

CJA: A PARTNER IN JUDICIAL ETHICS

California judges are fortunate to have not just one but two sources of judicial ethics advice. While CJEO primarily issues written opinions, the CJA Judicial Ethics Committee provides a critical service by offering an ethics hotline for judges in need of time-sensitive advice on discrete issues. When CJA receives an ethics inquiry, it quickly refers the caller to a Judicial Ethics Committee member, a bench officer with expertise in judicial ethics, to provide oral advice within an approximately 72-hour period.

The Source recently sat down with Judge B. Tam Nomoto Schumann (Ret.), incoming CJA Judicial Ethics Committee chair, to discuss CJA's process for responding to ethics hotline questions.

Judge Nomoto Schumann explained that when bench officers call the hotline with a question, they are referred to one of the on-call judicial officers serving as Judicial Ethics Committee members. The on-call judge will ask callers to describe the facts of their situation and the ethical issues they are seeking advice on. However, the caller's identity and details of the inquiry are kept strictly confidential from the public and internally within CJA.

After performing the necessary research and analysis, the on-call judge will provide a tentative response but explain that a final response is contingent on a vote of the full Judicial Ethics Committee, which may not occur for another one to two months. However, the tentative response provides an invaluable service for judicial officers who need real-time advice. "We ask judicial officers whether their inquiry is an exigent circumstance, and if so, do everything we can to accommodate that. We typically provide a response within 24 to 48 hours," said Judge Nomoto Schumann.

The Judicial Ethics Committee's work is even more impressive given the volume of requests it receives. Judge Nomoto Schumann estimates that CJA receives about 400 calls per year. In addition to providing timely advice on a myriad of questions through the hotline, CJA provides judges with other ethics resources. "CJA provides every new judge, whether or not they are a CJA member, with a copy of the latest edition of Judge Rothman's treatise [*California Judicial Conduct Handbook*]. We think it's critical for all new judges to have the resources they need to make ethical decisions," explained Judge Nomoto Schumann.

To ensure continuity and preserve institutional knowledge, the Judicial Ethics Committee vice-chair takes over the chair position after a one-year term and the outgoing chair typically stays on the committee in an emeritus position. Many committee members have served for several years. Judge Nomoto Schumann also explained how CJA works to ensure that its Judicial Ethics Committee reflects a cross-section of the judiciary. "We aim to have a diverse committee in terms of a number of factors, including years on the bench. Having judges of different experience levels brings a variety of perspectives to ethical questions, which is critically important," she said.

Judge Nomoto Schumann also credited CJA’s staff, including Executive Director Nicole Bautista and Director of Operations Jen Gross, for providing the Judicial Ethics Committee with the support it needs to process the large number of hotline requests, which eventually form the basis of CJA’s annual published *Judicial Ethics Updates*: “Our staff does an incredible job helping us synthesize our ethics advice into a summary format that’s available to everyone.”