



FAIR POLITICAL PRACTICES COMMISSION

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August 7, 2002

Lorraine M. Walsh, Esq.
Gateway Centre
1850 Mt. Diablo Boulevard, Suite 380
Walnut Creek, CA 94596

**Re: Your Request for Advice
Our File No. A-02-201**

Dear Ms. Walsh:

This letter is in response to your request for advice regarding the provisions of the Political Reform Act (the "Act").¹

QUESTION

For purposes of completing the statement of economic interests, as a temporary judge for the Contra Costa County Superior Court, is your jurisdiction statewide or the County of Contra Costa?

CONCLUSION

All superior court judges have a statewide jurisdiction for purposes of completing the statement of economic interests, whether they have a permanent or temporary status.

FACTS

You are in receipt of a letter from the Fair Political Practices Commission requesting that you file an amendment to your Form 700 stating your jurisdiction is statewide because of your status as a court commissioner.

You are a temporary judge as defined in California Rules of Court 880 and 244. You have been appointed by the presiding judge of the Contra Costa County Superior Court to sit on assignment for Commissioner Robert Broughton on an as needed basis.

¹ Government Code sections 81000 – 91014. Commission regulations appear at Title 2, sections 18109-18997, of the California Code of Regulations.

Therefore, it is your understanding that you can only accept assignments for him and your jurisdiction is not statewide.

You request written advice whether your status as a temporary judge for the Contra Costa County Superior Court gives you "statewide jurisdiction" and whether you must file the amendment stating your jurisdiction as statewide.

ANALYSIS

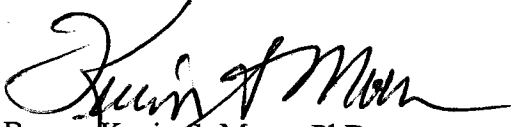
We have advised that judges are not "local elected officers" as used in the Act. (*Sims* Advice Letter, No. I-91-104; *Souza* Advice Letter, No. I-91-331.) This conclusion was premised on the historical treatment of judicial officers under various provisions of the Act. For example, section 82035, which defines the "jurisdiction" of the various public officials who must disclose economic interests under the Act, has been interpreted by the Commission to require that "municipal" (now superior) court judges disclose as state officials. The Commission concluded in *In re Baty* ((1979) 5 FPPC Ops. 10, at 11-12):

"While, for certain purposes, the 'jurisdiction' of a municipal court judge may extend only to the county in which he sits, the nature of our judicial system is such that a municipal court's decision can directly affect persons or property throughout the state.... In essence, the court's jurisdiction spreads statewide. In contrast, the decisions of city or county elected officials generally can directly affect only those within the boundaries of the city or county and will not have a statewide effect."

If you have any other questions regarding this matter, please contact me at (916) 322-5660.

Sincerely,

Luisa Menchaca
General Counsel


By: Kevin S. Moen, PhD
Political Reform Consultant II
Technical Assistance Division

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