misdemeanor not involving moral turpitude or an**
42 **infraction under California law, but including all misdemeanors involving**
43 **violence (including assaults), the use or possession of controlled substances, the**

1 **misuse of prescriptions, or the personal use or furnishing of alcohol, shall**
2 **promptly and in writing report that fact to the Commission on Judicial**
3 **Performance.**

4
5 *ADVISORY COMMITTEE COMMENTARY*

6 *Appropriate corrective action could include direct communication with the*
7 *judge or lawyer who has committed the violation, other direct action if available, or*
8 *a report of the violation to the presiding judge, appropriate authority,* or other*
9 *agency or body. Judges should note that in addition to the action required by*
10 *Canon 3D(2), California law imposes additional reporting requirements regarding*
11 *lawyers.*

12
13 **(Canon 3D (3) amended effective March 4, 1999; previously amended**
14 **effective June 19, 1997; adopted effective January 15, 1996.)**

15
16 **E. Disqualification.**

17
18 **(1) A judge shall disqualify himself or herself in any proceeding in which**
19 **disqualification is required by law.**

20
21 **(2) In all trial court proceedings, a judge shall disclose on the record**
22 **information that the judge believes the parties or their lawyers might consider**
23 **relevant to the question of disqualification, even if the judge believes there is**
24 **no actual basis for disqualification.**

25
26 **(3) Ownership of a corporate bond issued by a party to a proceeding and**
27 **having a fair market value exceeding one thousand five hundred dollars is**
28 **disqualifying. Ownership of government bonds issued by a party to a**
29 **proceeding is disqualifying only if the outcome of the proceeding could**
30 **substantially affect the value of the judge's bond. Ownership in a mutual or**
31 **common investment fund that holds bonds is not a disqualifying financial**
32 **interest.**

33
34 *ADVISORY COMMITTEE COMMENTARY:*

35 *The distinction between corporate and government bonds is consistent with*
36 *the Political Reform Act (see Gov. Code, § 82034), which requires disclosure of*
37 *corporate bonds, but not government bonds. Canon 3E(3) is intended to assist*
38 *judges in complying with Code of Civil Procedure section 170.1(a)(3) and Canon*
39 *3E(5)(d).*

40
41 **(Canon 3E(3) adopted effective December 22, 2003; renumbered effective**
42 **January 1, 2005.)**

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

3
4 **(a) the justice believes his or her recusal would further the interest of**
5 **justice; or**

6
7 **(b) the justice substantially doubts his or her capacity to be impartial; or**

8
9 **(c) the circumstances are such that a reasonable person aware of the**
10 **facts would doubt the justice’s ability to be impartial.**

11
12 *(Canon 3(E)(4) renumbered effective January 1, 2005.)*

13
14 **(5) Disqualification of an appellate justice is also required in the**
15 **following instances:**

16
17 **(a) The appellate justice has appeared or otherwise served as a lawyer in**
18 **the pending matter, or has appeared or served as a lawyer in any other matter**
19 **involving any of the same parties if that other matter related to the same**
20 **contested issues of fact and law as the present matter.**

21
22 **(b) Within the last two years, (i) a party to the proceeding, or an**
23 **officer, director or trustee thereof, either was a client of the justice when**
24 **the justice was engaged in the private practice of law or was a client of a**
25 **lawyer with whom the justice was associated in the private practice of**
26 **law; or (ii) a lawyer in the proceeding was associated with the justice in**
27 **the private practice of law.**

28
29 **(c) The appellate justice represented a public officer or entity and**
30 **personally advised or in any way represented such officer or entity**
31 **concerning the factual or legal issues in the present proceeding in which**
32 **the public officer or entity now appears.**

33
34 **(d) The appellate justice, or his or her spouse, or a minor child**
35 **residing in the household, has a financial interest or is a fiduciary who**
36 **has a financial interest in the proceeding, or is a director, advisor, or**
37 **other active participant in the affairs of a party. A financial interest is**
38 **defined as ownership of more than a 1 percent legal or equitable interest**
39 **in a party, or a legal or equitable interest in a party of a fair market**
40 **value exceeding one thousand five hundred dollars. Ownership in a**
41 **mutual or common investment fund that holds securities does not itself**
42 **constitute a financial interest; holding office in an educational, religious,**
43 **charitable, fraternal or civic organization does not confer a financial**

1 interest in the organization’s securities; and a proprietary interest of a
2 policyholder in a mutual insurance company or mutual savings
3 association or similar interest is not a financial interest unless the
4 outcome of the proceeding could substantially affect the value of the
5 interest. A justice shall make reasonable efforts to keep informed about
6 his or her personal and fiduciary interests and those of his or her spouse
7 and of minor children living in the household.

8
9 (e) The justice or his or her spouse, or a person within the third
10 degree of relationship to either of them, or the spouse thereof, is a party
11 or an officer, director or trustee of a party to the proceeding, or a lawyer
12 or spouse of a lawyer in the proceeding is the spouse, former spouse,
13 child, sibling, or parent of the justice or of the justice’s spouse, or such a
14 person is associated in the private practice of law with a lawyer in the
15 proceeding.

16
17 (f) The justice (i) served as the judge before whom the proceeding
18 was tried or heard in the lower court, (ii) has a personal knowledge of
19 disputed evidentiary facts concerning the proceeding, or (iii) has a
20 personal bias or prejudice concerning a party or a party’s lawyer. The
21 justice’s spouse or a person within the third degree of relationship to the
22 justice or his or her spouse, or the person’s spouse, was a witness in the
23 proceeding.

24
25 (g) A temporary or permanent physical impairment renders the
26 justice unable properly to perceive the evidence or conduct the
27 proceedings.

28
29 (h) The justice has a current arrangement concerning prospective
30 employment or other compensated service as a dispute resolution neutral or is
31 participating in, or, within the last two years has participated in, discussions
32 regarding such prospective employment or service, and either of the following
33 applies:

34
35 (i) The arrangement is, or the discussion was, with a party
36 to the proceeding;

37
38 (ii) The matter before the justice includes issues relating to
39 the enforcement of an agreement to submit a dispute
40 to alternative dispute resolution or the appointment or
41 use of a dispute resolution neutral.
42

1 **For purposes of this paragraph, “party” includes the parent, subsidiary,**
2 **or other legal affiliate of any entity that is a party and is involved in the**
3 **transaction, contract, or facts that gave rise to the issues subject to the**
4 **proceeding.**

5
6 **For purposes of this canon, “dispute resolution neutral” means an**
7 **arbitrator, a mediator, a temporary judge appointed under section 21 of article**
8 **VI of the California Constitution, a referee appointed under Code of Civil**
9 **Procedure section 638 or 639, a special master, a neutral evaluator, a**
10 **settlement officer, or a settlement facilitator.**

11
12 *ADVISORY COMMITTEE COMMENTARY:*

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

19
20 *Canon 3E(4) sets forth the general standards for recusal of an appellate justice.*
21 *The term “appellate justice” includes justices of both the Courts of Appeal and the*
22 *Supreme Court. Generally, the provisions concerning disqualification of an*
23 *appellate justice are intended to assist justices in determining whether recusal is*
24 *appropriate and to inform the public why recusal may occur.*

25
26 *However, the rule of necessity may override the rule of*
27 *disqualification. For example, a judge might be required to participate in judicial*
28 *review of a judicial salary statute, or might be the only judge available in a matter*
29 *requiring judicial action, such as a hearing on probable cause or a temporary*
30 *restraining order. In the latter case, the judge must promptly disclose on the record*
31 *the basis for possible disqualification and use reasonable efforts to transfer the*
32 *matter to another judge as soon as practicable.*

33
34 *In some instances, membership in certain organizations may have the*
35 *potential to give an appearance of partiality, although membership in the*
36 *organization generally may not be barred by Canon 2C, Canon 4, or any other*
37 *specific canon. A judge holding membership in an organization should disqualify*
38 *himself or herself whenever doing so would be appropriate in accordance with*
39 *Canon 3E(1), 3E(4), or 3E(5) or statutory requirements. In addition, in some*
40 *circumstances, the parties or their lawyers may consider a judge’s membership in*
41 *an organization relevant to the question of disqualification, even if the judge*
42 *believes there is no actual basis for disqualification. In accordance with this*
43 *Canon, a judge should disclose to the parties his or her membership in an*

1 organization, in any proceeding in which the judge believes the parties or their
2 lawyers might consider this information relevant to the question of disqualification,
3 even if the judge concludes there is no actual basis for disqualification.

4
5 *(Canon 3E(5) renumbered effective January 1, 2005.)*

6
7 *Canon 3E amended effective January 1, 2005; adopted effective January*
8 *15, 1996; previously amended effective April 15, 1996, June 19, 1997, March 4,*
9 *1999, December 13, 2000, June 18, 2003, and December 22, 2003.*

10

11

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; or**
- (3) interfere with the proper performance of judicial duties.**

ADVISORY COMMITTEE COMMENTARY

Complete separation of a judge from extrajudicial activities is neither possible nor wise; a judge should not become isolated from the community in which the judge 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 which may do so include jokes or other remarks demeaning individuals on the basis of a classification such as their race, sex, religion, sexual orientation, or national origin. See Canon 2C and accompanying Commentary.

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

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.**

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

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

8
 9 **C. Governmental, Civic, or Charitable Activities**

10
 11 **(1) A judge shall not appear at a public hearing or officially consult with**
 12 **an executive or legislative body or public official except on matters concerning**
 13 **the law,* the legal system, or the administration of justice or in matters**
 14 **involving the judge's private economic or personal interests.**

15
 16 *ADVISORY COMMITTEE COMMENTARY*

17 *See Canon 2B regarding the obligation to avoid improper influence.*

18
 19 **(2) A judge shall not accept appointment to a governmental committee**
 20 **or commission or other governmental position that is concerned with issues of**
 21 **fact or policy on matters other than the improvement of the law,* the legal**
 22 **system, or the administration of justice. A judge may, however, serve in the**
 23 **military reserve or represent a national, state, or local government on**
 24 **ceremonial occasions or in connection with historical, educational, or cultural**
 25 **activities.**

26
 27 *ADVISORY COMMITTEE COMMENTARY*

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

37
 38 *Canon 4C(2) does not govern a judge's service in a nongovernmental*
 39 *position. See Canon 4C(3) permitting service by a judge with organizations devoted*
 40 *to the improvement of the law,* the legal system, or the administration of justice*
 41 *and with educational, religious, charitable, fraternal, or civic organizations not*
 42 *conducted for profit. For example, service on the board of a public educational*
 43 *institution, other than a law school, would be prohibited under Canon 4C(2), but*

1 *service on the board of a public law school or any private educational institution*
2 *would generally be permitted under Canon 4C(3).*

3
4 **(3) Subject to the following limitations and the other requirements of**
5 **this Code,**

6
7 **(a) a judge may serve as an officer, director, trustee, or nonlegal advisor**
8 **of an organization or governmental agency devoted to the improvement of the**
9 **law,* the legal system, or the administration of justice provided that such**
10 **position does not constitute a public office within the meaning of the California**
11 **Constitution, article VI, section 17;**

12
13 **(b) a judge may serve as an officer, director, trustee, or nonlegal advisor**
14 **of an educational, religious, charitable, fraternal, or civic organization not**
15 **conducted for profit;**

16
17 *ADVISORY COMMITTEE COMMENTARY*

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

21
22 *Canon 4C(3) uses the phrase, "Subject to the following limitations and the*
23 *other requirements of this Code." As an example of the meaning of the phrase, a*
24 *judge permitted by Canon 4C(3) to serve on the board of a fraternal institution may*
25 *be prohibited from such service by Canon 2C or 4A if the institution practices*
26 *invidious discrimination or if service on the board otherwise casts reasonable*
27 *doubt on the judge's capacity to act impartially as a judge.*

28
29 *Service by a judge on behalf of a civic or charitable organization may be*
30 *governed by other provisions of Canon 4 in addition to Canon 4C. For example, a*
31 *judge is prohibited by Canon 4G from serving as a legal advisor to a civic or*
32 *charitable organization.*

33
34 *Service on the board of a homeowners' association or a neighborhood*
35 *protective group is proper if it is related to the protection of the judge's own*
36 *economic interests. See Canons 4D(2) and 4D(4). See Canon 2B regarding the*
37 *obligation to avoid improper use of the prestige of a judge's office.*

38
39 **(c) a judge shall not serve as an officer, director, trustee, or nonlegal**
40 **advisor if it is likely that the organization**

41
42 **(i) will be engaged in judicial proceedings that would ordinarily**
43 **come before the judge, or**

1
2 (ii) will be engaged frequently in adversary proceedings in the
3 court of which the judge is a member or in any court subject to the appellate
4 jurisdiction of the court of which the judge is a member;

5
6 *ADVISORY COMMITTEE COMMENTARY*

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

13
14 (d) a judge as an officer, director, trustee, or nonlegal advisor, or as a
15 member or otherwise

16
17 (i) may assist such an organization in planning fund raising and
18 may participate in the management and investment of the organization's
19 funds, but shall not personally participate in the solicitation of funds or other
20 fund-raising activities, except that a judge may privately solicit funds for such
21 an organization from other judges (excluding court commissioners, referees,
22 retired judges, and temporary judges*);

23
24 (ii) may make recommendations to public and private fund-
25 granting organizations on projects and programs concerning the law,* the
26 legal system, or the administration of justice;

27
28 (iii) shall not personally participate in membership solicitation if
29 the solicitation might reasonably be perceived as coercive or if the membership
30 solicitation is essentially a fund-raising mechanism, except as permitted in
31 Canon 4C(3)(d)(i);

32
33 (iv) shall not permit the use of the prestige of his or her judicial
34 office for fund raising or membership solicitation but may be a speaker, guest
35 of honor, or recipient of an award for public or charitable service provided the
36 judge does not personally solicit funds and complies with Canon 4A(1), (2), and
37 (3).

38
39
40 *ADVISORY COMMITTEE COMMENTARY*

41 *A judge may solicit membership or endorse or encourage membership efforts*
42 *for an organization devoted to the improvement of the law,* the legal system, or the*
43 *administration of justice, or a nonprofit educational, religious, charitable,*

1 fraternal, or civic organization as long as the solicitation cannot reasonably be
 2 perceived as coercive and is not essentially a fund-raising mechanism. Solicitation
 3 of funds for an organization and solicitation of memberships similarly involve the
 4 danger that the person solicited will feel obligated to respond favorably to the
 5 solicitor if the solicitor is in a position of influence or control. A judge must not
 6 engage in direct, individual solicitation of funds or memberships in person, in
 7 writing, or by telephone except in the following cases: (1) a judge may solicit other
 8 judges (excluding court commissioners, referees, retired judges, court-appointed
 9 arbitrators, and temporary judges*) for funds or memberships; (2) a judge may
 10 solicit other persons for membership in the organizations described above if neither
 11 those persons nor persons with whom they are affiliated are likely ever to appear
 12 before the court on which the judge serves; and (3) a judge who is an officer of such
 13 an organization may send a general membership solicitation mailing over the
 14 judge's signature.

15
 16 *Use of an organization letterhead for fund raising or membership*
 17 *solicitation does not violate Canon 4C(3)(d), provided the letterhead lists only the*
 18 *judge's name and office or other position in the organization, and designates the*
 19 *judge's judicial title only if other persons whose names appear on the letterhead*
 20 *have comparable designations. In addition, a judge must also make reasonable*
 21 *efforts to ensure that the judge's staff, court officials, and others subject to the*
 22 *judge's direction and control do not solicit funds on the judge's behalf for any*
 23 *purpose, charitable or otherwise.*

24
 25 **D. Financial Activities**

26
 27 **(1) A judge shall not engage in financial and business dealings that**

28
 29 **(a) may reasonably be perceived to exploit the judge's judicial position,**
 30 **or**

31
 32 **(b) involve the judge in frequent transactions or continuing business**
 33 **relationships with lawyers or other persons likely to appear before the court on**
 34 **which the judge serves.**

35
 36 **ADVISORY COMMITTEE COMMENTARY**

37 *The Time for Compliance provision of this Code (Canon 6F) postpones the*
 38 *time for compliance with certain provisions of this Canon in some cases.*

39
 40 *A judge must avoid financial and business dealings that involve the judge in*
 41 *frequent transactions or continuing business relationships with persons likely to*
 42 *appear either before the judge personally or before other judges on the judge's*
 43 *court. A judge shall discourage members of the judge's family* from engaging in*

1 *dealings that would reasonably appear to exploit the judge's judicial position or*
 2 *that involve family members in frequent transactions or continuing business*
 3 *relationships with persons likely to appear before the judge. This rule is necessary*
 4 *to avoid creating an appearance of exploitation of office or favoritism and to*
 5 *minimize the potential for disqualification.*

6
 7 *Participation by a judge in financial and business dealings is subject to the*
 8 *general prohibitions in Canon 4A against activities that tend to reflect adversely on*
 9 *impartiality, demean the judicial office, or interfere with the proper performance of*
 10 *judicial duties. Such participation is also subject to the general prohibition in*
 11 *Canon 2 against activities involving impropriety or the appearance of impropriety*
 12 *and the prohibition in Canon 2B against the misuse of the prestige of judicial office.*

13
 14 *In addition, a judge must maintain high standards of conduct in all of the*
 15 *judge's activities, as set forth in Canon 1.*

16
 17 **(2) A judge may, subject to the requirements of this Code, hold and**
 18 **manage investments of the judge and members of the judge's family,***
 19 **including real estate, and engage in other remunerative activities. A judge shall**
 20 **not participate in, nor permit the judge's name to be used in connection with,**
 21 **any business venture or commercial advertising that indicates the judge's title**
 22 **or affiliation with the judiciary or otherwise lend the power or prestige of his**
 23 **or her office to promote a business or any commercial venture.**

24
 25 **(3) A judge shall not serve as an officer, director, manager, or employee**
 26 **of a business affected with a public interest, including, without limitation, a**
 27 **financial institution, insurance company, or public utility.**

28
 29 *ADVISORY COMMITTEE COMMENTARY*

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

37
 38 **(4) A judge shall manage personal investments and financial activities so**
 39 **as to minimize the necessity for disqualification. As soon as reasonably**
 40 **possible, a judge shall divest himself or herself of investments and other**
 41 **financial interests that would require frequent disqualification.**

1 **(5) Under no circumstance shall a judge accept a gift, bequest, or favor**
2 **if the donor is a party whose interests have come or are reasonably likely to**
3 **come before the judge. A judge shall discourage members of the judge's family**
4 **residing in the judge's household* from accepting similar benefits from parties**
5 **who have come or are reasonably likely to come before the judge.**

6
7 *ADVISORY COMMITTEE COMMENTARY*

8 *In addition to the prohibitions set forth in Canon 4D(5) regarding gifts,*
9 *other laws may be applicable to judges, including, for example, Code of Civil*
10 *Procedure section 170.9 and the Political Reform Act of 1974 (Gov. Code, § 81000*
11 *et seq.).*

12
13 *Canon 4D(5) does not apply to contributions to a judge's campaign for*
14 *judicial office, a matter governed by Canon 5.*

15
16 *Because a gift, bequest, or favor to a member of the judge's family residing*
17 *in the judge's household* might be viewed as intended to influence the judge, a*
18 *judge must inform those family members of the relevant ethical constraints upon the*
19 *judge in this regard and discourage those family members from violating them. A*
20 *judge cannot, however, reasonably be expected to know or control all of the*
21 *financial or business activities of all family members residing in the judge's*
22 *household.**

23
24 *The application of Canon 4D(5) requires recognition that a judge cannot*
25 *reasonably be expected to anticipate all persons or interests that may come before*
26 *the court.*

27
28 **(6) A judge shall not accept and shall discourage members of the judge's**
29 **family residing in the judge's household* from accepting a gift, bequest, favor,**
30 **or loan from anyone except as hereinafter provided:**

31
32 **(a) any gift incidental to a public testimonial, books, tapes, and other**
33 **resource materials supplied by publishers on a complimentary basis for official**
34 **use, or an invitation to the judge and the judge's spouse or guest to attend a**
35 **bar-related function or an activity devoted to the improvement of the law,* the**
36 **legal system, or the administration of justice;**

37
38 **(b) advances or reimbursement for the reasonable cost of travel,**
39 **transportation, lodging, and subsistence which is directly related to**
40 **participation in any judicial, educational, civic, or governmental program or**
41 **bar-related function or activity, devoted to the improvement of the law,* the**
42 **legal system, or the administration of justice;**

1 *ADVISORY COMMITTEE COMMENTARY*

2 *Acceptance of an invitation to a law-related function is governed by Canon*
3 *4D(6)(a); acceptance of an invitation paid for by an individual lawyer or group of*
4 *lawyers is governed by Canon 4D(6)(d).*

5
6 **(c) a gift, award, or benefit incident to the business, profession, or other**
7 **separate activity of a spouse or other member of the judge’s family residing in**
8 **the judge's household,* including gifts, awards, and benefits for the use of both**
9 **the spouse or other family member and the judge, provided the gift, award, or**
10 **benefit could not reasonably be perceived as intended to influence the judge in**
11 **the performance of judicial duties;**

12
13 **(d) ordinary social hospitality;**

14
15 *ADVISORY COMMITTEE COMMENTARY*

16 *Although Canon 4D(6)(d) does not preclude ordinary social hospitality*
17 *between members of the bench and bar, a judge should carefully weigh acceptance*
18 *of such hospitality to avoid any appearance of bias. See Canon 2B.*

19
20 **(e) a gift for a special occasion from a relative or friend, if the gift is**
21 **fairly commensurate with the occasion and the relationship;**

22
23 *ADVISORY COMMITTEE COMMENTARY*

24 *A gift to a judge, or to a member of the judge's family residing in the judge's*
25 *household,* that is excessive in value raises questions about the judge's impartiality*
26 *and the integrity of the judicial office and might require disqualification of the*
27 *judge where disqualification would not otherwise be required. See, however, Canon*
28 *4D(6)(f).*

29 **(f) a gift, bequest, favor, or loan from a relative or close personal friend**
30 **whose appearance or interest in a case would in any event require**
31 **disqualification under Canon 3E;**

32
33 **(g) a loan in the regular course of business on the same terms generally**
34 **available to persons who are not judges;**

35
36 **(h) a scholarship or fellowship awarded on the same terms and based on**
37 **the same criteria applied to other applicants.**

38
39 **E. Fiduciary Activities**

40
41 **(1) A judge shall not serve as executor, administrator, or other personal**
42 **representative, trustee, guardian, attorney in fact, or other fiduciary,* except**
43 **for the estate, trust, or person of a member of the judge's family,* and then**

1 only if such service will not interfere with the proper performance of judicial
2 duties.

3
4 (2) A judge shall not serve as a fiduciary* if it is likely that the judge as a
5 fiduciary* will be engaged in proceedings that would ordinarily come before
6 the judge, or if the estate, trust, or minor or conservatee becomes engaged in
7 contested proceedings in the court on which the judge serves or one under its
8 appellate jurisdiction.

9
10 (3) The same restrictions on financial activities that apply to a judge
11 personally also apply to the judge while acting in a fiduciary* capacity.

12
13 *ADVISORY COMMITTEE COMMENTARY*

14 *The Time for Compliance provision of this Code (Canon 6F) postpones the*
15 *time for compliance with certain provisions of this Canon in some cases.*

16
17 *The restrictions imposed by this Canon may conflict with the judge's*
18 *obligation as a fiduciary.* For example, a judge shall resign as trustee if detriment*
19 *to the trust would result from divestiture of trust holdings the retention of which*
20 *would place the judge in violation of Canon 4D(4).*

21
22 **F. Service as Arbitrator or Mediator**

23
24 **A judge shall not act as an arbitrator or mediator or otherwise perform**
25 **judicial functions in a private capacity unless expressly authorized by law.***

26
27 *ADVISORY COMMITTEE COMMENTARY*

28 *Canon 4F does not prohibit a judge from participating in arbitration,*
29 *mediation, or settlement conferences performed as part of his or her judicial duties.*

30
31 **G. Practice of Law**

32
33 **A judge shall not practice law.**

34
35 *ADVISORY COMMITTEE COMMENTARY*

36 *This prohibition refers to the practice of law in a representative capacity and*
37 *not in a pro se capacity. A judge may act for himself or herself in all legal matters,*
38 *including matters involving litigation and matters involving appearances before or*
39 *other dealings with legislative and other governmental bodies. However, in so*
40 *doing, a judge must not abuse the prestige of office to advance the interests of the*
41 *judge or member of the judge's family.* See Canon 2B.*

1 *This prohibition applies to subordinate judicial officers, magistrates, special*
2 *masters, and judges of the State Bar Court.*

3
4 *(Canon 4G amended effective January 1, 2005)*

5
6 **H. Compensation and Reimbursement**

7
8 **A judge may receive compensation and reimbursement of expenses as**
9 **provided by law* for the extrajudicial activities permitted by this Code, if the**
10 **source of such payments does not give the appearance of influencing the**
11 **judge's performance of judicial duties or otherwise give the appearance of**
12 **impropriety.**

13
14 **(1) Compensation shall not exceed a reasonable amount nor shall it**
15 **exceed what a person who is not a judge would receive for the same activity.**

16
17 **(2) Expense reimbursement shall be limited to the actual cost of travel,**
18 **food, lodging, and other costs reasonably incurred by the judge and, where**
19 **appropriate to the occasion, by the judge's spouse or guest. Any payment in**
20 **excess of such an amount is compensation.**

21
22 *ADVISORY COMMITTEE COMMENTARY*

23 *Judges should be aware of the statutory limitations on accepting gifts,*
24 *including honoraria.*

CANON 5

**A JUDGE OR JUDICIAL CANDIDATE*
SHALL REFRAIN FROM INAPPROPRIATE
POLITICAL ACTIVITY**

Judges 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, avoid political activity that may create the appearance of political bias or impropriety. Judicial independence and impartiality should dictate the conduct of judges and candidates* for judicial office.

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 five hundred dollars in any calendar year per political party or political organization* or candidate,* or in excess of an aggregate of one thousand dollars in any calendar year for all political parties or political organizations* or nonjudicial candidates.*

ADVISORY COMMITTEE COMMENTARY

The term "political activity" should not be construed so narrowly as to prevent private comment.

This provision does not prohibit a judge from signing a petition to qualify a measure for the ballot without the use of the judge's official title.

In judicial elections, judges are neither required to shield themselves from campaign contributions nor are they prohibited from soliciting contributions from anyone including attorneys. Nevertheless, there are necessary limits on judges facing election if the appearance of impropriety is to be avoided. 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.

1
2 *Although attendance at political gatherings is not prohibited, any such*
3 *attendance should be restricted so that it would not constitute an express public*
4 *endorsement of a nonjudicial candidate* or a measure not directly affecting the*
5 *administration of justice otherwise prohibited by this Canon.*

6
7 *Subject to the monetary limitation herein to political contributions, a judge*
8 *may purchase tickets for political dinners or other similar dinner functions. Any*
9 *admission price to such a political dinner or function in excess of the actual cost of*
10 *the meal shall be considered a political contribution. The prohibition in Canon*
11 *5A(3) does not preclude judges from contributing to a campaign fund for*
12 *distribution among judges who are candidates for reelection or retention, nor does*
13 *it apply to contributions to any judge or candidate* for judicial office.*

14
15 *Under this Canon, a judge may publicly endorse another judicial*
16 *candidate.* Such endorsements are permitted because judicial officers have a*
17 *special obligation to uphold the integrity and impartiality of the judiciary and are*
18 *in a unique position to know the qualifications necessary to serve as a competent*
19 *judicial officer.*

20
21 *Although members of the judge's family* are not subject to the provisions of*
22 *this Code, a judge shall not avoid compliance with this Code by making*
23 *contributions through a spouse or other family member.*

24
25 **B. Conduct During Judicial Campaigns**

26
27 **A candidate* for election or appointment to judicial office shall not (1)**
28 **make statements to the electorate or the appointing authority that commit the**
29 **candidate with respect to cases, controversies, or issues that could come before**
30 **the courts, or (2) knowingly, or with reckless disregard for the truth,**
31 **misrepresent the identity, qualifications, present position, or any other fact**
32 **concerning the candidate or his or her opponent.**

33
34 **ADVISORY COMMITTEE COMMENTARY**

35 *This code does not contain the “announce clause” that was the subject of the*
36 *United States Supreme Court’s decision in Republican Party of Minnesota v. White*
37 *(2002) 536 U.S. 765. That opinion did not address the “commit clause,” which is*
38 *contained in Canon 5B(1). The phrase “appear to commit” has been deleted*
39 *because, although judicial candidates cannot promise to take a particular position*
40 *on cases, controversies, or issues prior to taking the bench and presiding over*
41 *individual cases, the phrase may have been overinclusive.*

1 *Canon 5B(2) prohibits making knowing misrepresentations, including false*
2 *or misleading statements, during an election campaign because doing so would*
3 *violate Canons 1 and 2A, and may violate other canons.*

4
5 *(Canon 5B amended effective December 22, 2003.)*

6 **C. Speaking at Political Gatherings**

7
8 **Candidates* for judicial office may speak to political gatherings only on**
9 **their own behalf or on behalf of another candidate for judicial office.**

10
11 **D. Measures to Improve the Law**

12
13 **Except as otherwise permitted in this Code, judges shall not engage in**
14 **any political activity, other than in relation to measures concerning the**
15 **improvement of the law,* the legal system, or the administration of justice.**

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, magistrate, court-appointed arbitrator, judge of the State Bar Court, temporary judge, and 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

For the purposes of this Canon, if a retired judge is serving in the 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.

(Canon 6A amended effective January 1, 2005)

B. Retired Judge Serving in the 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 assigned judges program shall comply with all provisions of this Code, except for the following:

- 4C(2) Appointment to governmental positions
- 4E Fiduciary* activities

(Canon 6B amended effective January 1, 2005)

C. Retired Judge as Arbitrator or Mediator

A retired judge serving in the 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 Judges Serving on Assignment promulgated by the Chief Justice.

ADVISORY COMMITTEE COMMENTARY

In California, article VI, section 6 of the California Constitution provides that a "retired judge who consents may be assigned to any court" by the Chief

1 *Justice. Retired judges who are serving in the assigned judges program pursuant to*
 2 *the above provision are bound by Canon 6B, including the requirement of Canon*
 3 *4G barring the practice of law. Other provisions of California law, and standards*
 4 *and guidelines for eligibility and service set by the Chief Justice, further define the*
 5 *limitations on who may serve on assignment.*

6
 7 **D. Temporary Judge*, Referee, or Court-appointed Arbitrator¹**
 8

9 **A temporary judge, a person serving as a referee pursuant to Code of**
 10 **Civil Procedure section 638 or 639, or a court-appointed arbitrator shall**
 11 **comply only with the following Code provisions:**
 12

13 **(1) A temporary judge, referee or court-appointed arbitrator shall**
 14 **comply with Canons 1 [integrity and independence of the judiciary], 2A**
 15 **[promoting public confidence], 3B(3) [order and decorum] and (4) [patient,**
 16 **dignified, and courteous treatment], 3B(6) [require lawyers to refrain from**
 17 **manifestations of any form of bias or prejudice], 3D(1) [action regarding**
 18 **misconduct by another judge] and (2) [action regarding misconduct by a**
 19 **lawyer], when the temporary judge, referee or court-appointed arbitrator is**
 20 **actually presiding in a proceeding or communicating with the parties, counsel, or**
 21 **court personnel while serving in the capacity of a temporary judge, referee or**
 22 **court-appointed arbitrator in the case.**
 23

24 **(2) A temporary judge, referee or court-appointed arbitrator shall, from**
 25 **the time of notice and acceptance of appointment until termination of the**
 26 **appointment:**
 27

28 **(a) Comply with Canons 2B(1) [not allow family or other relationships**
 29 **to influence judicial conduct], 3B(1) [hear and decide all matters unless**
 30 **disqualified] and (2) [be faithful to and maintain competence in the law], 3B(5)**
 31 **[perform judicial duties without bias or prejudice], 3B(7) [accord full right to**
 32 **be heard to those entitled; avoid ex parte communications, except as specified]**
 33 **and (8) [dispose of matters fairly and promptly], 3C(1)[discharge**
 34 **administrative responsibilities without bias and with competence and**
 35 **cooperatively], (2) [require staff and personnel to observe standards of conduct**
 36 **and refrain from bias and prejudice]and (4) [make only fair, necessary, and**
 37 **appropriate appointments];**
 38

39 **(b) Not lend the prestige of judicial office to advance his, her, or another**
 40 **person’s pecuniary or personal interests and not use his or her judicial title in any**
 41 **written communication intended to advance his, her, or another person’s**

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.

1 pecuniary or personal interests, except to show his, her, or another person’s
2 qualifications;

3
4 (c) Not personally solicit memberships or donations for religious,
5 fraternal, educational, civic, or charitable organizations from the parties and
6 lawyers appearing before the temporary judge, referee, or court-appointed
7 arbitrator;

8
9 (d) Under no circumstance accept a gift, bequest, or favor if the donor is
10 a party, person, or entity whose interests are reasonably likely to come before the
11 temporary judge, referee, or court-appointed arbitrator. A temporary judge,
12 referee, or court-appointed arbitrator shall discourage members of the judge’s
13 family residing in the judge’s household from accepting benefits from parties who
14 are reasonably likely to come before the temporary judge, referee, or court-
15 appointed arbitrator.

16
17 (e) Disqualify himself or herself in any proceeding in which
18 disqualification is required by law;

19
20 (f) In all proceedings, disclose in writing or on the record information as
21 required by law, or information that the temporary judge, referee or court-
22 appointed arbitrator believes the parties or their lawyers might consider relevant
23 to the question of disqualification, even where it is believed that there is no actual
24 basis for disqualification; and

25
26 (g) In all proceedings, disclose in writing or on the record membership in
27 any organization that practices invidious discrimination on the basis of race, sex,
28 religion, national origin, or sexual orientation, except for membership in a
29 religious or an official military organization of the United States and membership
30 in a nonprofit youth organization so long as membership does not violate Canon
31 4A [conduct of extrajudicial activities].

32
33 (3) A temporary judge, referee, or court-appointed arbitrator, from the
34 time of notice and acceptance of appointment until the case is no longer pending
35 in any court, shall not make any public comment about a pending or impending
36 proceeding in which the temporary judge, referee, or court-appointed arbitrator
37 has been engaged, and shall not make any nonpublic comment that might
38 substantially interfere with such proceeding. The temporary judge, referee or
39 court-appointed arbitrator shall require similar abstention on the part of court
40 personnel subject to his or her control. This Canon does not prohibit the
41 following:
42

1 (a) Statements made in the course of the official duties of the temporary
2 judge, referee or court-appointed arbitrator; and

3
4 (b) Explanations for public information about the procedures of the
5 court.

6
7 (4) From the time of appointment and continuing for two years after the
8 case is no longer pending in any court, a temporary judge, referee or court-
9 appointed arbitrator shall under no circumstances accept a gift, bequest, or favor
10 from a party, person, or entity whose interests have come before the temporary
11 judge, referee or court-appointed arbitrator in the matter. The temporary judge,
12 referee or court-appointed arbitrator shall discourage family members residing
13 in the household of the temporary judge, referee or court-appointed arbitrator
14 from accepting any benefits from such parties, persons or entities during the time
15 period stated in this subdivision. The demand for or receipt by a temporary
16 judge, referee or court appointed arbitrator of a fee for his or her services
17 rendered or to be rendered shall not be a violation of this Canon.

18
19 (5) A temporary judge, referee or court-appointed arbitrator shall, from
20 time of notice and acceptance of appointment and continuing indefinitely after
21 the termination of the appointment:

22
23 (a) Comply with Canons 3(B)(11) [no disclosure of nonpublic
24 information acquired in a judicial capacity] (except as required by law);

25
26 (b) Not commend or criticize jurors sitting in a proceeding before the
27 temporary judge, referee or court-appointed arbitrator for their verdict other
28 than in a court order or opinion in such proceeding, but may express
29 appreciation to jurors for their service to the judicial system and the community.

30
31 (6) A temporary judge, referee or court-appointed arbitrator shall
32 comply with Canon 6D(2) until the appointment has been terminated formally or
33 until there is no reasonable probability that the temporary judge, referee or
34 court- appointed arbitrator will further participate in the matter. A rebuttable
35 presumption that the appointment has been formally terminated shall arise if,
36 within one year from the appointment or from the date of the last hearing
37 scheduled in the matter, which ever is later, neither the appointing court nor
38 counsel for any party in the matter has informed the temporary judge, referee or
39 court appointed arbitrator that the appointment remains in effect.

40
41 (7) A lawyer who has been a temporary judge, referee, or court-
42 appointed arbitrator in a matter shall not accept any representation relating to
43 the matter without the informed written consent of all parties.

1
2 **(8) When by reason of serving as a temporary judge, referee, or court-**
3 **appointed arbitrator in a matter, he or she has received confidential information**
4 **from a party, the person shall not, without the informed written consent of the**
5 **party, accept employment in another matter in which the confidential**
6 **information is material.**

7
8 *(Canon 6D amended effective March 4, 1999.)*

9
10 *ADVISORY COMMITTEE COMMENTARY*

11 *Any exceptions to the Canons do not excuse a judicial officer's separate*
12 *statutory duty to disclose information that may result in the judicial officer's recusal*
13 *or disqualification.*

14
15 **E. Judicial Candidate**

16
17 **A candidate* for judicial office shall comply with the provisions of**
18 **Canon 5.**

19
20 **F. Time for Compliance**

21
22 **A person to whom this Code becomes applicable shall comply**
23 **immediately with all provisions of this Code except Canons 4D(2) and 4F and**
24 **shall comply with these Canons as soon as reasonably possible and shall do so**
25 **in any event within a period of one year.**

26
27 *Canon 6D amended effective March 4, 1999; previously amended effective April*
28 *15, 1996; adopted effective January 15, 1996.*

29
30 *ADVISORY COMMITTEE COMMENTARY*

31 *If serving as a fiduciary* when selected as a judge, a new judge may,*
32 *notwithstanding the prohibitions in Canon 4F, continue to serve as fiduciary* but*
33 *only for that period of time necessary to avoid adverse consequences to the*
34 *beneficiary of the fiduciary relationship and in no event longer than one year.*
35 *Similarly, if engaged at the time of judicial selection in a business activity, a new*
36 *judge may, notwithstanding the prohibitions in Canon 4D(2), continue in that*
37 *activity for a reasonable period but in no event longer than one year.*

1
2 *(Canon 6G repealed effective June 1, 2005; adopted December 30,*
3 *2002)*

4
5 **H. Judges on Leave Running for Other Public Office**

6
7 **A judge who is on leave while running for other public office pursuant**
8 **to article VI, section 17 of the California Constitution shall comply with all**
9 **provisions of this Code, except for the following, insofar as the conduct relates**
10 **to the campaign for public office for which the judge is on leave:**

11
12 **2B(2)—Lending the prestige of judicial office to advance the judge’s**
13 **personal interest**

14
15 **2B(4)—Using the judicial title in written communications intended to**
16 **advance the judge’s personal interest**

17
18 **4C(1)—Appearing at public hearings**

19
20 **5—Engaging in political activity (including soliciting and accepting**
21 **campaign contributions for the other public office)**

22
23 *ADVISORY COMMITTEE COMMENTARY:*

24 *These exceptions are applicable only during the time the judge is on*
25 *leave while running for other public office. All of the provisions of this Code*
26 *will become applicable at the time a judge resumes his or her position as a*
27 *judge.*

28
29 *Conduct during elections for judicial office is governed by Canon 5.*

30
31 *(Canon 6H adopted effective January 1, 2005)*
32



APPENDIX 3.
Complaint Form





DEPARTMENT OF INDUSTRIAL RELATIONS
WORKERS' COMPENSATION ETHICS ADVISORY COMMITTEE

Complaint About a Workers' Compensation Administrative Law Judge
(Labor Code §123.6 and Title 8, Cal. Code Regs. §9722.1)

Date: _____

Your name: _____ Your telephone number: _____

Your address: _____

Your attorney's name (if any): _____ Your attorney's phone number: _____

Judge's name: _____ WCAB Case No.: _____

Name of the WCAB case: _____

In the space below, please specify exactly what action or behavior of the judge you believe is an ethical violation.
Please provide relevant dates and the names of others present.
Use additional sheets if needed.

It may be a felony to make or cause to be made any knowingly false or fraudulent material statements in support of, or in opposition to, any claim for workers' compensation benefits. Your signature below indicates that you have read and understood the above statement.

Date: _____ Signature: _____

Return to: Department of Industrial Relations
Workers' Compensation Ethics Advisory Committee
P.O. Box 420603
San Francisco, CA 94142-0603

Note: Filing a complaint with the Ethics Advisory Committee is NOT a Petition for Reconsideration or Appeal of an Award or Order. Filing a complaint will NOT result in a reversal or change in any decision already made by the judge.

Judges and Judicial Ethics

All Workers' Compensation Administrative Law Judges must follow the California Code of Judicial Ethics. A copy of the Code is available for inspection at any Workers' Compensation Appeals Board office. A copy of the Code may be obtained for the cost or reproduction (\$2.00) by writing to:

Division of Workers' Compensation
P.O. Box 420603
San Francisco, CA 94142-0603

Please make your \$2.00 check or money order payable to "Division of Workers' Compensation."

If you have evidence that a Worker's Compensation Administrative Law Judge has violated the Code of Judicial Ethics, you may complain either to:

The Presiding Workers' Compensation Judge
at the Workers' Compensation Board district office
where the judge is employed;

or to:

Workers' Compensation Ethics Advisory Committee
Department of Industrial Relations
P.O. Box 420603
San Francisco, CA 94142-0603

The Workers' Compensation Ethics Advisory Committee is an independent state committee. The Committee receives and monitors complaints against Workers' Compensation Administrative Law Judges.

Complaints must be in writing and must allege **specific conduct** which violates the Code. Please use the complaint form which is available free at every Appeals Board office.

Examples of Code violations are abusive conduct (e.g. threats, harassment, profanity), expressions of bias or prejudice, accepting a payment or gift from a litigant, intoxication, etc.

A ruling by a judge - no matter how wrong that ruling is - is not by itself an ethical violation. If you think the Judge made a wrong decision in your case, you should consult with a lawyer or an Information & Assistance Officer. You may have the right to file a petition for reconsideration or to seek some other legal remedy to correct the wrong ruling. You should act promptly. One normally has only 20 days to appeal any decision of a Workers' Compensation Judge.

Note: Filing a complaint with the Ethics Advisory Committee is NOT a Petition for Reconsideration or Appeal of an Award or Order. Filing a complaint will NOT result in a reversal or change in any decision already made by the judge.

If you have a complaint against

An Attorney

Complaints against attorneys -- either your own or your opponent's -- may be addressed to:

The State Bar of California
180 Howard Street
San Francisco, CA 94105-1617
1-800-843-9053 (toll free in California)
213-765-1200 (from outside California)

An Insurance Company

Department of Insurance or DWC Audit Unit

Department of Insurance
Claims Service
300 So. Spring Street
Los Angeles, CA 90013
(800) 927-4357
(213) 987-8921

Division of Workers' Compensation
Audit Unit
2424 Arden Way, Suite 305
Sacramento, CA 95825-2403
(916) 263-2710

A Physician

Medical Board of California or Industrial Medical Council

Department of Consumer Affairs
Medical Board of California
1426 Howe Avenue
Sacramento, CA 95825
(800) 633-2322
(Toll Free Complaint Line)

If your complaint concerns a Qualified Medical Evaluator (QME):

Division of Workers' Compensation
Medical Unit
P. O. Box 420603
So. San Francisco, CA 94142-0603
(510) 286-3700

Any Personnel of the Division of Workers' Compensation except a judge

Administrative Director
Division of Workers' Compensation
P.O. Box 420603
San Francisco, CA 94142-0603

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A ruling by a judge - no matter how wrong that ruling is - is not by itself an ethical violation. If you think the Judge made a wrong decision in your case, you should consult with a lawyer or an Information & Assistance Officer. You may have the right to file a petition for reconsideration or to seek some other legal remedy to correct the wrong ruling. You should act promptly. One normally has only 20 days to appeal any decision of a Workers' Compensation Judge.

Note: Filing a complaint with the Ethics Advisory Committee is NOT a Petition for Reconsideration or Appeal of an Award or Order. Filing a complaint will NOT result in a reversal or change in any decision already made by the judge.

If you have a complaint against

An Attorney

Complaints against attorneys -- either your own or your opponent's -- may be addressed to:

The State Bar of California
180 Howard Street
San Francisco, CA 94105-1617
1-800-843-9053 (toll free in California)
213-765-1200 (from outside California)

An Insurance Company

Department of Insurance or Audit Unit

Department of Insurance
Claims Service
300 So. Spring Street
Los Angeles, CA 90013
(800) 927-4357
(213) 987-8921

Division of Workers' Compensation
Audit Unit
2424 Arden Way, Suite 305
Sacramento, CA 95825-2403
(916) 263-2710

A Physician

Medical Board of California or Industrial Medical Council

Department of Consumer Affairs
Medical Board of California
1426 Howe Avenue
Sacramento, CA 95825
(800) 633-2322
(Toll Free Complaint Line)

If your complaint concerns a Qualified Medical Evaluator (QME):

Division of Workers' Compensation
Medical Unit
P. O. Box 420603
So. San Francisco, CA 94142-0603
(510) 286-3700

Any Personnel of the Division of Workers' Compensation except a judge

Administrative Director
Division of Workers' Compensation
P.O. Box 420603
San Francisco, CA 94142-0603



APPENDIX 4.

Directory of Division of Workers' Compensation Offices



**DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF WORKERS' COMPENSATION**



HEADQUARTERS - OAKLAND

1515 Clay Street, 17th Floor
Oakland, CA 94612
(510) 286-7100

Mailing Address:

P. O. Box 420603
San Francisco, CA 94142-0603

CARRIE NEVANS

Acting Administrative Director

KEVEN STAR

Court Administrator

WORKERS' COMPENSATION APPEALS BOARD OFFICES

ANAHEIM

1661 North Raymond Avenue, Rm 200
Anaheim, CA 92801-1162

ELLEN L. FLYNN, *Presiding Workers'
Compensation Administration Law Judge*

BAKERSFIELD

1800 – 30TH Street, Suite 100
Bakersfield, CA 93301-1929

ROBERT NORTON, *Acting Presiding Workers'
Compensation Administration Law Judge*

EUREKA

100 "H" Street
Eureka, CA 95501-0421

ROBERT KUTZ, *Presiding Workers'
Compensation Administration Law Judge*

FRESNO

2550 Mariposa Mall, Room 4078
Fresno, CA 93721-2219

ABEL SHAPIRO, *Presiding Workers'
Compensation Administration Law Judge*

GOLETA

6755 Hollister Avenue, Suite 100
Goleta, CA 93117-3018

ROBERT EBENSTEIN, *Presiding Workers'
Compensation Administration Law Judge*

GROVER BEACH

1562 West Grand Avenue
Grover Beach, CA 93433-2261

MICHAEL LECOVER, *Presiding Workers'
Compensation Administration Law Judge*

LONG BEACH

300 Oceangate
Long Beach, CA 90802-4339

JOSEPH REBECK, *Presiding Workers'
Compensation Administration Law Judge*

LOS ANGELES

320 West 4th Street, 9th Floor
Los Angeles, CA 90013-1105

DAVID MARCUS, *Presiding Workers'
Compensation Administration Law Judge*

OAKLAND

1515 Clay Street, 6th Floor
Oakland, CA 94612-1401

KENNETH PETERSON, *Presiding Workers'
Compensation Administration Law Judge*

OXNARD

2220 East Gonzales Road, Suite 100
Oxnard, CA 93036-8293

DAVID BROTMAN, *Presiding Workers'
Compensation Administration Law Judge*

POMONA

435 W. Mission Blvd., Suite 100
Pomona, CA 91766-1601

ROBERT WELCH, *Presiding Workers'
Compensation Administration Law Judge*

REDDING

2115 Civic Center Drive
Redding, CA 96001-2796

BRIGHAM JONES, *Acting Presiding
Workers' Comp Administration Law Judge*

RIVERSIDE

3737 Main Street, Suite 300
Riverside, CA 92501-3337

ELENA JACKSON, *Presiding Workers’
Compensation Administration Law Judge*

SACRAMENTO

2424 Arden Way
Sacramento, CA 95825-2403

JOEL HARTER, *Acting Associate Chief Judge,
Northern Region, Presiding Workers’
Compensation Administration Law Judge*

SALINAS

1880 North Main Street, Suite 100
Salinas, CA 93906-2016

THOMAS CLARKE, *Presiding Workers’
Compensation Administration Law Judge*

SAN BERNARDINO

464 West 4th Street, Suite 239
San Bernardino, CA 92401-1411

CHARLES REGNELL, *Presiding Workers’
Compensation Administration Law Judge*

SAN DIEGO

7575 Metropolitan Drive, Suite 202
San Diego, CA 92108-4402

LINDA MORGAN, *Acting Presiding Workers’
Compensation Administration Law Judge*

SAN FRANCISCO

455 Golden Gate Avenue, 2nd Floor
San Francisco, CA 94102-3660

SUSAN HAMILTON, *Presiding Workers’
Compensation Administration Law Judge*

SAN JOSE

100 Paseo de San Antonio
San Jose, CA 95113-1482

OLIVER BOYER, *Presiding Workers’
Compensation Administration Law Judge*

SANTA ANA

28 Civic Center Plaza, Suite 451
Santa Ana, CA 92701-4070

BILL WHITELEY, *Presiding Workers’
Compensation Administration Law Judge*

SANTA MONICA

2701 Ocean Park Boulevard, Suite 220
Santa Monica, CA 90405-5212

ROBERT HJELLE, *Presiding Workers’
Compensation Administration Law Judge*

SANTA ROSA

50 “D” Street
Santa Rosa, CA 95404-4760

JAMES JOHNSON, *Presiding Workers’
Compensation Administration Law Judge*

STOCKTON

31 East Channel Street
Stockton, CA 95202-2393

BERTRAM COHEN, *Presiding Workers’
Compensation Administration Law Judge*

VAN NUYS

6150 Van Nuys Boulevard
Van Nuys, CA 91401-3373

MARK KAHN, *Associate Chief Judge,
Southern Region*

LINDA MORGAN, *Presiding Workers’
Compensation Administration Law Judge*