



## ORANGE COUNTY BAR ASSOCIATION

### **Resolution 15R-01 Independence of the Judiciary**

WHEREAS, the Orange County Bar Association (OCBA) is a leader of the legal community in Orange County;

WHEREAS, the OCBA promotes the integrity and honor of the legal profession and is committed to access to justice for all Orange County residents;

WHEREAS, the OCBA promotes our justice system and is committed to preserving the independence of the judiciary as an essential part of our justice system;

WHEREAS, the OCBA believes in judicial accountability through appropriate criticism and appeal;

WHEREAS, it has been reported that since February 2014, Orange County prosecutors have sought to disqualify the Honorable Judge Thomas Goethals — a former homicide prosecutor and defense attorney — in 57 cases by filing affidavits under California Code of Civil Procedure section 170.6, however, in the years 2011-2013, prosecutors filed Section 170.6 affidavits against Judge Goethals in only 5 cases;

WHEREAS, the OCBA believes that the excessive use of Section 170.6 against a particular judge can be an inappropriate use of Section 170.6 and can give the appearance of being designed as punitive and retaliatory and going beyond the realm of appropriate criticism and appeal and also could be construed as an attempt to intimidate not just that judge, but the entire judiciary, who will and must remain independent;

WHEREAS, the OCBA takes no position on the propriety or impropriety of the recent rulings by Judge Thomas Goethals or any other judge;

NOW, IT IS THEREFORE RESOLVED, that the OCBA restates its strong support of judicial independence and urges citizens and litigants to support judicial independence as an integral part of our American justice system; and

IT IS ALSO RESOLVED, that the OCBA publicly disapproves of the use of tactics which are, or have the appearance of being, punitive and retaliatory towards any sitting judge and which exceed the realm of appropriate criticism and exercise of the protected right of appeal, or which unnecessarily impede the public's access to justice.

The foregoing resolution is approved and adopted this 27th day of March, 2015 in Newport Beach, California by the Orange County Bar Association Board of Directors.

Ashleigh E. Aitken

2015 President, Orange County Bar Association