

RAVI MEHTA  
CHAIRMAN



FAIR POLITICAL PRACTICES COMMISSION

February 27, 1996

Todd H. Barton  
Court Executive Officer and  
Clerk of Courts  
Kings County Superior and Municipal Courts  
1400 West Lacey Blvd.  
Hanford, CA 93230

Re: Your Request for Informal  
Assistance  
Our File No. I-95-410

Dear Mr. Barton:

You have requested advice concerning the conflict of interest disclosure provisions of the Political Reform Act (the "Act").<sup>1/</sup> Because your inquiry is general in nature, we will treat your letter as a request for informal assistance pursuant to Regulation 18329(c).<sup>2/</sup>

QUESTION

You have asked how a pro-tem judge should calculate the number of days served for purposes of determining whether he or she is required to file an annual statement of economic interests (Form 721). For example, you have asked whether a judge who serves two hours per day on four different days would count that time as four days of service, or as one day totaling eight hours.

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<sup>1/</sup> 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.

<sup>2/</sup> Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Section 83114; Regulation 18329(c)(3).)

CONCLUSION

There is nothing in the Act or Commission regulations which specifically addresses this issue. However, we believe it would be appropriate for pro-tem judges to count each day in which the judge serves four hours or more as one day of service. A day in which the judge serves fewer than four hours would not be counted toward the 30-day threshold for filing statements of economic interests.

ANALYSIS

The Act requires state and local public officials, including judges and court commissioners, to file a statement each year disclosing their personal financial interests in order that conflicts of interest may be avoided. (Sections 81002(c), 87200, et seq.) Regulation 18724 further provides that temporary or part-time court commissioners and pro tem or temporary judges must file such statements if they serve or expect to serve 30 days or more in any calendar year.

Although the Act and Commission regulations do not provide a method for calculating partial days of service to determine if 30 days or more have been served, Section 81003 states that the Act should be liberally construed to accomplish its purposes. Therefore, we believe that the purposes of the Act are best met if pro tem judges and court commissioners count each day in which the judge serves four hours or more as one full day of service.

If you have questions concerning this letter, please contact me at (916) 322-5660.

Sincerely,

Steven G. Churchwell  
General Counsel

By: Carla Wardlow  
Division Chief  
Technical Assistance Division