



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

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CJEO Oral Advice Summary No. 2013-002

[Issued September 10, 2013]

**ATTENDING A PRIVATE FOUNDATION MEETING TO SPEAK ABOUT
NATIONAL AND STATE CIVICS EDUCATION WORK**

I. Question:

May a judicial officer meet with the board of a private foundation to discuss national and state civics education and a project the judicial officer is developing with a national legal association?

A judicial officer requested advice as to whether the canons prohibit attending a board meeting of a private foundation to speak about national and state civics education. The judicial officer had been appointed within the judicial branch to multiple civics education committees and task forces. The question centered on a civics education project the judicial officer was developing with a national legal association. A private foundation was interested in working with the national legal association on the project and asked the judicial officer to speak to its board about state and national civics education. Members of the foundation include former California judicial officers and

prominent attorneys. The judicial officer would not seek financial support from the foundation and would limit discussions with the board to civics education and the proposed project with the national legal association.

II. Oral Advice Provided:

The judicial officer may meet with the board of the private foundation to discuss matters concerning the law, the legal system, or the administration of justice. Judges are authorized to “speak, write lecture, teach, and participate in activities concerning legal and nonlegal subject matters,” subject to the requirements of the Code of Judicial Ethics. (Cal. Code Jud. Ethics, canon 4B.) The Advisory Committee commentary to canon 4B states that “[a]s a judicial officer and person specially learned in the law, a judge is in a unique position to contribute to the improvement of the law, the legal system, and the administration of justice To the extent that time permits, a judge may do so, either independently or through a bar or judicial association or other group dedicated to the improvements of the law.” (Cal. Code Jud. Ethics, Advisory Com. commentary foll. canon 4B.) The terminology section of the Code states the following when defining the law, the legal system, or the administration of justice: “When a judge engages in an activity that relates to the law, the legal system, or the administration of justice, the judge should consider factors such as whether the activity upholds the integrity, impartiality, and independence of the judiciary (canons 1 and 2A), whether it impairs public confidence in the judiciary (canon 2), whether the judge is allowing the activity to take precedence over judicial duties (canon 3A), and whether engaging in the activity would cause the judge to be disqualified (canon 4A(4)).” (Cal. Code Jud. Ethics, Terminology, “Law, the legal system, or the administration of justice.”)



This oral advice summary is advisory only (Cal. Rules of Court, rule 9.80(a), (e); Cal. Com. Jud. Ethics Opns., Internal Operating Rules & Proc. (CJEO) rule 1(a), (b)). It

is based on facts and issues, or topics of interest, presented to the California Supreme Court Committee on Judicial Ethics Opinions in a request for an opinion (Cal. Rules of Court, rule 9.80(i)(3); CJEO rule 2(f), 6(c)), or on subjects deemed appropriate by the committee (Cal. Rules of Court, rule 9.80(i)(1); CJEO rule 6(a)).