



NEWS RELEASE

Release Number: 48

Release Date: September 4, 2008

JUDICIAL COUNCIL OF
CALIFORNIA
ADMINISTRATIVE OFFICE
OF THE COURTS
Public Information Office
455 Golden Gate Avenue
San Francisco, CA 94102-3688
www.courtinfo.ca.gov

415-865-7740

Lynn Holton
Public Information Officer

Supreme Court Seeks Comment on Recommendations for New Committee on Judicial Ethics Opinions

San Francisco—The Supreme Court today announced that it is seeking public comment on a proposed rule and related policies designed to govern the practices and procedures to be followed by its new Supreme Court Committee on Judicial Ethics Opinions.

The court has asked its Implementation Committee, which drafted the rule and a comprehensive report describing policies to be applied under the broad rule, to circulate the report and the proposed rule for public comment and to return to the court with its suggestions and responses.

In accordance with the practice in the vast majority of other state court systems, the Supreme Court announced in late 2007 that it would appoint a Committee on Judicial Ethics Opinions to provide advisory opinions and advice on ethics to judicial officers and candidates for judicial office in California. *(The announcement was contained in this news release: <http://www.courtinfo.ca.gov/presscenter/newsreleases/NR47-07.PDF>.)*

The court appointed the Implementation Committee, whose members include the membership of the existing Supreme Court Advisory Committee on the Code of Judicial Ethics, two members nominated by the Commission on Judicial Performance, and two members nominated by the California Judges Association (CJA), to make recommendations to the court on proposed procedures and rules for the new ethics committee.

The Implementation Committee, chaired by Justice Richard D. Fybel of the Court of Appeal, Fourth Appellate District, Division Three, met four times between January and July 2008 and submitted the attached report to the court in August. The unanimous report and recommended rule address the form, scope, and type of opinions to be offered by the committee, the procedures for making and responding to requests for advice, the confidentiality of communications to and by the committee,

(over)

publication of the committee's formal opinions, and other procedures and practices required to guide the new committee and its staff.

The rule is drafted broadly to give the committee discretion to proceed in a manner designed to best provide advice and information on ethics. The report includes recommended procedures to be implemented that would include a process under which the new committee and the CJA would act both cooperatively and to complement each other in responding to requests for ethics information in order to offer a range of ethics opinions and advice to the California judiciary and to candidates for judicial office. The proposed Supreme Court rule and the report should be read together in order to understand the full scope of the proposal.

The seven members of the Supreme Court Advisory Committee on the Code of Judicial Ethics are Justice Fybel; Presiding Justice Barbara J. R. Jones of the Court of Appeal, First Appellate District; Justice Laurence D. Rubin of the Court of Appeal, Second Appellate District; Judge Teresa Estrada-Mullaney of the Superior Court of San Luis Obispo County; Judge David Rothman (Ret.) of the Superior Court of Los Angeles County; Judge Brian Walsh of the Superior Court of Santa Clara County; and Ms. Beth J. Jay, Principal Attorney to the Chief Justice.

The members designated by CJP are Judge Frederick P. Horn of the Superior Court of Orange County and chair of the CJP, and Victoria B. Henley, Director-Chief Counsel of the CJP. The members designated by CJA are Presiding Judge James M. Mize of the Superior Court of Sacramento County and Judge Ronni B. MacLaren of the Superior Court of Alameda County.

The proposed rule and the report are available at
<http://www.courtinfo.ca.gov/invitationstocomment/documents/sp08-07.pdf>.

Comments are due by November 19, 2008, to the following address:

Ms. Camilla Kieliger
Administrative Office of the Courts
Office of the General Counsel
455 Golden Gate Avenue
San Francisco, California 94102.

-#-