



**The Committee on Judicial Ethics Opinions (CJEO) provides:**

- Judicial ethics advisory opinions;
- Oral advice to judicial officers;
- An annotated California Code of Judicial Ethics; and
- Searchable databases of CJEO opinions and advice and the decisions of the California Commission on Judicial Performance.

**CJEO Members:**

Established by the Supreme Court of California, CJEO consists of twelve members, including appellate justices, superior court judges, retired judicial officers, and a superior court commissioner.

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## **CJEO Opinions of Interest to Commissioners:**

### **I. CJEO Formal Opinions**

- **Disclosure of Campaign Contributions by Trial Court Judges**

[CJEO Formal Opinion 2019-013](#) provides guidance to trial court judges regarding campaign contribution disclosures during and following a judicial campaign. Canon 3E(2)(b)(i) of the California Code of Judicial Ethics and Code of Civil Procedure section 170.1, subdivision (a)(9)(C) require a trial court judge to disclose a campaign contribution of \$100 or more from a party, lawyer, or law office or firm in a matter before the judge. The committee advises that a judge also should disclose contributions of \$100 or more from a witness or other person whose credibility the judge will evaluate. Other campaign-related assistance, such as many smaller contributions from individual lawyers in a firm, certain indirect or third party contributions, volunteer work for the judge's campaign, and other relationships to the judge or campaign may also warrant disclosure. In the opinion, the committee provides guidance on the details of a campaign contribution disclosure. A disclosure must include the contributor's or lender's name, the amount and date of each contribution or loan, and the cumulative amount of the contributions or loans. The disclosure must be made on the record and should not create an appearance that the judge is soliciting campaign contributions. The campaign contribution disclosure obligation begins no later than one week after a judge receives his or her first campaign contribution and continues for at least two years after the judge is sworn in or receives the last contribution, whichever is later.

- **Providing Educational Presentations at Specialty Bar Events**

[CJEO Formal Opinion 2018-012](#) advises that a judge may speak about and teach legal subject matters through specialty bar associations, subject to the requirements of the Code of Judicial Ethics. These requirements include that a judge avoid creating an appearance of bias and avoid an appearance that the specialty bar association is in a special position to influence the judge. To maintain an appearance of impartiality, the opinion advises that a judge must be equally available to give educational presentations to audiences with opposing interests or views and ensure the frequency of presentations before a particular specialty bar association or type of association does not create an appearance of bias. The opinion also advises a judge should be able to give the same presentation to audience members that represent opposing or competing interests. The presentation must be neutral, presented from a judicial perspective, and avoid coaching or providing a tactical advantage that would benefit the members of one specialty bar association to the disadvantage of members of another. The opinion further advises that a judge should inform event organizers of the judge's ethical obligations and request to review promotional materials describing the presentation before they are circulated. If the promotional materials or title of the presentation create an appearance of bias or influence or fail to accurately reflect the neutral,

educational nature of the presentation, the judge has a duty to take corrective action, which may include reprinting corrected materials or giving an oral disclosure at the presentation.

- **Judicial Service on a Nonprofit Charter School Board**

[CJEO Formal Opinion 2017-011](#) advises judges against service on a nonprofit charter school board. The committee examines the nature of charter schools and evaluates whether service on a charter school board is a permissible activity pursuant to canon 4C(3)(b) of the California Code of Judicial Ethics, which allows a judge to serve as an officer of an educational organization not conducted for profit, or whether service on a charter school board constitutes a governmental position that is prohibited by canon 4C(2). The committee also evaluates the risk of automatic resignation from judicial office if a charter school board position is found to be a public office pursuant to article VI, section 17 of the California Constitution. The committee concludes that, based on the unsettled case law regarding whether service on a charter school board is a governmental position or public office, judges are advised against service on a charter school board.

- **Extrajudicial Involvement in Marijuana Enterprises**

[CJEO Formal Opinion 2017-010](#) advises judges against investment in marijuana-related enterprises. The committee examines state and federal laws regarding marijuana and concludes that holding a financial interest in an enterprise involving the sale or manufacture of marijuana that is in compliance with state and local law is still in violation of current federal law. The committee advises that maintaining any interest in an enterprise that involves the cultivation, production, manufacture, transportation or sale of medical or recreational marijuana is incompatible with a judge's obligation under the California Code of Judicial Ethics to comply with the law. The committee also concludes that a judge's disregard of federal law would create an appearance of impropriety and cast doubt on the judge's ability to act impartially, particularly in marijuana-related cases. Judges are therefore advised against making or maintaining such investments.

- **Judges Meeting with Vendors**

[CJEO Formal Opinion 2018-009](#) examines whether judges may meet with private vendors, including private vendors providing remote alcohol monitoring services to parties under a court order, to discuss services the vendors provide to courts or parties. The opinion provides guidance on how the ethical rules and standards apply depending on whether a meeting with a vendor is for procurement, investigation, or development and promotion of services. The opinion concludes that a judge may meet with private vendors if such meetings are authorized by law, would aid the judge in discharging administrative responsibilities, and would not violate the California Code of Judicial Ethics by creating a conflict of interest, conveying influence or favoritism, advancing the pecuniary interests of others, or involving the judge in business relationships with potential litigants. The opinion recommends that a judge who meets with private vendors obtain assistance from court administrative staff where possible to ensure compliance with administrative rules, public contracting laws, and compliance with the canons. The opinion further recommends that when meeting with vendors for purposes of investigating services or products, a judge obtain the approval of their presiding judge or justice and involve court administrative staff. Finally the opinion cautions

that the Standards of Judicial Administration encourage judges in specified assignments to determine and investigate the availability of services for those appearing in their courts, but the standards do not authorize interactions with vendors that would otherwise violate the canons.

- **Attending Political Fundraising or Endorsement Events**

[CJEO Formal Opinion 2016-008](#) examines the language of canon 5, which generally prohibits any political activities that create the appearance of political bias, and specifically prohibits public endorsements and personal solicitations for nonjudicial candidates or political parties. Canon 5 also permits activities concerning the law and legal system improvement, so long as those activities are consistent with the code, including the general and specific prohibitions on political activities. Given these prohibitions and permissions, the opinion provides guidance to judges on how to decide whether to (1) attend, (2) speak, or (3) appear as the guest of honor or receive an award at a political fundraising or endorsement event. It also advises judges who are campaigning that they may be introduced and speak on their own behalf or on behalf of another candidate for judicial office, so long as they do not commit to a position on an issue that is likely to come before the courts and they do not endorse or solicit funds for a candidate for nonjudicial office or a political organization. Finally, the opinion advises judges who have accepted a personal invitation to attend a political fundraising or endorsement event to assess the likelihood that their attendance will be known to the event organizers and possibly used to promote the event. If so, judges are advised to make reasonable efforts to ensure that their judicial title will not be used for promotion. Such efforts may include informing promoters in advance of ethical restrictions or reviewing promotional materials.

- **Disqualification for Prior Appearance as a Deputy District Attorney in a Nonsubstantive Matter**

[CJEO Formal Opinion 2015-007](#) discusses the statutory disqualification requirements of a trial judge who appeared in a case as a deputy district attorney for a brief, non-substantive matter such as a scheduling conference. The opinion concludes that a judge who previously appeared in a case as a deputy district attorney on a nonsubstantive matter—without active participation in the prosecution—is not disqualified to hear the case because such an appearance would not raise a reasonable doubt as to impartiality. Disqualification where there is no perception of impartiality impedes the administration of justice and defeats the purposes of the statute.

- **Judicial Comment at Public Hearings and Consultation with Public Officials and Other Branches of Government**

[CJEO Formal Opinion 2014-006](#) provides guidance to judges about appearing at public hearings and consulting with the other branches of government. The opinion clarifies what comments judges are authorized to make when commenting on matters concerning the law, the legal system, or the administration of justice under canon 4C(1) of the California Code of Judicial Ethics. Judges may comment and consult on the court system or matters of judicial administration, which are inherently within judicial experience and perspective. Judges may also speak about legal matters when their experience and perspective as judges uniquely qualifies them to assist the other branches of the

government in fulfilling their responsibilities to the public. The opinion cautions, however, that even when making permitted statements, judges still must take care not to violate any other provisions of the Code, for example, by commenting on pending or future proceedings in any court, or by taking a position with respect to the outcome of cases.

- **Accepting Gifts of Little or Nominal Value Under the Ordinary Social Hospitality Exception**  
[CJEO Formal Opinion 2014-005](#) discusses small value gifts or *di minimis* items that are sometimes offered to judges as tokens of esteem or appreciation, such as tickets to local events and food items. The opinion concludes that these items are gifts under the Code of Judicial Ethics and subject to the absolute ban on gifts from parties, and subject to the ban on gifts from nonparties if they create an appearance of influence, favor, or advantage. The opinion advises that gifts of little or nominal value that are not otherwise banned may be accepted if they are ordinary by community standards, offered for social traditions or purposes, and hospitable in nature.
- **Judicial Screening of Ex Parte Applications for Non-Domestic-Violence Emergency Family Law Orders**  
[CJEO Formal Opinion 2014-004](#) provides guidance to family law judges on reviewing applications for non-domestic-violence emergency orders. The opinion concludes that a screening process under a local rule that allowed judges to consider ex parte communications not authorized under the family law rules of court violates the Code of Judicial Ethics. The opinion discusses how requests for waiver of notice can be efficiently identified by court staff so that judges may review those applications and ensure the parties are provided with the protections available under the rules of court.
- **Disqualification Based on Judicial Campaign Contributions from a Lawyer In The Proceeding**  
[CJEO Formal Opinion 2013-003](#) discusses the statute that prohibits trial court judges from hearing cases where one of the lawyers in the case contributed more than \$1,500 to the judge’s campaign. The opinion concludes that disqualification is not mandated by the statute if a ‘lawyer in the proceeding’ practices law with other lawyers who, collectively, have made campaign contributions exceeding \$1,500 or when a ‘lawyer in the proceeding’ practices in a private law firm which has made a campaign contribution that exceeds \$1,500. In either circumstance, however, the judge must consider whether those aggregated or law firm contributions might nevertheless cause a reasonable person to doubt the judge’s impartiality for purposes of discretionary disqualification. (Cal. Code Civ. Pro., §§ 170.1, subd. (a)(6)(A) & (a)(9)(A).)
- **Disclosure on the Record When There Is No Court Reporter or Electronic Record of the Proceedings**  
[CJEO Formal Opinion 2013-002](#) discusses what constitutes an ‘on the record’ disclosure by a trial judge when there is no court reporter or electronic recording of the proceedings. The opinion concludes that oral and implied disclosures that are not made part of the court record do not satisfy the canon 3E(2)(a) requirement of ‘on the record’ disclosures. In circumstances where there is no court reporter, a judge must take steps to ensure that a document describing the nature of any

information being disclosed is made part of the case file and must also make the disclosure orally in open court or otherwise notify the lawyers and parties of the written disclosure. [Cited by *Hayward v. Superior Court* (2016) 2 Cal.App.5th 10, 40, fn. 32, review dismissed and cause remanded *sub nom. Hayward v. S.C. (Osuch)* (2017) 214 Cal.Rptr.3d 291; *id.* at pp. 74-75 (dis. opn. of Richman, J.).]

- **Requesting Assistance from Attorneys**

[CJEO Formal Opinion 2013-001](#) discusses meeting with attorneys and requesting their assistance in communicating with the public and the Legislature about the impacts of proposed budget cuts on court operations. The opinion concludes that it is ethical for judges to invite attorneys to attend a meeting at which the judge makes a presentation concerning potential budget cuts to the court(s) and asks the attorneys to assist the court in dealing with the impacts of those cuts. In deciding with whom to meet and what to say, the opinion advises that judges should consider all of the ethical factors generally applicable to meetings with attorneys, including whether the manner of the invitation or requests might convey an impression of favor or influence, appear to be coercive, or reasonably lead to disqualification or implicate disclosure requirements.

## II. CJEO Oral Advice Summaries

- **Service on a Nonprofit Advisory Board Involved in Criminal Justice Issues**

[CJEO Oral Advice Summary 2019-026](#) applies the rules permitting and encouraging extrajudicial activities involving the law, the legal system, and the administration of justice, including service as a nonlegal advisor to a nonprofit civic organization, and concludes that a judicial officer may serve on the advisory board of a nonprofit dedicated to improving criminal justice. (Cal. Code Jud. Ethics, canons 4B, 4C(1), 4C(3)(a) & (b).) Such service may include: (1) drafting legislation to benefit the law or judicial system directly, including providing testimony before the Legislature or meeting with Legislative sponsors to provide a judicial perspective; (2) serving the general interests of those using the legal system; or (3) enhancing the prestige, efficiency, or function of the legal system. The committee recognized that judges are in a position to contribute because of their legal knowledge and noted judges are specifically permitted to participate in revising substantive and procedural law because they are uniquely qualified to address matters falling within their judicial experience. (Canons 4B & 4C(3).) The committee distinguished permitted nonlegal advice, which is provided from the judicial perspective, from the impermissible practice of law. (Canon 4C(3).) The committee cautioned, however, that these activities are permissible only so long as the judicial officer determines on a continuing basis that they are otherwise consistent with the obligations of judicial office required under the code.

- **Disqualification and Disclosure Duties of a Trial Judge Assigned as an Appellate Justice**

[CJEO Oral Advice Summary 2018-025](#) advises that a trial court judge sitting on assignment in an appellate matter is governed by the disqualification and disclosure rules applicable to the appellate proceeding in which the judge is assigned. Applying those rules, the committee concluded that the trial court judge would have no mandatory duty to disqualify or disclose the following: (1) reported

campaign contributions from parties in the appellate proceeding, which were under the \$5,000 limit requiring appellate justice disqualification (canon 3E(5)(j)); (2) contributions from a third party super PAC, which was not a party to the appellate proceedings ; or (3) the judge’s membership in an organization devoted to the law, the legal system, and the administration of justice. However, CJEO also advised that as an appellate justice pro tempore, the judge must use his or her discretion to disqualify in the assigned matter if a reasonable person aware of the facts might doubt impartiality (canon 3E(4)(c)). Even if campaign contributions are below the threshold for mandatory disqualification for an appellate justice, the judge should consider whether a reasonable person aware of those contributions through publically available FPPC filings, or any other circumstances related to the campaign or memberships, would doubt the judge’s impartiality in the appellate matter.

- **Disclosure Requirements for a State Bar Court Review Department Judge**

[CJEO Oral Advice Summary 2018-022](#) advises that a State Bar Court Review Department judge is not required to disclose information that is reasonably relevant to disqualification so long as the judge has determined that he or she is not disqualified. In trial court proceedings, a judge must disclose on the record information relevant to disqualification, even if the judge believes there is no actual basis for disqualification. (Canon 3E(2)(a).) A Review Department proceeding is not a trial court proceeding that requires disclosure. Thus, a Review Department judge is not required to, but may, disclose information that is reasonably relevant to the question of disqualification.

- **Judicial Service on a Nonprofit Credit Union Advisory Council**

[CJEO Oral Advice Summary 2017-020](#) advises that a judge may not serve on an advisory council of a nonprofit credit union. Judges are prohibited from judge serving “as an officer, director, management, or employee of a business affect with a public interest, including, without limitation, a financial institution.” (Canon 4D(3).) Such an advisory role could (1) reflect adversely on the judge’s impartiality, (2) reasonably be perceived as lending judicial title to the advancement of the credit union’s interests, or (3) potentially involve the judge in frequent transactions with a party likely to appear before the court on which the judge serves, all in violation of the canons. Support for this conclusion is found in other states with similar canon restrictions. Moreover, the judicial ethics advisory committees in a majority of other states have also concluded that judges may not serve in advisory positions for banking institutions and the judicial ethics advisory committees in several other states have concluded that judges may not serve in positions with nonprofit credit unions.

- **Accepting Compensation For Performing A Marriage After January 1, 2017**

[CJEO Oral Advice Summary 2016-019](#) was superseded by amendment to Family Code section 400, effective July 10, 2017. The committee’s updated conclusion is that judges may again accept compensation for performing marriages on weekends or holidays. The inconsistency with the Code of Judicial Ethics and Penal Code section 94.5, as discussed in this oral advice summary, was eliminated.



- **Administering the Oath of Office to a Recently Elected District Attorney**  
[CJEO Oral Advice Summary 2016-018](#) provides advice that a judge may administer the oath of office to a recently elected district attorney. Judicial officers are among those authorized by law to administer the oath of office required to be taken by all public office holders, which is necessarily an official function of judicial office. While judges must take caution to avoid any activities that might convey an appearance of bias towards individuals or groups that appear before the court, a person aware of the fact that a judge is performing an official function would not entertain doubt as to the judge’s impartiality. Thus, a judicial officer may administer the oath of office at a ceremony to swear in a public official, including a newly elected district attorney, without violating of the California Code of Judicial Ethics.
- **Disqualification for a Prior Appearance as a District Attorney in Another Proceeding**  
[CJEO Oral Advice Summary 2016-017](#) discusses the U.S. Supreme Court decision in *Williams v. Pennsylvania* (June 9, 2016) 195 L.Ed.2d 132, and answers a question about whether a judge is disqualified from hearing a criminal matter if the judge served as the prosecutor in a prior conviction alleged as a strike for sentencing enhancement in the current matter. Based on *Williams*, CJEO Formal Opinion 2015-007, and California law, CJEO concludes that the critical factor is whether there are overlapping issues of law or fact between the prior matter and the current matter, which occurs when an alleged prior governs the punishment in the current matter. The committee specifically advised that: (1) a judge is disqualified from hearing a criminal arraignment if the judge served as the district attorney at the preliminary hearing in an alleged prior conviction because such an appearance involves active involvement in the prosecution of a prior that will govern punishment and a person aware of the facts would reasonably doubt impartiality; and (2) if the judge appeared at a nonsubstantive hearing, such as a continuance or other ministerial matter, and did not actively participate in the prosecution of the alleged prior, reasonable doubt as to impartiality would not be likely and disqualification would not be required. As guidance, the committee also explained why the judge’s memory, whether a guilty plea was entered, the length of time since the prior service, and the nature of the hearing in the current matter are not determinative factors.
- **Judicial Membership in a Church-Sponsored Boy Scouts of America Troop**  
[CJEO Oral Advice Summary 2015-014](#) discusses whether a judge may continue to be a scoutmaster of a local Boy Scouts of America (BSA) troop that is sponsored by the judge’s church after the canon 2C amendment becomes effective in January, 2016, and the “youth organization” exemption is eliminated from the ban on membership in organizations that practice invidious discrimination. The committee declined to provide an opinion as to whether the requesting judge’s troop, or any BSA troop, has a bona fide open-membership policy or is dedicated to shared religious values. The judge was advised that he must investigate his troop’s policies, practices, and values of common interest to the troop members. The judge was advised that canon 2C, effective January, 2016, will permit the judge’s membership in his church-sponsored BSA troop if he is satisfied that the troop does not exclude members based on sexual orientation, or if he is satisfied that the troop is an organization dedicated to the preservation of religious values of legitimate common interest to the troop



members. (Cal. Code Jud. Ethics, canon 2C; Advisory Com. commentary, foll. canon 2C.) The judge was also advised that his challenges to the constitutionality of the canon 2C amendment are legal questions beyond the scope of CJEO's authority and are nonetheless moot given the advice provided.

- **Judicial Membership in a Boy Scouts of America-Sponsored Eagle Scout Alumni Group**

[CJEO Oral Advice Summary 2015-013](#) discusses whether a judge may be a member of a local Boy Scouts of America (BSA) after the canon 2C amendment becomes effective in January, 2016, and the "youth organization" exemption is eliminated from the ban on membership in organizations that practice invidious discrimination. Oral advice was provided that membership will not be prohibited because the current BSA policy precludes invidious discrimination on the basis of sexual orientation for non-unit-serving volunteers such as eagle scout alumni members. The fact that BSA's policy may result in discriminatory practices by some chartering organizations in the selection of local troop leaders does not prohibit membership in a BSA-sponsored eagle scout alumni organization that does not discriminate. (Rothman, Cal. Judicial Conduct Handbook (3d ed. 2007) § 10.25, pp. 539-540 [a judge to be a member of a local group that does not discriminate against women even if the group is part of a national or international organization that allows invidious discrimination based on gender], citing California Judges Association Formal Opinion No. 34, pp. 3-4 [where an organization has made a formal decision to end discriminatory membership practices, but those previously excluded have not in fact yet been admitted, the judge who wishes to remain a member must hold a conscious belief that the open-membership policy is bona fide and will be implemented in the ordinary course of events].)

- **Use of Judicial Title on a Scholarship Fund**

[CJEO Oral Advice Summary 2015-011](#) discusses whether a law school may name a scholarship after a sitting judicial officer and raise donations to fund the scholarship in the judge's name. Oral advice was provided that canons 2B(2) & 4C(d)(i) preclude a judge from allowing his or her name to be used in any manner that involves a fundraising activity for the direct benefit of another, including the use of judicial title in scholarship fundraising activities. While naming a scholarship after a judge is an honor, the solicitation of donations to fund the scholarship will necessarily use the judge's name in a manner that amounts to personal solicitation that is prohibited under canon 4C(d)(iv). In the event that the honor is bestowed without the judge's prior authorization, the judge is advised to take reasonable steps to correct the impermissible use of judicial title for fundraising activities.

- **Prohibition on Fundraising While a Subordinate Judicial Officer**

[CJEO Oral Advice Summary 2014-009](#) discusses whether a subordinate judicial officer may engage in fundraising activities as the Chief Justice of a sovereign nation's tribal court and judicial system. Oral advice was provided that a commissioner is prohibited from fundraising for a tribal court or tribal justice system while employed as a state court subordinate judicial officer, even if the funds are solicited without use of state court judicial title.

- **Judicial Review of Ex Parte Applications for Family Law Contempt Orders**  
[CJEO Oral Advice Summary 2014-007](#) discusses a request to clarify whether a CJEO Formal Opinion regarding ex parte applications for emergency family law orders applies to ex parte applications for family law contempt orders. Oral advice was provide that CJEO Formal Opinion 2014-004 is expressly limited to ex parte emergency orders and not to contempt orders, which are governed by laws pertaining to general civil and family law contempt proceedings. A legal opinion interpreting the contempt statutes was not provided.
- **Disqualification for Membership in a Specialty Women’s Bar Association**  
[CJEO Oral Advice Summary 2014-006](#) discusses whether judges or justices who are members of a specialty women’s bar association dedicated to the advancement of women in law and society are disqualified from hearing matters involving female litigants, such as family law matters. Oral advice was provided that disqualification is not required because a person aware of the women’s bar association’s mission and membership would reasonably conclude that its male and female judicial members share an interest in the goal of advancing women’s participation in law and society as attorneys and judges. Such an aware person would not reasonably doubt a judicial member’s ability to be impartial towards female litigants.
- **Use of a Testimonial Letter to Promote a National Bar Association Program**  
[CJEO Oral Advice Summary 2014-004](#) discusses whether a judge may serve as signatory to a testimonial letter for a national bar association program that coordinates judicial internships for law students. Oral advice was provided that a judge may sign a testimonial letter using judicial letterhead that will be mailed directly to sitting federal and state judges. However, the letter may not be sent to law firms as part of program materials intended to solicit funds because the letter could reasonably be perceived as part of that solicitation even if the letter does not request funds or otherwise seek to raise money for the program. The testimonial letter may be posted on the national bar association’s website as part of informational material available to all viewers, including judges, law firms, and the public, but may not be posted on an area of the website devoted to solicitation and funding.
- **Attending a Private Foundation Meeting to Speak about National and State Civics Education Work**  
[CJEO Oral Advice Summary 2013-002](#) discusses whether a judicial officer may meet with the board of a private foundation to discuss national and state civics education and a project the judicial officer is developing with a national legal association. Oral advice was provided that a judicial officer may meet with the board of the private foundation to discuss matters concerning the law, the legal system, or the administration of justice.
- **Disclosure when a Judge’s Spouse Serves on a City Commission**  
[CJEO Oral Advice Summary 2013-001](#) discusses the disclosure requirements when a judge’s spouse has been appointed as a city utility commissioner and the judge hears cases involving the city. Oral advice was provided that disclosure is required when a judge’s spouse has been appointed as an

unpaid commissioner of a city utility and the judge hears cases involving the city. Disqualification would be required when the city is a party only if the judge's spouse were employed by the city or if the spouse had a relationship with the city as a director, advisor or other active participant in city affairs. Disqualification would not be required if the judge's spouse is not a city employee nor an active participant in the affairs of the city itself.

### III. CJEO Informal Opinion Summaries

- **Disqualification for Spouse's Political Campaign Services**

[CJEO Informal Opinion Summary 2018-005](#) advises that, in most instances, a reasonable person aware that the judge's spouse is providing political campaign services to reelect the head of a government legal office and that attorneys from that office, but not the head of the office, appear as counsel in the proceeding, would not doubt the judge's impartiality. CJEO concludes that the judge may decline to disqualify himself or herself unless the judge subjectively believes that he or she is unable to act impartially. The judge should also evaluate the facts and circumstances surrounding the campaign and the proceeding to determine whether there are specific circumstances, such as the source of campaign funds, publicity surrounding the proceeding, and size of the government legal office, that could cause a person aware of the facts to reasonably doubt the judge's impartiality and necessitate disqualification. CJEO also advises that the spouse's campaign services to the head of the government legal office constitute information that is reasonably relevant to the question of disqualification. A trial court judge should disclose this information on the record while the spouse is engaged in such services, and should continue to disclose this information for a reasonable period of time after the spouse's services end or after the last payment related to the services is received, whichever occurs later.

- **Judicial Appearance in an Educational Documentary**

[CJEO Informal Opinion Summary 2014-004](#) discusses whether judges may appear in an educational documentary being produced for public television that focuses on justice systems in California, where the judges would appear in the documentary in a minor or secondary capacity, be interviewed, and be identified by judicial title but not wear robes, except in any filmed court proceeding. The informal opinion concluded that an appearance in the described documentary film would not justify a reasonable suspicion that the prestige of office was being utilized to promote a commercial product. The informal opinion further advised that judges are permitted to appear in filmed interviews in which they explain their work with the courts, including discussing court procedures and legal issues that would promote public understanding and confidence in the administration of justice. However, they may not answer questions in such a way that discusses the substance of pending cases, creates the appearance of political bias or prejudgment, or otherwise reveals facts from confidential proceedings. The informal opinion also concluded that trial court proceedings could be filmed as permitted under California Rules of Court, rule 1.150, and any applicable local rules.