



**CALIFORNIA SUPREME COURT
COMMITTEE ON JUDICIAL ETHICS OPINIONS**

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CJEO Oral Advice Summary No. 2014-006

[Posted March 17, 2014]

**DISQUALIFICATION FOR MEMBERSHIP IN A SPECIALITY WOMEN'S BAR
ASSOCIATION**

I. Question:

Are judges or justices who are members of a specialty bar association dedicated to the advancement of women in law and society disqualified from hearing matters involving female litigants, such as family law matters?

The question was asked by a presiding judge who received a request from an attorney that all female judicial members of a specialty women's bar association be banned from hearing family law matters and appeals because of bias in favor of female litigants. The stated mission of the specialty women's bar association is to advance the status of women in the law and society and membership is open to male and female members of the bar and bench.

II. Oral Advice Provided:

Judges and justices who are members of a specialty bar association dedicated to the advancement of women in law and society are not disqualified from hearing matters involving female litigants, such as family law matters. The Code of Judicial Ethics does not prohibit membership in a specialty women's bar association that has male and female members and does not invidiously discriminate based on gender. (Cal. Code of Judicial Ethics, canon 2C; Advisory Committee commentary foll. canon 2C; Rothman, Cal. Judicial Conduct Handbook (3d ed. 2007) §10.23, pp. 538-539.) A person aware of the women's bar association's mission and membership would reasonably conclude that its male and female judicial members share an interest in the goal of advancing women's participation in law and society as attorneys and judges. Such an aware person would not reasonably doubt a judicial member's ability to be impartial towards female litigants. (Cal. Code of Judicial Ethics, canon 3E(1), (4)(c); Advisory Committee commentary foll. canon 2A; Code of Civ. Proc., § 170.1(a)(6)(A)(iii).)

Regarding the request made by an attorney in a letter to the presiding judge asking that all members of a women's bar association be banned from family law matters and appeals, the committee concludes that the attorney's request is beyond the authority of the presiding judge, under any circumstances, until a judicial officer has made a personal determination that he or she is disqualified to hear an assigned matter and notifies the presiding judge. (Cal. Code of Judicial Ethics, canon 3B(1); Code of Civ. Proc., §§ 170-170.9; Cal. Rules of Court, rules 10.603(c)(1) and 10.608(1)(A); Rothman, *supra*, § 7.17, p. 310, Appendix F; Cal. Judges Assoc., Formal Ethics Opinion No. 62 (2009) pp. 2-3 [except in the case of a motion by a party under section 170.3(c), no judge, including a presiding judge, may declare another judge to be disqualified to hear a case].)



This oral advice summary is advisory only (Cal. Rules of Court, rules 9.80(a), (e); Cal. Com. Jud. Ethics Opns., Internal Operating Rules & Proc. (CJEO) rules 1(a), (b)). It is based on facts and issues, or topics of interest, presented to the California Supreme Court Committee on Judicial Ethics Opinions in a request for an opinion (Cal. Rules of Court, rule 9.80(i)(3); CJEO rules 2(f), 6(c)), or on subjects deemed appropriate by the committee (Cal. Rules of Court, rule 9.80(i)(1); CJEO rule 6(a)).