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Supreme Court Committee Provides Guidance on Appearing at Public Hearings

Supreme Court Committee on Judicial Ethics Opinions advises judges on commenting at public hearings and consulting with the Legislature

SAN FRANCISCO—The California Supreme Court Committee on Judicial Ethics Opinions (CJEO) has issued an [advisory opinion](#) providing guidance to judges about appearing at public hearings and consulting with the other branches of government. The opinion clarifies what comments the California Code of Judicial Ethics authorizes judges to make concerning the law, the legal system, or the administration of justice. The opinion cautions, however, that even when making permitted statements, judges still must take care not to violate any other provisions of the Code of Judicial Ethics, for example, by commenting on pending or future proceedings in any court, or by taking a position with respect to the outcome of cases.

Judges are prohibited from appearing at public hearings as a general matter, but an exception permits them to appear and consult on “matters concerning the law, the legal system, or the administration of justice.” (Cal. Code Jud. Ethics, canon 4C(1).) The opinion:

- examines this exception and points out how robust participation by judges benefits the public and the members of executive and legislative branches of government;
- advises that the exception broadly permits judges to comment and consult on the court system or matters of judicial administration, which are inherently within judicial experience and perspective; and
- concludes that the exception also permits judges to speak about legal matters when their experience and perspective as judges uniquely qualifies them to assist the other branches of the government in fulfilling their responsibilities to the public.

The committee previously [invited the public to comment](#) on this advisory opinion in draft form. Those comments submitted with a waiver of confidentiality are posted for [public view](#) on the CJEO website. All of the comments the committee received were carefully considered by the CJEO members when finalizing and approving [CJEO Formal Opinion No. 2014-006](#).

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, 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.

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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, 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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