

California Code of Judicial Ethics: FAQ

1. What is the primary purpose of the California Code of Judicial Ethics?

The California Code of Judicial Ethics aims to maintain the integrity, impartiality, and independence of the judiciary. It establishes standards for ethical conduct for judges, both on and off the bench, and for candidates seeking judicial office. This code seeks to bolster public confidence in the fairness and neutrality of the legal system.

2. How does the Code define “impropriety”?

"Impropriety" encompasses conduct that violates the law, court rules, or the Code of Judicial Ethics itself. It also includes actions that undermine a judge's independence, integrity, or impartiality. Examples could range from making inappropriate public comments to using judicial office for personal gain.

3. What restrictions does the Code place on a judge's political activities?

Judges and judicial candidates retain their personal political views but their activities are restricted. They cannot engage in political or campaign activity that could compromise the perception of judicial impartiality. This includes endorsing or contributing to non-judicial candidates, making campaign statements that appear to pre-judge cases, and using their judicial title for political advantage.

4. Can a judge ever make public comments about a case?

A judge is generally prohibited from making public comments about a pending or impending case in any court to avoid prejudicing the outcome. Nonpublic comments are allowed only if they will not substantially interfere with a fair trial or hearing. There are exceptions for statements made during official court proceedings or authorized by law.

5. What limitations are placed on a judge's extrajudicial activities?

Judges are encouraged to participate in activities that improve the law, legal system, and administration of justice. However, they must avoid activities that create conflicts of interest or compromise judicial impartiality. For example, serving on government committees dealing with non-legal matters or holding financial interests that frequently require disqualification are generally prohibited.

6. Can a judge accept gifts?

Judges must be extremely cautious about accepting gifts. Gifts are generally prohibited if they come from parties whose interests are likely to come before the judge. There are limited exceptions, such as gifts from pre-existing personal relationships or those incidental to public testimonials. The key is whether a gift could be perceived as influencing judicial decisions.

7. Are there specific guidelines for temporary judges?

Yes, temporary judges are subject to the same ethical standards as permanent judges but with some exceptions. They must disclose potential conflicts of interest and disqualify themselves in certain situations, such as when they have recently represented a party in the case.

8. What happens if a judge violates the Code of Judicial Ethics?

The Code of Judicial Ethics serves as a guide for ethical conduct and is binding on all judges. Violations of the Code can lead to disciplinary action, which might include a private or public admonishment, censure, or even removal from office. The severity of the discipline depends on the nature and seriousness of the transgression.