

RAVI MEHTA
CHAIRMAN



FAIR POLITICAL PRACTICES COMMISSION

May 2, 1996

Honorable Robert Thompson
Justice Court of Appeal (Retired)
6105 Camino De La Costa
La Jolla, CA 92037

Re: Your Request for Informal
Assistance
Our File No. I-96-122

Dear Justice Thompson:

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

QUESTION

You are a retired justice and were assigned to work on a single case for the Second District Court of Appeal. Although your assignment extended beyond 30 days during 1995, you actually served less than 30 days during the year. To determine if you are required to file an annual statement of economic interests (Form 721), you asked if the period of service is determined by the length of the assignment or the actual time served.

CONCLUSION

The filing obligation is based on actual time served. You must file an annual statement of economic interests (Form 721) only if you served 30 days or more during the calendar year.

^{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.

^{2/} Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Government Code Section 83114; 2 Cal. Code of Regs. Section 18329(c)(3).)

Justice Thompson
Our File No. I-96-122
Page Two

ANALYSIS

The Act requires public officials including judges 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.) Furthermore, Regulation 18724 specifies that retired judges who serve on assignment shall file annual statements of economic interests for each calendar year in which they serve 30 days or more.

Although a retired judge may be on assignment for more than 30 days, the actual time he or she serves determines whether a statement of economic interests must be filed. (Barton Advice Letter, No. I-95-410.) Therefore, since you actually served less than 30 days during 1995, you have no obligation to file a statement of economic interests for 1995.

Please call me at (916) 322-5660 if you have additional questions.

Sincerely,

Steven G. Churchwell
General Counsel



By: Alice Hughes
Political Reform Consultant
Technical Assistance Division