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## Supreme Court Adopts Changes In Ethics Code for California Judges

San Francisco—The Supreme Court today announced that it has adopted several amendments to the Code of Judicial Ethics, which establishes standards for ethical conduct for state judges on and off the bench and for candidates for judicial office. The changes, to take effect January 1, 2008, were adopted by the court at its administrative conference last week.

The code, applicable to all members of the judiciary, is available on the California Courts Web site at

[http://www.courtinfo.ca.gov/rules/documents/pdfFiles/ca\\_code\\_judicial\\_ethics.pdf](http://www.courtinfo.ca.gov/rules/documents/pdfFiles/ca_code_judicial_ethics.pdf)

The issues covered by the amendments include handling cases with self-represented litigants, judicial disclosure, character reference letters, self-reporting by judges after being charged with or convicted of certain crimes, and misusing the prestige of the office by commissioners or referees.

**Self-represented litigants.** Amended canon 3B(8) pertains to judges who preside over cases with self-represented litigants. The amendment to the canon states that judges must manage the courtroom in a manner that provides all litigants the opportunity to have their matters fairly adjudicated. A sentence was added to the advisory committee commentary explaining that a judge handling a case with a self-represented litigant has the discretion to take reasonable steps, consistent with the law and the canons, to enable the litigant to be heard.

**Disclosure by trial court judges.** Amended canon 3E(2) will adopt an objective standard requiring that a judge disclose on the record information that is reasonably relevant to the question of disqualification under Code of Civil Procedure section 170.1. Currently, canon 3E(2) provides only for the disclosure of information *the judge believes* the parties or their lawyers might consider relevant to the question of disqualification.

**Character reference letters.** Amended canon 2B(2) will permit judges to submit character reference letters to the Commission on Judicial Performance (CJP) on behalf of other judges who are under investigation, provided they are based on personal knowledge. It is unclear under the current canon and commentary whether doing so would impermissibly lend the prestige of judicial office to advance the interests of the judges under investigation. The committee concluded there is no basis for prohibiting these letters and the CJP may find them useful. The advisory committee commentary following canon 2B(2) was revised to add a cross-reference to the canon requiring judges to take appropriate corrective action when another judge or an attorney engages in misconduct.

**Self-reporting.** Amended canon 3D(3) will provide that (1) assigned judges self-report to the Chief Justice when charged with or convicted of a crime, and (2) subordinate judicial officers (SJOs) self-report to the presiding judges of the courts in which they sit as well as to the CJP. Currently, canon 3D(3) requires these judicial officers to self-report to the CJP, but the CJP has no jurisdiction over assigned judges, and it has concurrent jurisdiction with the local courts over SJOs. The court also amended canon 3D(3) to add misdemeanor citations charging specified crimes that are filed directly with a superior court to the list of charging documents that trigger the self-reporting requirement for all judicial officers. Only citations charging the crimes enumerated in the canon must be reported.

**Misuse of prestige of office by temporary judges.** Amended canon 6D will prohibit temporary judges, referees, and court-appointed arbitrators from using their title or lending the prestige of judicial office to advance the interests of themselves or others at any time. Currently, this prohibition is limited to the time period between the date of appointment and termination of the appointment. This amendment makes the prohibition permanent.

### Ministerial Changes

**Disclosure by temporary judges, referees, and court-appointed arbitrators.** Amended canon 6D(5)(a) will add the phrase “referee or court-appointed arbitrator” to a clause from which those individuals were inadvertently omitted when the disqualification and disclosure provisions were amended in July 2006.

**Disqualification of appellate justices when spouses/relatives were witnesses.**

Reorganized canon 3E(5), which contains grounds for disqualification of appellate justices, to set forth as a separate subsection the ground that a justice’s spouse or relative was a witness in the underlying case. Currently, the sentence containing that ground is appended to an unrelated ground for disqualification.

**Correcting the alphabetization of one term in the terminology section.** This change moves the definition of “temporary judge” in the terminology section of the code so that it is in alphabetical order.

**Correcting the name of the committee.** This changes the name of the committee in the code's preamble from "Supreme Court Advisory Committee on Judicial Ethics" to "Supreme Court Advisory Committee on the Code of Judicial Ethics."

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