



California Fair Political Practices Commission

November 19, 1992

Honorable Patrick J. Morris
President, California Judges Assn.
301 Howard Street, Ste. 1040
San Francisco, CA 94105

Re: Our File No. G-92-625

Dear Judge Morris:

Chairman Davidian has asked me to respond to your letter dated November 9, 1992, concerning the requirement that retired judges who accept judicial assignments file statements of economic interests under the provisions of the Political Reform Act (the "Act").^{1/}

Section 87200 specifies that certain public officials, including judges and commissioners of courts of the judicial branch of government, must file periodic statements of economic interests disclosing personal assets and income. In 1985, the Commission determined that court commissioners and pro tem or retired judges who serve less than 30 days in any 12-month period should be excluded from this requirement. Regulation 18724 provides:

Court commissioners, pro tem or retired judges shall not 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. Provided, however, that this section shall not excuse these individuals from any filing obligations imposed by a conflict of interest code adopted pursuant to Government Code Sections 87300, et seq.

^{1/} Government Code Sections 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.

Your letter cites three Commission advice letters as requiring a retired judge to file duplicate statements of economic interests in each location in which the judge serves during a given period. (Cooper Advice Letter, No. A-91-030; Dunbar Advice Letter, No. A-91-404; Goff Advice Letter, No. A-91-501.) However, that is not the case. Collectively, the regulation and advice letters provide that once a retired judge has served 30 days in any 12-month period, he or she must file an assuming office statement of economic interests with the court to which he or she is assigned or, if there is no current assignment, with the court to which he or she was last assigned.

If the judge expects to continue serving at least 30 days or more each year, he or she should file an annual statement of economic interests once each year. The annual statement should be filed with the court to which he or she is currently assigned or, if there is no current assignment, with the court to which he or she was last assigned. Once the judge determines that he or she will no longer be serving 30 days or more in a 12-month period, a leaving office statement should be filed with the court to which he or she was last assigned.

The only situation in which a retired judge would be required to file more frequently would be if the judge completed an assignment and did not anticipate receiving future assignments, filed a leaving office statement, and then accepted another assignment. In that case, he or she would be required to file an assuming office statement with the new court.

With regard to where retired judges' statements of economic interests are filed, the December 6, 1991 letter to which you refer clearly states that the statement should be filed with the clerk of the court who "will make and retain a copy and forward the original statement to the Fair Political Practices Commission." In fact, all original statements of economic interests filed by judges are forwarded to and maintained by the Commission. Creating a different filing procedure for leaving office statements filed by retired judges than for all other statements does not appear to be necessary and may cause confusion for the clerks.

I hope this information has been helpful in clarifying the obligations of retired judges. If you have additional questions, please contact me at (916) 322-5662.

Sincerely,

Carla Wardlow

Carla Wardlow
Division Chief
Technical Assistance Division