



# California Fair Political Practices Commission

February 11, 1991

Judge John S. Cooper  
21 Stephens Way  
Berkeley, CA 94705

Re: Your Request for Advice  
Our File No. A-91-030

Dear Judge Cooper:

You have requested advice concerning your reporting obligations under the conflict of interest disclosure provisions of the Political Reform Act.<sup>1/</sup>

### QUESTION

Are you required to file a Statement of Economic Interests (Form 721) for 1990 since you were not assigned to a court at any time during 1990?

### CONCLUSION

Since you did not file a leaving office statement within 30 days of leaving your last assignment, you must file an annual statement for 1990 no later than March 1, 1991.

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<sup>1/</sup>Government Code Section 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, *et seq.* All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

### FACTS

As a retired judge, you were assigned by the Judicial Council to the Alameda County Superior Court in 1989 for approximately two months. You filed an annual Statement of Economic Interests (Form 721) on February 26, 1990, covering calendar year 1989. You were not assigned to any court during 1990 and have not filed a statement of economic interests for 1990.

### ANALYSIS

Regulation 18724 (copy enclosed) states that court commissioners and pro tem or retired judges are not required to file statements of economic interests pursuant to Government Code Section 87200, et seq., if they serve or expect to serve less than 30 days in any 12-month period.

However, once you expect to serve or you have served 30 days or more in any 12-month period, you must begin filing statements of economic interests with the clerk of the court to which you have been assigned. You then must file annual statements until your assignment ends. Once your assignment ends and you do not receive a new assignment, you must file a leaving office statement within 30 days of leaving your last assignment.

Since the last statement you filed was an annual statement for 1989, you must now file either an annual statement for 1990, or a combined annual and leaving office statement. If you decide to file a combined statement, your leaving office date will be the date you complete the form. The period covered will be January 1, 1990 through the date you complete the form. The statement should be filed with the clerk of the Alameda County Superior Court, which was your last assignment, no later than **March 1, 1991**. The clerk of the court will make and retain a copy and forward the original to the Commission. If you file the combined annual and leaving office statement and you receive a new assignment in 1991 for which you expect to serve 30 days or more, you will be required to complete an assuming office statement within 10 days of your appointment.

However, if at this time you expect to serve more than 30 days in 1991, you may choose to file just the annual statement for 1990 covering the period January 1, 1990 through December 31, 1990. The annual statement must be filed on or before March 1, 1991, with the clerk of the Alameda County Superior Court. You will continue filing annual statements with the clerk of the court to which you have been assigned until you file a leaving office statement.

Judge John S. Cooper  
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If you have any questions or need further assistance, please  
contact me at (916) 322-5662.

Sincerely,

Scott Hallabrin  
Acting General Counsel

*at for*

*Colleen McGee*

by: Colleen McGee  
Political Reform Consultant  
Technical Assistance and  
Analysis Division

Enclosure

**JOHN S. COOPER**  
JUDGE OF THE SUPERIOR COURT  
(RETIRED)  
21 STEPHENS WAY  
BERKELEY, CALIFORNIA 94705

JAN 8 1 58 PM '91

January 7, 1991

Legal Division  
Fair Political Practices Commission  
P. O. Box 807  
Sacramento, CA 95804-0807

Re: Statement of Economic Interests

Ladies and Gentlemen:

A few days ago, the office of the Alameda County Clerk advised me that my name appeared on a list furnished them of persons who might be required to file a Statement of Interests for 1990. That office referred me to Lynn Martin of the FPPC, to whom I indicated that it did not appear that I was required to file a Form 721 at this time. She asked that I write to you.

I served on the Oakland-Piedmont Municipal court from February 1, 1968, to December 29, 1970, and on the Superior Court for Alameda County from that date until my retirement on July 15, 1988. I timely filed all Annual Statements required of me during that time, including the statement for 1987, filed on February 23, 1988. After retiring on July 15, 1988, I filed my Leaving Office Statement on July 18, 1988.

As a retired judge, I served on assignment by the Chairperson of the Judicial Council for the balance of July and for the months of August through November, 1988. I filed a Form 721 covering that period, on March 1, 1989.

In 1989, I served on the Alameda County Superior Court for approximately two months on assignment by the Chairperson of the Judicial Council. I filed Form 721, by reason of that service, on February 26, 1990.

I did not serve on assignment at any time in 1990. I have filed Statements of Economic Interests for all periods in which I did serve. Accordingly it does not appear that I am required to file a Form 721 at this time.

Thank you for your assistance.

Very truly yours,

  
John S. Cooper

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*Our standard format would suggest FACTS follow by CONCLUSION*

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