


Judicial Ethics for Child Support Commissioners

Hon. Pennie K. McLaughlin, San Diego County Superior Court
Hon. Phil Pimentel, Tuolumne County Superior Court
Mr. Rod Cathcart, Judicial Council of California/CJER



Course Objective

Increase understanding and application of canons of judicial ethics when on the bench during child support proceedings and in off-bench activities of commissioners.



Please identify your number of years as a commissioner.

1. Less than 3
2. 3-6 years
3. 6-10 years
4. More than 10 years

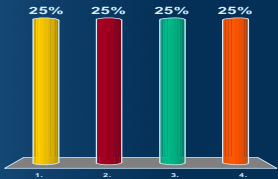


Category	Percentage
1. Less than 3	25%
2. 3-6 years	25%
3. 6-10 years	25%
4. More than 10 years	25%



Please identify the size of your bench.

1. 0 - 10
2. 11-20
3. 21-50
4. Over 50 judicial officers

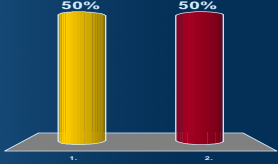


Bench Size	Percentage
1. 0 - 10	25%
2. 11-20	25%
3. 21-50	25%
4. Over 50 judicial officers	25%

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The application of the canons depends upon the size of the county in which a commissioner sits.

1. True
2. False

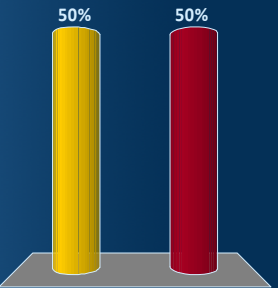


Response	Percentage
1. True	50%
2. False	50%

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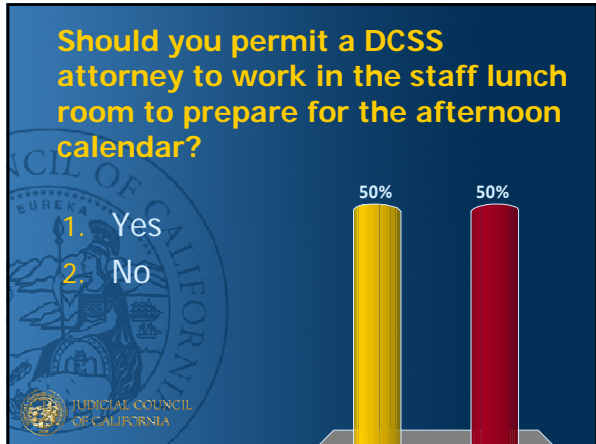
Should a 1058 commissioner meet privately with a LCSA attorney to confirm that they have an open case?

1. Yes
2. No

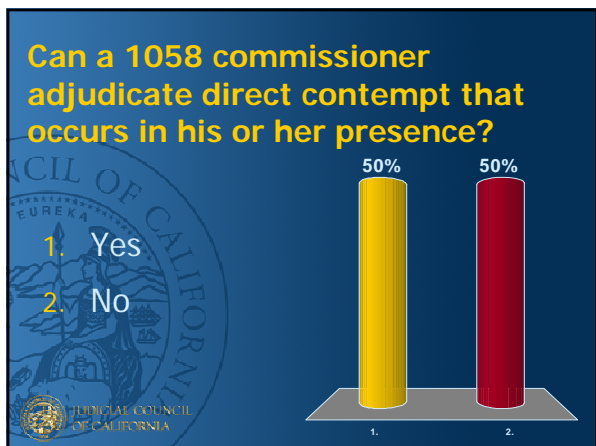


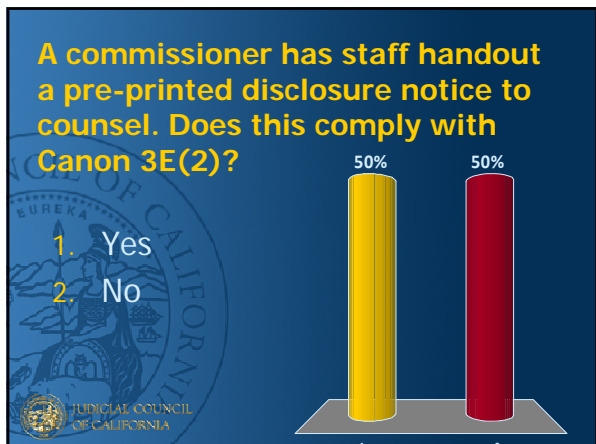
Response	Percentage
1. Yes	50%
2. No	50%

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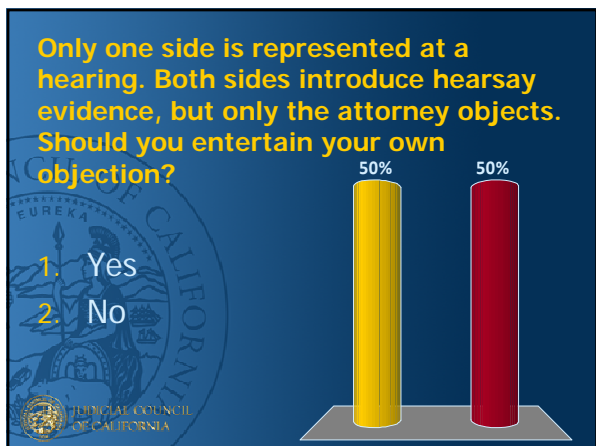












At a quarterly meeting between DCSS and the court, the DCSS attorney asks a 1058 commissioner why there was imputed income in one case and not in another. Should you answer his inquiry?

1. Yes
2. No

Response	Percentage
1. Yes	50%
2. No	50%

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During a hearing, you learn that one of the parties is undocumented. Do you have an ethical obligation to report this to the federal government?

1. Yes
2. No

Response	Percentage
1. Yes	50%
2. No	50%

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If you chose to report an immigration violation, do you need to disclose this to the parties or recuse yourself from the case?

1. Disclose
2. Recuse
3. Neither
4. Both

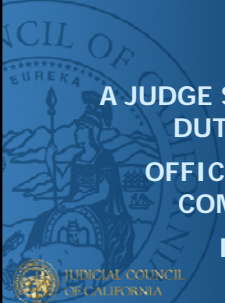
Response	Percentage
1. Disclose	25%
2. Recuse	25%
3. Neither	25%
4. Both	25%

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After Disqualification

CANON 3

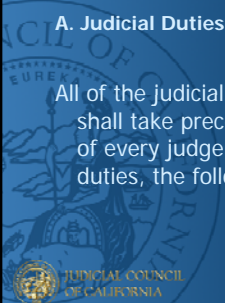
A JUDGE SHALL PERFORM THE DUTIES OF JUDICIAL OFFICE IMPARTIALLY,* COMPETENTLY, AND DILIGENTLY



Impartiality

A. Judicial Duties in General

All of the judicial duties prescribed by law* shall take precedence over all other activities of every judge. In the performance of these duties, the following standards apply.



Impartiality

B. Adjudicative Responsibilities

A judge shall hear and decide all matters assigned to the judge except those in which he or she is disqualified.

ADVISORY COMMITTEE COMMENTARY
 Canon 3B(1) is based upon the affirmative obligation contained in Code of Civil Procedure section 170.

A judge shall be faithful to the law* regardless of partisan interests, public clamor, or fear of criticism, and shall maintain professional competence in the law.*

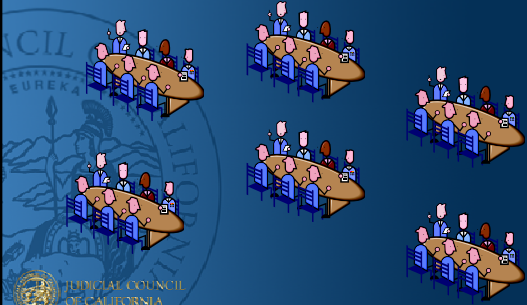


Disqualified- that's it!

A judge shall not engage in discussions about a case with a judge who has previously been disqualified from hearing that matter; likewise, a judge who knows* he or she is or would be disqualified from hearing a case shall not discuss that matter with the judge assigned to the case.



TABLE EXERCISE



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Judicial Demeanor



Video Clip—Judge



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Video Clip—Litigant



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ABCs of Communication

- Active Listening
- Body Language
- Constructive Feedback



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Spiraling Communication Problems

Ignorance or perceived disrespect can create a communication cycle that can negatively impact the court hearing. Some litigants will capitulate, some will become more agitated.



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Eye Contact





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Empathy



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What is Unconscious Bias?

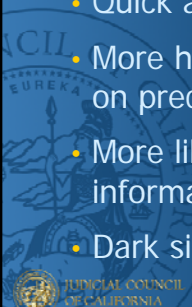


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"Snap" Decisions

- Quick and efficient
- More habitual and likely to act on preconceptions
- More likely to ignore dissonant information
- Dark side: 'snap' prejudices

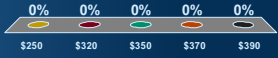


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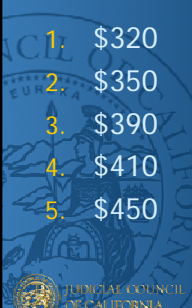
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What is the gift limit in 2015?

1. \$320
2. \$350
3. \$390
4. \$410
5. \$450




Option	Percentage
\$250	0%
\$320	0%
\$350	0%
\$370	0%
\$390	0%



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You volunteer at a homeless shelter. The organization gives volunteers a \$49 gift card in December in recognition of their service. May you accept it?

1. Yes
2. No




Response	Percentage
Yes	0%
No	0%

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May you write a letter in support of an attorney's application for recertification?

1. Yes
2. No

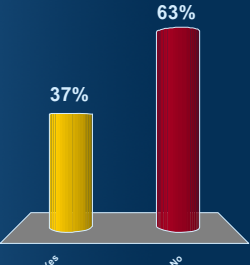


Response	Percentage
Yes	0%
No	0%

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Do you have a duty to disclose your recommendation before hearing cases involving the attorney?

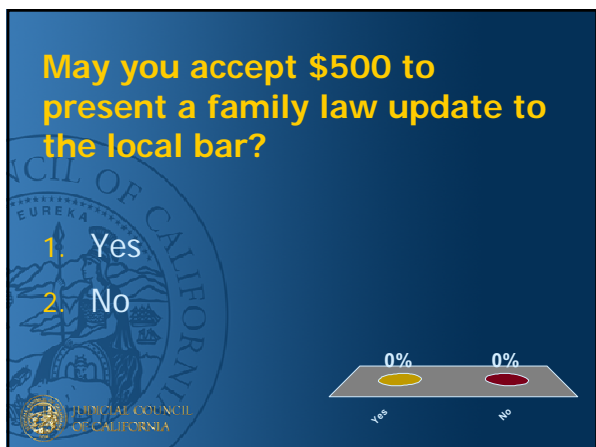
1. Yes
2. No



Response	Percentage
Yes	37%
No	63%

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Accountability

- To yourself
- To the public
- To the institution

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