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NEWS RELEASE

Release Number: 77

Release Date: December 14, 2009

Supreme Court Appoints Members of Committee on Judicial Ethics Opinions

San Francisco—The California Supreme Court today announced the appointment of the initial 12 members of the court's Committee on Judicial Ethics Opinions (CJEO). The CJEO was established by the Supreme Court to provide judicial officers in California with an official independent resource from which to obtain guidance on ethical conduct.

Similar committees appointed by their high court exist in the vast majority of states. The purpose in creating this new body is to provide information that will assist judicial officers and candidates in conforming to the Code of Judicial Ethics and in ensuring that the public's interest in an impartial and ethical judiciary is protected.

Article VI, section 18(m) of the California Constitution charges the Supreme Court with adopting the Code of Judicial Ethics to govern the conduct of judges and judicial candidates, and the creation of the CJEO committee is consistent with and advances the court's discharge of that responsibility.

Justice Ronald Robie, of the Court of Appeal for the Third Appellate District, was appointed chair of the committee. Justice Douglas Miller, of the Court of Appeal for the Fourth Appellate District (Division Two), was appointed vice-chair. A complete roster of members is attached.

After deciding to create the CJEO, the Supreme Court appointed an implementation committee to develop recommendations for rules to guide the conduct of the new group. The court acknowledged the important historical role that has been played by the California Judges Association, a private organization to which most judicial officers of the state belong, and which for many years has provided ethics advice to judges.

The court directed the implementation committee to consider ways in which to integrate that valuable resource into its plans. The committee was led by Justice Richard Fybel, of the Court of Appeal for the Fourth Appellate

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District, and consisted of the members of the ongoing Supreme Court Advisory Committee on the Code of Judicial Conduct, as well as two nominees each from the California Judges Association (CJA) and the Commission on Judicial Performance (CJP).

The Supreme Court agreed with the committee's recommendations, including that the court establish the committee through a rule of court, and accordingly adopted rule 9.80 of the California Rules of Court. (The committee's full report is available at <http://www.courtinfo.ca.gov/courts/supreme/comm/documents/memo-finalreport-ethicscomm.pdf>.)

The new rule provides that the CJEO may issue formal written opinions that are to be distributed to the judges of the state and made publicly available. Judges and judicial candidates may seek advice from the CJEO, and the CJEO has discretion to select the issues it considers appropriate for formal opinions. The CJEO is authorized to provide oral advice and informal written opinions, but as explained in the report adopted by the court, the CJEO will refer requests for advice not requiring a formal written opinion to the CJA's Judicial Ethics Committee, although individuals still may request oral advice from the CJEO. The CJA ethics committee regularly will communicate with the CJEO concerning the nature of the inquiries it has received so that the CJEO can identify areas in which formal opinions can provide needed general guidance.

Communications to and by the CJEO will be confidential, except for those reports and opinions it makes public. A judicial officer or candidate requesting information may waive confidentiality as to his or her inquiry and the CJEO's response, but may not waive the confidentiality of the CJEO's proceedings.

The implementation committee also recommended that the CJEO hire staff to assist it in its work. Initially, the plan was to employ two attorneys. The current fiscal crisis has resulted in no funding being available for this purpose this year, but the Supreme Court nevertheless has asked the committee to begin operations to adopt necessary internal rules and procedures, and to see to what extent it is able to provide guidance through formal opinions at this time.

Staff of the Supreme Court will assist in providing administrative resources for the CJEO's operations. No staff employed by the Supreme Court, the Administrative Office of the Courts, the CJP, the CJA, or any other source will assist the CJEO in its substantive work. The Supreme Court will continue to set a high priority on obtaining resources to enable the hiring of the necessary independent staff so that the CJEO can fully function for the benefit of the courts and the public.

**SUPREME COURT
COMMITTEE ON JUDICIAL ETHICS
ADVISORY OPINIONS**

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(12/11/09)

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