



California Supreme Court Committee on Judicial Ethics Opinions
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

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Supreme Court committee provides guidance to judges seeking assistance from attorneys in mitigating cuts to the court system

Committee on Judicial Ethics Opinions adopts a formal opinion advising that meeting with attorneys about the impacts of budget cuts is permissible

SAN FRANCISCO—The California Supreme Court Committee on Judicial Ethics (CJEO) today announced adoption of a formal opinion advising judges that meeting with attorneys and asking for assistance in dealing with the impacts of court budget cuts is permissible under the California Code of Judicial Ethics. The committee has issued CJEO Formal Opinion 2013-001, which provides guidance to judges on the ethical standards they must consider when deciding who to invite and what to ask when convening budget cut meetings with groups of attorneys. The committee advises judges to consider whether the manner of the invitation or requests might convey an impression of favor or influence, appear to be coercive, or reasonably lead to disqualification.

In CJEO Formal Opinion 2013-001, the committee concludes that it is permissible and appropriate for judges to meet with groups of attorneys and ask for their assistance in communicating to the public and to the Legislature about the impacts of proposed budget cuts on court operations. The opinion provides the following guidance to judges when deciding whether the manner of the invitations or the assistance requested promotes public confidence in the integrity and impartiality of the judiciary:

- A judge’s activities relating to court budgets and appropriations fall within the scope of “measures concerning improvement of the law, the legal system, or the administration of justice.” (Cal. Code of Jud. Ethics, canon 5D.)
- Access to justice is directly affected by budget shortfalls, and meeting with attorneys is a constructive way for judges to inform and involve those most affected.

- Speaking with groups of attorneys outside of court and asking for their assistance implicates ethical issues that judges are obligated to evaluate under the standards in the California Code of Judicial Ethics. (Cal. Code of Jud. Ethics, Terminology, canons 2A, 4B, 5D.)
- When deciding who to invite and what to ask, judges should consider whether they are conveying the appearance of impropriety, conveying the impression of special influence, or creating a potential for disqualification or disclosure. (Cal. Code of Jud. Ethics, Terminology, canons 2, 2A, 2B(1), 4A(4), 4B.)
- The circumstances in any given county will differ, but the standard all judges must apply is whether a person aware of the facts might reasonably doubt the judge's integrity and impartiality. (Cal. Code of Jud. Ethics, canon 2A, advisory comm. com.)

The committee unanimously adopted CJEO Formal Opinion 2013-001 after inviting public comment on a draft opinion posted from October through December of 2012. The committee members carefully considered all of the public comments and revised the opinion.

CJEO is an independent committee appointed by the Supreme Court to help inform the judiciary and the public concerning judicial ethics topics. CJEO was established as part of the court's constitutional responsibility to guide the conduct of judges and judicial candidates (Cal. Const., art. VI, § 18, subd. (m)). In making appointments to serve on CJEO, the court selects members of the bench with a strong background in judicial ethics and diverse courtroom experience. The current twelve CJEO members are justices, judges, a commissioner, and a retired bench officer who have served in courts of various sizes throughout the state.

CJEO publishes formal opinions, issues confidential informal opinions, and provides oral advice on proper judicial conduct pursuant to the California Code of Judicial Ethics and other authorities (rule 9.80(e)(1)). CJEO acts independently of the Supreme Court, the Commission on Judicial Performance, the Judicial Council, the Administrative Office of the Courts, and all other entities (rule 9.80(b)).

For more information about CJEO, visit the [CJEO website](#), call toll-free at 1 (855) 854-5366, or email Judicial.Ethics@jud.ca.gov.

The Supreme Court Committee on Judicial Ethics Opinions members are: Justice Ronald B. Robie of the Court of Appeal, Third Appellate District (chair); Justice Douglas P. Miller of the Court of Appeal, Fourth Appellate District, Division Two (vice-chair); Justice Maria Rivera of the Court of Appeal, First Appellate District, Division Four; Justice Judith L. Haller of the Court of Appeal, Fourth Appellate District, Division One; Presiding Judge Suzanne N. Kingsbury of the Superior Court of El Dorado County; Presiding Judge Robert J. Trentacosta of the Superior Court of San Diego County; Judge Kenneth K. So of the Superior Court of San Diego County;

Judge Michael Garcia (Ret.) of the Superior Court of Sacramento County; Judge Joanne B. O'Donnell of the Superior Court of Los Angeles County; Judge George J. Abdallah, Jr. of the Superior Court of San Joaquin County; Judge John S. Wiley, Jr. of the Superior Court of Los Angeles County; and Commissioner Lowell E. Richards of the Superior Court of Contra Costa County.

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The Supreme Court established the Committee on Judicial Ethics Opinions (CJEO) to help inform the judiciary and the public concerning judicial ethics topics. (Cal. Rules of Court, [rule 9.80](#).) CJEO publishes formal advisory opinions, issues confidential written opinions, and provides oral advice on proper judicial conduct pursuant to the [California Code of Judicial Ethics](#) and other authorities. In providing its advisory opinions, the committee acts independently of the Supreme Court, the Commission on Judicial Performance, the Judicial Council, the Administrative Office of the Courts, and all other entities. (Cal. Rules of Court, rule 9.80(b).) The Supreme Court is responsible for adopting the Code of Judicial Ethics, which guides the conduct of judges on and off the bench (Cal. Const., Art. VI, § 18, subd. (m).)