



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

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CJEO Informal Opinion Summary No. 2012-002

[Posted August 23, 2013]

**ASSIGNMENT AND DISQUALIFICATION OF A JUDGE WHEN COUNSEL
FOR A PARTY IS THE LANDLORD OF THE LAW FIRM THAT EMPLOYS
THE JUDGE'S SPOUSE**

The Committee on Judicial Ethics Opinions (CJEO) was asked by a presiding judge of a superior court for an opinion on whether the court was required to refrain from assigning cases to a judicial officer where counsel for a party is the landlord of the law firm that employs the judicial officer's spouse as an associate attorney, and if not, whether the judicial officer must disqualify him or herself in such cases. The presiding judge also sought an opinion on whether to advise the judicial officer that a blanket disqualification on these facts alone was not required.

The facts provided were that a superior court judge assigned to hear family law matters was married to an attorney who practices family law in the court. The spouse was an associate attorney in a large law firm and the judge regularly disqualified in all cases in which any attorney from the spouse's law firm appeared. The presiding judge received a letter from another family law firm advising that the law firm's senior partner owned

the building in which the spouse's law firm had its offices. The landlord-law firm requested that the court not assign the judge cases in which an attorney from the landlord-law firm appears because of the financial arrangement between the landlord-law firm and the spouse's tenant-law firm.

The committee concluded that a court is not required to refrain from assigning cases to a judicial officer at the request of a law firm, or under any circumstances, until the 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); Cal. Code of Civil Procedure, section 170.3(a)(1); Cal. Rules of Court, rules 10.603(c)(1) and 10.608(1)(A).) The committee also concluded that the judge in question was not required to disqualify because a person aware of the facts would not reasonably doubt the judge's ability to be impartial where there was no direct connection, whether social, financial, or otherwise, between the judge or the spouse and the landlord-law firm. (Cal. Code Civ. Pro., § 170.1.) That being the case, the presiding judge could advise the judge that disqualification was not required based solely on the facts presented.



This informal opinion summary is advisory only (Cal. Rules of Court, rules 9.80(a), (e); Cal. Com. Jud. Ethics Opns., Internal Operating Rules & Proc. (CJEO) rule 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 rule 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)).