



## Disability and Guardianship Project

555 S. Sunrise Way, Suite 205 • Palm Springs, CA 92264  
(818) 230-5156 • [www.spectruminstitute.org](http://www.spectruminstitute.org)

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September 21, 2018

Ms. Leah Wilson  
Executive Director  
State Bar of California  
180 Howard Street  
San Francisco, CA 94105

Re: Request to Modify the California Code of Judicial Ethics;  
A Role for the State Bar to Support the Clarification of Judicial Ethics

Dear Ms. Wilson:

Spectrum Institute has just written to the Supreme Court pursuant to the court's jurisdiction under Article VI, Section 18(m) of the Constitution. That provision gives the court authority to establish a Code of Judicial Ethics to regulate the conduct of judges – both on and off the bench.

Based on research we have been conducting over the past six years, we are requesting the Court to modify the Code to clarify that judges may not operate or direct a legal services program involving attorneys who appear before the judges or their court in individual cases.

The report we have submitted to the Supreme Court is enclosed. We call our report *The Domino Effect* because the violations of ethics by judges who run a legal services program have an adverse effect on the legal ethics of and performance by attorneys appointed by the court, which in turn has an adverse effect on the quality of services being received by clients. We doubt that this problem is unique to the superior court in Los Angeles, since courts in other counties are managing and directing legal services programs whereby they select, appoint, order payments for, reappoint, and train attorneys who are designated by the court to represent conservatee and proposed conservatees.

The current Code of Judicial Ethics appears to be insufficient to prevent this domino effect from being triggered by violations of judicial ethics. We therefore have requested the Court to modify the Code of Judicial Ethics to clarify that it is unethical for judges to manage legal services programs involving attorneys who appear before them or their courts in individual cases.

We would like the State Bar to support this request. Our numerous prior contacts with the State Bar have not yielded any results in terms of improving access to justice for people with cognitive and communication disabilities. Support from the State Bar for this request, therefore, would be a most welcomed and positive development.

Respectfully,

Thomas F. Coleman  
Attorney at Law (State Bar No. 56767)  
[tomcoleman@spectruminstitute.org](mailto:tomcoleman@spectruminstitute.org)

(prior communications enclosed)