

CJEO: A ONE-STOP SOCIAL MEDIA RESOURCE

As social media and technology evolve, judges and judicial candidates may confront novel ethical questions related to their online activities. By collecting key social media resources on the [Social Media and Judicial Ethics](#) page of its website, CJEO has created a central hub of information to serve as a guide for judicial officers navigating ethical challenges.

The CJEO website includes a [summary](#) of 2018 and 2020 amendments to the [California Code of Judicial Ethics](#) that address online activity and social media. The 2018 amendment recognized the accessibility and permanence of electronic communications, and clarifies that the same canons that govern judicial conduct in traditional settings apply to virtual settings. The 2020 amendment prohibits judicial officers from engaging with crowd-sourcing websites in a way that would lend judicial prestige to advance private business interests. CJEO also maintains an [annotated code](#) that links all CJEO advisory opinions, including those relating to social media, to specific canons in the Code of Judicial Ethics.

Over the years, CJEO has issued several advisory opinions addressing social media use and online activity. In 2021, CJEO issued an opinion providing an overview of the ethical rules related to social media use by judicial officers. (CJEO Expedited Opinion 2021-042, [Social Media Posts About the Law, the Legal System, or the Administration of Justice](#).) This opinion advises that judges should assume the widest possible audience for all online activities and carefully evaluate what they intend to post, as well as continually monitor social media communications to ensure public confidence in the integrity, independence, and impartiality of the judiciary.

In 2020, CJEO issued an opinion stating that appellate justices must exercise reasonable direction and control over the conduct of their staff to prevent them from making public comments on social media that violate the code. (CJEO Oral Advice Summary 2020-037, [Judicial Obligations Relating to Social Media Comments by Appellate Court Staff](#).) In an earlier opinion, the committee advised that judges may sign certain testimonial letters that appear online, provided they relate to the law, the legal system, or the administration of justice and do not appear on a fundraising webpage. (CJEO Oral Advice Summary 2014-004, [Use of a Testimonial Letter to Promote a National Bar Association Program](#).)

Several other independent entities also provide guidance on issues relating to social media and judicial ethics:

- The [Commission on Judicial Performance](#) (CJP) publishes a [compendium](#) of decisions relating to judicial misconduct involving technology that was last updated in May 2019. CJP also maintains a [Public Decisions Database](#) that contains all CJP decisions on public disciplinary matters, including those related to technology, which may be searched by judge's name, date of decision, type of disposition, type of misconduct, county, or court level. CJP recently issued two decisions notable for imposing discipline based on a judge's activity on Facebook and Twitter. (CJP, [Public Admonishment of Judge O'Gara](#) (2021); CJP, [Public Censure of Former Commissioner Gianquinto](#) (2018).) In addition, CJEO has compiled a comprehensive [database](#) of all CJP public decisions and summaries

of private disciplinary matters from CJP’s annual reports that is searchable by keywords or phrases.

- The [California Judges Association](#) (CJA) administers an [ethics hotline](#) where a judge may receive a quick informal response to an ethical question, including those related to online conduct. CJA has issued two noteworthy advisory opinions regarding ethical issues and online social networking. In 2010, CJA issued CJA Opinion No. 66, [Online Social Networking](#), which provides an overview of ethical concerns and advises that, before engaging in social networking with lawyers, judges should consider whether doing so would cast doubt on the judge’s ability to be impartial. CJP relied on that opinion in reaching its decision to publicly admonish a judge for his activity on Facebook. (CJP, [Public Admonishment of Judge Ferguson](#) (2017).) In 2020, CJA issued CJA Opinion No. 78, [Online Social Networking II: The Ethical Implications of Writing Online Reviews and of Using the Like Function on Social Network Platforms](#), which advises judges to educate themselves about a social media website’s privacy settings, to only “like” or comment on crowd-sourcing websites when the judge remains anonymous, and to never “like” offensive posts or posts regarding candidates for nonjudicial office.
- The [National Center for State Courts](#) (NCSC) operates the [Center for Judicial Ethics](#), which is a clearinghouse for information about judicial ethics and discipline. The Center for Judicial Ethics publishes the [Judicial Conduct Reporter](#) on a quarterly basis and, in 2017, two of the issues were dedicated exclusively to social media and judicial ethics. The [first issue](#) contained a discussion of issues related to judicial duties, including “friending” attorneys and commenting on pending cases. The [second issue](#) covered off-bench conduct, such as charitable or political activities. The Center for Judicial Ethics most recently released an [update](#) to these issues in March 2022.

By maintaining links to these social media resources and other information on its website, CJEO provides judicial officers and judicial candidates with a centralized location for up-to-date guidance on how to engage in online activities while complying with the Code of Judicial Ethics.