

**STATE BAR COURT  
REVIEW DEPARTMENT**

In the Matter of

**CLINTON EDWARD PARISH**

A Member of the State Bar

[No. 12-O-15242]

Filed February 5, 2015

**SUMMARY**

Both parties appeal from the hearing judge's decision finding that respondent, knowingly, or with reckless disregard for the truth, made one factual misrepresentations about his opponent during a judicial campaign, in violation of rule 1-700 of the State Bar Rules of Professional Conduct and issuing an order of admonishment. (Hon. Pat McElroy, Hearing Judge.)

The Office of the Chief Trial Counsel of the State Bar sought a public reproof, arguing that respondent made five misrepresentations and/or misleading statements. Respondent sought dismissal, arguing he did not violate the rule. The review department affirmed the hearing judge's culpability findings and recommended a public reproof with conditions.

**COUNSEL FOR PARTIES**

For State Bar: Allen Blumenthal

For Respondent: Clinton E. Parish



- [6]    801.45      **Application of Standards—Deviation from standards  
—Found not to be justified**
- 903.05      **Application of Standards—Interim 2.15—Violations Not Specified—  
Applied—Reproval—Violation of RPC only**
- 903.30      **Application of Standards—Interim 2.15—Violations Not  
Specified—Applied—Reproval—Other mitigating factors**
- 1093        **Miscellaneous Issues re Discipline—Inadequacy of Discipline**
- 1094        **Miscellaneous Issues re Discipline—Admonition in Lieu of Discipline**

Standards for attorney discipline should be followed whenever possible. Where applicable standard provided for suspension or reproval, hearing judge erred in resolving case by issuing admonition. Despite extensive mitigation, attorney judicial candidate's recklessly false allegation implicating opponent in bribery and fraud warranted public discipline, because it threatened to erode public confidence in the judiciary. Accordingly, public reproval was appropriate discipline.

#### ADDITIONAL ANALYSIS

##### **Culpability**

###### **Found**

256.01 Violation of ethics rules for judicial candidates (RPC 1-700)

###### **Not Found**

256.05 Violation of ethics rules for judicial candidates (RPC 1-700)

##### **Mitigation**

###### **Found**

740.10 Good character references (1.6(f); 1986 Standard 1.2(c)(vi))

##### **Discipline**

1024 Ethics exam/ethics school

1041 Public reproval with conditions

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## OPINION

HONN, J.

In this matter of first impression, we consider whether Clinton Edward Parish knowingly, or with reckless disregard for the truth, made factual misrepresentations about himself or his opponent during his judicial campaign, in violation of rule 1-700 of the State Bar Rules of Professional Conduct.<sup>1</sup>

Both parties appeal from the hearing judge's decision finding Parish made a false accusation that his opponent, who was a sitting judge, was involved in a bribery and corporate fraud scheme. The parties further challenge the order recommending an admonition. (Rules Proc. of State Bar, rule 5.126.) The Office of the Chief Trial Counsel of the State Bar (OCTC) seeks a public reproof, arguing that Parish made five misrepresentations and/or misleading statements. Parish argues he unknowingly made one false statement about his opponent and further contends he is not culpable of violating rule 1-700 because OCTC failed to prove he made the statements with a reckless disregard of the truth. In the alternative, Parish requests we affirm the order of admonition.

After independently reviewing the record (Cal. Rules of Court, rule 9.12), we agree with the hearing judge that Parish's statement accusing his opponent of involvement in bribery and corporate fraud was a factual misrepresentation made with reckless disregard for the truth. As such, Parish is culpable of violating rule 1-700. We also agree that the other four campaign statements alleged in the Notice of Disciplinary Charges (NDC) do not violate the rule, that extensive mitigating circumstances are present, and that the record does not support a finding of signifi-

cant harm. We disagree with the hearing judge, however, that this matter should be resolved with an order of admonition, which is not discipline. Instead, we find Parish's reckless statement implicating a judge with bribery requires public discipline to maintain the integrity of the legal profession and to preserve public confidence in the impartiality of the judiciary. Therefore, we order Parish publicly reproofed with the condition that he successfully complete the State Bar's Ethics School.

I. PARISH'S JUDICIAL CAMPAIGN<sup>2</sup>

As a Yolo County deputy district attorney and a political neophyte, Parish mounted a campaign to unseat Judge Daniel Maguire in Yolo County Superior Court during the June 2012 election cycle. Parish spent the majority of his campaign going door-to-door and appearing at events to meet people and ask for their votes and their money. For campaign strategy and messaging, Parish relied heavily on his trusted advisor, Kirby Wells, who had extensive campaign experience. Parish also enlisted the aid of two paid political consultants — first Frank Ford and then Aaron Park. When Ford left the campaign in March 2012, Parish began working with Park, who was highly recommended by Wells. Park and Wells agreed that Ford had not been "aggressive" enough in the campaign.

## A. Campaign Mailer Targeting Judge Maguire

Judge Maguire worked as a deputy legal affairs secretary for then-Governor Arnold Schwarzenegger from 2005 until his appointment to the bench by the governor in late 2010. As a key component of its strategy, the Parish campaign sought to emphasize the connection between Judge Maguire and Governor Schwarzenegger, who was generally unpopular

1. Rule 1-700(A) states: "A member who is a candidate for judicial office in California shall comply with Canon 5 of the Code of Judicial Ethics." In turn, the relevant portion of Canon 5 provides: "A candidate for election or appointment to judicial office shall not . . . knowingly, or with reckless disregard for the truth, misrepresent the identity, qualifications, present position, or any other fact concerning the candidate or his or her opponent." (Former Cal. Code Jud. Ethics, Canon 5B(2), renumbered and amended as Canon 5B(1)(b) effective Jan. 1, 2013.) All further references to rules are to the State Bar Rules of Professional Conduct unless otherwise noted.

2. Our factual findings are based on the hearing judge's findings (see Rules Proc. of State Bar, rule 5.155(A) [hearing judge's factual findings entitled to great weight on review]), Parish's verified response to the Notice of Disciplinary Charges, the parties' stipulation, the trial testimony of Parish, Judge Daniel Maguire, and other witnesses, and the documents admitted into evidence.

in Yolo County. To this end, in March 2012, the campaign began preparing two different mailers — one for Republican voters and the other for Democrats. The Republican mailer described Judge Maguire as a Schwarzenegger “political appointee.” The one sent to Democrats was more targeted. It prominently featured a photo of the scowling governor next to the statement: “If you knew Arnold picked your Judge, would you be happy?” On the reverse side, the text read:

**Dan Maguire was Arnold’s Bagman:**

- Dan Maguire was quoted defending the Protocol Foundation — used to hide \$1.7 million in Arnold’s Travel Expenses.

- As part of Arnold’s inner circle, Dan Maguire was part of Arnold’s legal team that made decisions including commuting the sentence of convicted murderer Esteban Nunez. Fabian Nunez (Estaban’s [sic] father) is the former Speaker of the Assembly and current business partner of Arnold.

- Dan Maguire was involved in a sordid case of corporate fraud that involved payment of bribes in Russia.

- Dan Maguire received a political appointment (never elected) and took the bench only three weeks before Arnold’s last-day Commutation of Esteban Nunez’ sentence!

**California suffered through 7 years of Arnold -  
you can stop it in Yolo County!**

*1. The Mailer Contained A False Statement*

Parish concedes the statement implicating Judge Maguire in bribery and corporate fraud was “actually false.” He learned it was false after the mailer had been delivered to homes in Yolo County in May, but he could have ascertained this fact before sending it out. The accusation was brought to Parish’s attention in March via an email from Wells in which he referenced an attached article, and stated “if I read this right,” the law firm Judge Maguire had previously worked for “was doing the legal work for

a bunch of Russian mobsters.” Parish read the email, but not the attached article nor did he conduct any research to establish the accuracy of Wells’s assessment. Indeed, the email provided no factual support to accuse Judge Maguire of bribery or corporate fraud. In addition, though he relied entirely on Wells’s conclusions about Judge Maguire on this issue, Parish did not ask Wells to identify the steps he had taken, if any, to vet the accusation. Finally, Judge Maguire testified that perfunctory online research would have disclosed the lack of any factual support to validate the accusation.

In contrast to his hands-off handling of the bribery accusation, Parish was heavily involved with crafting the statement about the commutation of convicted murderer Esteban Nunez’s sentence. He exercised caution in preparing the statement because his campaign did not have “direct evidence” that Judge Maguire was personally involved in the decision. Parish met with the parents of Nunez’s victim, who claimed then-attorney Maguire was personally involved in the decision to commute the sentence and that he was appointed to the bench for this reason. Parish credibly testified he believed these claims.

Parish concluded that Maguire was involved with the commutation of Esteban Nunez’s sentence even though he had left his job months before the decision to commute was announced. Based on his experience in the district attorney’s office, Parish reasoned the decision to commute would “take time,” involving the bureaucratic process.

As for the statement that Judge Maguire defended the Protocol Foundation, it is undisputed the foundation paid \$1.7 million of Schwarzenegger’s travel expenses. The payments were not reported on standard state disclosure forms. Instead, the governor’s staff prepared memos about the expenses. This practice attracted the attention of watchdog groups and the Los Angeles Times, which questioned Maguire about it in his capacity as the governor’s deputy legal affairs secretary. (Pringle, *Details lacking in travel costs for governor*, Los Angeles Times (Dec. 10, 2007).) The Times article did not directly quote Maguire about the Governor’s cost memoranda, but instead stated: “Maguire in-

sisted that the memos are public records that satisfy disclosure rules.” In drafting the related statement for the mailer, Parish and his campaign relied on the Times article.

## 2. *The Fallout From The Campaign Mailer And Parish’s Response*

The mailer was sent on May 15, 2012. It was controversial, and the fallout was immediate. Judge Maguire asked his colleague, another Yolo County Superior Court judge, to prepare a robocall for voters condemning the mailer, which he did. In addition, local newspapers printed several articles, portraying the mailer in a negative light. Within days of the mailer’s delivery, Parish’s key followers withdrew their support, including the Yolo County sheriff and the district attorney, the Winters Police Officers Association, and the Yolo County Republican Party.

Parish quickly and formally acknowledged the inaccuracy of the statement about Judge Maguire’s involvement in bribery and corporate fraud. He said he regretted including it in the mailer. Parish fired Park and stopped actively fundraising and campaigning. The election took place on June 5; Parish was resoundingly defeated, receiving only 23% of the vote.

### B. Parish’s Campaign Statements About Himself

Two of Parish’s statements about himself are also before us. In May 2012, Parish’s campaign staff placed approximately 75 4’ x 6’ signs near highways in Yolo County, with the following text:

LAW ENFORCEMENT’S CHOICE  
**CLINT  
PARISH  
JUDGE**  
BECAUSE EXPERIENCE MATTERS

Parish testified the intended message was to state his name and announce that he was seeking the position of judge. The references to “law enforcement’s choice” and “experience” related to a key campaign strategy to tout his experience as a deputy district attorney and assert that it qualified him

more than Judge Maguire to adjudicate criminal matters. Also, Parish testified that he was widely known in Yolo County as a deputy district attorney—not a sitting judge. His other campaign materials clearly indicated as much. Parish explained that he decided not to modify “Judge” with the word “for” to save money and to avoid cluttering signs that would be viewed by people driving by at 65 miles per hour.

In the second statement about himself, Parish’s campaign website posted a photo of Parish and a uniformed officer in front of Winters’ Police Department. The caption stated: “Clint Parish has been endorsed by the Winter’s [sic] Police Department.” In fact, Parish was endorsed by the Winters Police Officers Association — not the police department. Parish promptly corrected the error when it was brought to his attention.

## II. PARISH IS CULPABLE OF VIOLATING RULE 1-700 BY MAKING ONE FACTUAL MISREPRESENTATION

On February 12, 2013, OCTC charged Parish with one count of violating rule 1-700. The NDC alleged Parish made five misrepresentations: (1) asserting Judge Maguire “while in private practice, was involved ‘in a sordid case of corporate fraud that involved payment of bribes in Russia . . .’”; (2) asserting Judge Maguire “was ‘part of Arnold’s legal team that made decisions including commuting the sentence of convicted murderer Esteban Nunez . . .’”; (3) asserting Judge Maguire “was ‘quoted defending the Protocol Foundation — used to hide \$1.7 million in Arnold’s Travel Expenses’”; (4) stating on signs “‘Law Enforcement’s Choice Clint Parish Judge Because Experience Matters,’ [when] in truth and in fact [Parish] was not a judge”; and (5) posting a photo of himself with a uniformed officer in front of Winters’ Police Department with the caption: “‘Clint Parish has been endorsed by the Winter’s [sic] Police Department,’ [when] in truth and in fact [Parish] had not been endorsed by the Winters’ Police Department.”

Under rule 1-700 and Canon 5, attorneys who are candidates for judicial office may not make misrepresentations about themselves or their oppo-

nents. We fully acknowledged in *In the Matter of Anderson* (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 775 (*Anderson*) that we cannot discipline an attorney for speech that is protected by the First Amendment. However, we also recognize that “attorneys occupy a special status and perform an essential function in the administration of justice. Because attorneys are officers of the court with a special responsibility to protect the administration of justice, courts have recognized the need for the imposition of reasonable speech restrictions upon them.” (*Ibid.*)

[1a] As a content-based restriction on judicial campaign speech, rule 1-700 “burdens a category of speech that is ‘at the core of our First Amendment freedoms’ — speech about the qualifications of candidates for public office.” (*Republican Party of Minnesota v. White* (2002) 536 U.S. 765, 774 [153 L.Ed.2d 694, 122 S.Ct. 2528], internal quotations omitted.) At the same time, false statements are not protected speech and may be the basis of attorney discipline if made intentionally or with reckless disregard for the truth. (See *Standing Committee on Discip. v. Yagman* (9th Cir. 1995) 55 F.3d 1430, 1437 (*Yagman*); *In the Matter of Anderson, supra*, 775 (*Anderson*)). Considering these general principles and the language of rule 1-700 in determining whether each of Parish’s five campaign statements violated the rule, we ask: (1) if the statement was a misrepresentation of fact about Parish or Judge Maguire; and, if so, (2) whether Parish made the factual misrepresentation knowingly or with reckless disregard for the truth.

In his first statement, Parish made an unequivocally false claim that Judge Maguire was involved in corporate fraud, including payment of bribes in Russia. Parish argues he is not culpable of violating rule 1-700 because he did not know his statement was false or subjectively entertain serious doubt as to its truth. As such, he urges us to adopt the subjective malice test set forth in *New York Times Co. v.*

*Sullivan* (1964) 376 U.S. 254 [11 L.Ed.2d 686, 84 S.Ct. 710].

We find otherwise. In *In the Matter of Anderson, supra*, 3 Cal. State Bar Ct. Rptr. 775, we adopted the Ninth Circuit Court of Appeal’s reasoning found in *Yagman, supra*, 55 F.3d at p. 1437 and *U.S. Dist. Court for E.D. of Wash. v. Sandlin* (9th Cir. 1993) 12 F.3d 861, 867 (*Sandlin*), that the purely subjective standard applicable to defamation cases is not suited to attorney disciplinary proceedings. Under the objective standard, a court must determine “what the reasonable attorney, considered in light of all his professional functions, would do in the same or similar circumstances.” (*Sandlin, supra*, 12 F.3d at p. 867; accord, *Yagman, supra*, 55 F.3d at p. 1437.)<sup>3</sup> Reckless disregard is shown if the attorney had no reasonable factual basis for making the statements, considering their nature and the context in which they were made.” (*Yagman, supra*, 55 F.3d at p. 1437.) The inquiry “may take into account whether the attorney pursued readily available avenues of investigation.” (*Ibid.*, fn. 13.)

[1b] We agree with the Ninth Circuit’s conclusion that the “objective malice standard strikes a constitutionally permissible balance between an attorney’s right to criticize the judiciary and the public’s interest in preserving confidence in the judicial system. Lawyers may freely voice criticisms supported by a reasonable factual basis even if they turn out to be mistaken.” (*Yagman, supra*, at p. 1438.)

[1c] Applying this standard, we find Parish did not act as a reasonable attorney in publishing the statement that Judge Maguire was involved in bribery and corporate fraud. Wells’s email did not provide any support to implicate Judge Maguire in such misconduct. Minimal research would have alerted Parish that the accusation was baseless, but he conducted no research. His unquestioning reliance

3. States which have considered this issue in the context of attorney discipline have applied the objective standard for a determination of constitutional malice. (See, e.g., *Ramirez v. State Bar* (1980) 28 Cal.3d 402; *In re Terry* (Ind. 1979) 394 N.E.2d 94; *Louisiana State Bar Ass’n v. Karst* (La. 1983) 428

So.2d 406, 409; *In re Graham* (Minn. 1990) 453 N.W.2d 313, 321-322; *In re Westfall* (Mo. 1991) 808 S.W.2d 829, 837; *In re Holtzman* (N.Y. 1991) 577 N.E.2d 30, 34; but see *State Bar v. Semaan* (Tex.Civ.App. 1974) 508 S.W.2d 429, 432-33.)

on Wells was unreasonable given the defamatory nature of the accusation. (*Sandlin, supra*, 12 F.3d at p. 867 [attorney acted unreasonably by wrongfully accusing judge of ordering court reporter to alter transcript of court proceedings before results of court reporter's deposition were disclosed; see also *Ramirez v. State Bar, supra*, 28 Cal.3d 402 [upholding sanctions where attorney made false statements about judges based solely on conjecture without investigating whether allegations were factually substantiated].) Clear and convincing evidence establishes that Parish violated rule 1-700.<sup>4</sup>

[2a] However, OCTC failed to establish that Parish's statement asserting Judge Maguire was "part of Arnold's legal team that made decisions including commuting the sentence of convicted murderer Esteban Nunez" was false. (*In the Matter of Anderson, supra*, 3 Cal. State Bar Ct. Rptr. at p. 785 [OCTC has burden to demonstrate falsity].) The mailer accurately stated Maguire was part of the governor's small legal team.<sup>5</sup> OCTC did not establish by clear and convincing evidence that the decision to commute Nunez's sentence was the governor's alone rather than made in consultation with his legal team. Moreover, another statement in the flier indicates Judge Maguire was on the bench before the commutation occurred. The statement stops short of falsely claiming Maguire was personally responsible for making the decision. Because we do not find

OCTC established a false statement of fact, we conclude there is no violation of rule 1-700.<sup>6</sup>

OCTC urges us to read the rule as prohibiting more than factual misrepresentations. It asks us to discipline Parish for "subtly" creating "the false impression" and creating "by innuendo the false impression" that Judge Maguire was involved in the decision to commute the criminal sentence. It contends it is "unfair and dishonest" to "imply" Judge Maguire's involvement. OCTC argues an attorney is required to refrain from misleading and deceptive acts without qualification and cites to cases that find no distinction is to be made among concealment, half-truth, and false statement of fact. However, these discipline cases consider attorney representations to clients and to judges in the courtroom — they are not cases that consider the regulation of core First Amendment speech. (See, e.g., *In re Naney* (1990) 51 Cal.3d 186; *In the Matter of Chesnut* (Review Dept. 2000) 4 Cal. State Bar Ct. Rptr. 166.)

[2b] OCTC asks that we discipline Parish for engaging in truthful but misleading or potentially misleading speech. But on its face, rule 1-700, and Canon 5 to which it refers, only reach factual *misrepresentations*. They do not purport to regulate true statements that may be misleading or true statements that might imply or suggest through innuendo that voters draw false conclusions.<sup>7</sup>

4. Clear and convincing evidence leaves no substantial doubt and is sufficiently strong to command the unhesitating assent of every reasonable mind. (*Conservatorship of Wendland* (2001) 26 Cal.4th 519, 552.)

5. Judge Maguire testified the governor had one legal affairs secretary and four to five deputy legal secretaries.

6. We therefore do not need to reach the issue of whether Parish acted recklessly. Nevertheless, we agree with the hearing judge that "it was reasonable to speculate" Judge Maguire was involved in the decision based on our findings of fact above. Parish also acted reasonably, as opposed to recklessly, in drafting a statement that did not claim more than he could support with facts.

7. During the briefing period in this matter, OCTC provided the court with an Ohio Supreme Court case, *In re Judicial Campaign Complaint Against O'Toole* (Ohio, Sep. 24, 2014, No. 2012-1653) 2014 WL 4746648, which interpreted an Ohio rule that prohibited not only false speech by judicial candidates but also "true speech that is nevertheless misleading." The Ohio Supreme Court found that a regulation of true but misleading statements was a content-based regulation that must overcome the presumption of unconstitutionality. Applying the strict scrutiny standard, the Supreme Court held "that the state has a compelling government interest in ensuring truthful judicial candidates, but that the rule is not narrowly tailored to meet its purpose, because it overreaches to speech that is true but that would be deceiving or misleading to a reasonable person." (*Id.* at p. 5.)

Next, we consider Parish's statement that Maguire was quoted defending the Protocol Foundation. The Los Angeles Times article described Judge Maguire's acknowledgment that the governor's travel expenses were funded by the Protocol Foundation. The article also states Maguire "insisted" the expense memos satisfied the public disclosure rules. In his reference to the Los Angeles Times article, Parish reasonably characterized Judge Maguire's defense of the Governor's handling of foundation contributions. This statement again is not false, and accordingly is not disciplinable under rule 1-700.

As for Parish's statements about himself, the facts do not show he was attempting to use his campaign sign to claim he was a sitting judge. It was a reasonable representation of a candidate's name and the office he sought. And his claim to be "law enforcement's choice" accurately reflected the support he enjoyed from several police officers' associations as well as the county sheriff. Likewise, the caption on Parish's website misstating that he was supported by the police department when in fact he was supported by the police officers' association does not rise to the level of a rule 1-700 violation. It was a de minimis mistake in light of his endorsement by the police officers' association and promptly corrected.

### III. EXTENSIVE MITIGATION AND NO AGGRAVATION<sup>8</sup>

[3] Parish is entitled to significant mitigation for his remorse and recognition of wrongdoing. (Std. 1.6(g).) Parish issued a prompt statement of regret and suspended his campaign once he learned he had falsely connected Judge Maguire to bribery and corporate fraud. The importance of these steps is underscored by the new directive in the California Code of Judicial Ethics that candidates "take appropriate corrective action if the candidate learns of any

misrepresentations made in his or her campaign statements or materials." (Cal. Code Jud. Ethics, canon 5B(2) (2013).) Further, during his trial and at oral argument before this Court, Parish demonstrated genuine contrition and acknowledged he had committed an error in judgment. Finally, he apologized to Judge Maguire at his disciplinary trial — a sincere, albeit belated, expression of remorse — which Judge Maguire accepted.

The hearing judge also assigned mitigation credit to Parish's lack of prior discipline (std. 1.6(a)), his "extraordinary good character" (std. 1.6(f)), and his pro bono work. (*Calvert v. State Bar* (1991) 54 Cal.3d 765, 785.) OCTC does not challenge these findings, and we adopt and affirm them. We highlight that Parish practiced law for 11 years without incident, including many years of service to the Yolo County District Attorney's Office. He also presented the testimony of nine character witnesses from a broad cross-section of the legal and non-legal communities, who uniformly attested to his character, integrity, and dedication. We find Parish's pro bono work to be particularly commendable as he generously offered his time to volunteer for a variety of organizations in his community. He also cooked on a regular basis at the Ronald McDonald House in San Francisco as a way of giving back for the help his family received when his child was ill.

[4] OCTC asks us to find that Parish's misconduct is aggravated because he caused "significant harm." (Std. 1.5(f).) OCTC presented no evidence that Parish caused harm, and the hearing judge found none. Indeed, given the extensive media coverage in a small county about the campaign mailer, the robocall condemning it, the rapid distancing by former supporters, and Parish's decision to stop actively campaigning, we find no clear and convincing evidence of harm to Maguire or to the administration of justice. The lopsided election outcome in Maguire's favor also weighs strongly against a finding of harm.

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8. The Rules of Procedure of the State Bar, title IV, Standards for Attorney Sanctions for Professional Misconduct, standard 1.5 requires OCTC to establish aggravating circumstances by clear and convincing evidence (hereafter, standards). Standard 1.6 requires Parish to meet the same burden to prove mitigation.

#### IV. PARISH'S PROCEDURAL CHALLENGES FAIL

[5] Parish challenges the fairness of various aspects of his disciplinary proceeding. His challenges all lack merit. Contrary to his contention, the hearing judge properly allowed OCTC to call Parish as its first witness before he made the determination whether to testify on his own behalf. Moreover, Parish has made no showing of prejudice. (*In the Matter of Johnson* (Review Dept. 1995) 3 Cal. State Bar Ct. Rptr. 233, 241 [absent actual prejudice, party not entitled to relief on evidentiary ruling].) Parish's argument that we should strike the testimony of two witnesses, including Judge Maguire, because OCTC failed to disclose their statements is unfounded. OCTC had no written statements or recordings of these witnesses to provide prior to trial and there were no exculpatory statements to produce. Further, Parish failed to show prejudice since he knew about the witnesses, received a summary of their testimony, and had the opportunity to contact and interview them both before trial. Finally, the hearing judge did not err in sustaining a relevance objection to a question to Judge Maguire about whether he had ever given an interview from the courthouse. Again, Parish failed to show that he suffered any prejudice as a result of the hearing judge's evidentiary ruling.

#### V. A PUBLIC REPROVAL IS APPROPRIATE DISCIPLINE

[6] The Supreme Court instructs us to follow the standards "whenever possible" (*In re Young* (1989) 49 Cal.3d 257, 267, fn. 11), and give them great weight to promote consistency (*In re Silvertown* (2005) 36 Cal.4th 81, 91). Standard 2.15 provides that suspension or reproof is the appropriate discipline in this case. Yet the hearing judge opted to resolve this case with an order of admonition. (Rules Proc. of State Bar, rule 5.126.) She concluded that any imposition of discipline would be punitive in nature and fail to serve the purposes of attorney discipline.<sup>9</sup>

We are cognizant that Parish has already paid a heavy professional price for the campaign mailer, and that his misconduct was neither malicious nor intentional. We appreciate the significant steps he took to mitigate the effects of his false statement and find his misconduct unlikely to recur.

Even so, Parish's reckless decision to implicate Judge Maguire in bribery and corporate fraud warrants public discipline. "Ethical rules that prohibit false statements impugning the integrity of judges . . . are not designed to shield judges from unpleasant or offensive criticism, but to preserve public confidence in the fairness and impartiality of our system of justice." (*Yagman, supra*, 55 F.3d at p. 1437.) False allegations of bribery and fraud uniquely threaten to erode public confidence in the judiciary. Accordingly, we find that a public reproof with the condition that Parish successfully complete the State Bar's Ethics School is the appropriate and necessary discipline in this conviction proceeding.

#### VI. ORDER

Clinton Edward Parish is ordered publicly reproofed, to be effective 15 days after service of this opinion and order. (Rules Proc. of State Bar, rule 5.127(A).) He must comply with the specified condition attached to the public reproof. (Cal. Rules of Court, rule 9.19; Rules Proc. of State Bar, rule 5.128.) Failure to comply with this condition may constitute cause for a separate proceeding for willful breach of rule 1-110.

Parish is ordered to comply with the following condition:

Within one year of the effective date of this public reproof, he must submit to the Office of Probation satisfactory evidence of completion of the State Bar's Ethics School and passage of the test given at the end of that session. This requirement is separate from any Minimum Continuing Legal Education (MCLE) requirement, and he shall not receive

9. The purpose of attorney discipline is not to punish the attorney, but to protect the public, the courts, and the legal profession, to preserve public confidence in the profession, and to maintain high professional standards for attorneys. (Std. 1.1.)

MCLE credit for attending Ethics School. (Rule 3201.)

VII. COSTS

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10, such costs being enforceable both as provided in section 6140.7 and as a money judgment.

WE CONCUR:

PURCELL, P. J.

EPSTEIN, J.