



California Supreme Court Committee on Judicial Ethics Opinions
350 McAllister Street, San Francisco, California 94102-4797
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

August 15, 2013

Public Comment Sought on Draft Judicial Ethics Advisory Opinion

Supreme Court Committee on Judicial Ethics Opinions invites comment on a draft opinion providing guidance on judicial screening of ex parte applications for emergency family law orders

SAN FRANCISCO—The California Supreme Court Committee on Judicial Ethics Opinions invites public comment on a draft advisory opinion dealing with judicial ex parte communications in family law cases. The draft opinion provides guidance on a local rule that authorizes a judge to review a request for (non-domestic violence) emergency orders in a family law matter in order to determine whether the moving papers show the necessity for an emergency hearing. The local rule permits the review to occur without notice to the other party and without a showing that good cause exists not to give notice. The draft opinion concludes that the local rule facilitates and permits ex parte communications, which violates the standards for ethical conduct in the California Code of Judicial Ethics.

The draft opinion and invitation to comment are posted on the committee's website at <http://www.JudicialEthicsOpinions.ca.gov/itc>. The deadline for comment is September 9, 2013.

After considering the public's comments on the draft opinion, the committee will decide whether or not to publish an opinion in final form. Comments are due by September 9, 2013, and may be submitted in any of the following ways:

- Online at <http://www.JudicialEthicsOpinions.ca.gov/itc>;
- By email to Judicial.Ethics@jud.ca.gov; or
- By mailing comments to Ms. Nancy Black, Committee Counsel, The California Supreme Court Committee on Judicial Ethics Opinions, 350 McAllister Street, San Francisco, California 94102.

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 (Cal. Rules of Court, 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](#) and [view the members' page](#), call toll-free at 1 855-854-5366, or email Judicial.Ethics@jud.ca.gov.

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).)

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