

Not all attempts to retaliate against judges for their rulings involve physical threats. Sacramento Superior Court Judge Loren E. McMaster, who presides over the county's civil law-and-motion calendar, has often been at the center of high-profile disputes, from Indian gaming issues to confrontations between the California Nurses Association and Gov. Arnold Schwarzenegger. A decision McMaster made last year, however, led to a citizens campaign for his removal.

In September 2004, McMaster affirmed the validity of the state's domestic partnership law. (Cal. Fam. Code §297.5.) By November he was targeted for recall by the Campaign for California Families, a

TARGETED FOR RECALL

ultimately failed to collect the required number of voter signatures, the ordeal left an indelible impression on McMaster. "Nobody wants to go through a recall election," he says. "You can't help but think it's a personal attack."

McMaster bristles most at allegations from the citizens group that his ruling violated his oath of office and revealed him to be a judicial activist. Recall proponents came to the courthouse and combed through McMaster's old files, looking for other rulings that might be challenged by the losing parties. "They even put out a flyer that linked my ruling with the Pledge of Allegiance case, and with such positions as permitting

Sacramento-based organization opposed to gay marriage. Although recall proponents

cross-dressing men to use women's restrooms and lowering the age of consent [for sexual relations] to 14," he says. "It was bizarre."

McMaster denies that he's a judicial activist, pointing to a unanimous opinion by the court of appeal that upheld his domestic-partnership decision, and to the state Supreme Court's denial of review. (Knight v. Superior Court, 128 Cal. App. 4th 14 (2005)). "Ironically, [the recall proponents] wanted me to be a judicial activist, to go against what the state Legislature did," he says. "I declined to legislate from the bench."

Despite the unavoidable headaches the campaign caused, McMaster insists that it never altered his routine on the bench or caused him to lose sleep. "The main reason it never got to that level," he says, "is because of the tremendous support I received." A variety of bar groups — including the American Board of Trial Advocates, the American Judges Association, the American Bar Association, and the California Judges Association — responded to the recall campaign with strong statements of support. That goodwill transformed what could have been a nightmare into what McMaster calls, in retrospect, a "positive experience."

McMaster draws three important lessons from his experience. "First," he says, "judges and the legal profession need to educate the public about the role of the judiciary and the rule of law. Second, incendiary rhetoric about the courts on a national level only serves to empower the nut cases out there, and it has to stop. And finally, judges everywhere should know that if they, too, become the targets of recalls, other judges and bar leaders will come to their defense."

— Bill Blum