



California Supreme Court Committee on Judicial Ethics Opinions

350 McAllister Street, San Francisco, California 94102

www.JudicialEthicsOpinions.ca.gov

INVITATION TO COMMENT [CJEO Draft Formal Opinion 2025-030]

Title

CJEO Draft Formal Opinion 2025-030:
Participation in Inns of Court

Action Requested

Review and submit comments by
Monday, June 23, 2025

Prepared by

The California Supreme Court
Committee on Judicial Ethics Opinions

**Proposed Date of Adoption or Other
Action**

To be determined

For information about the committee and
its members, visit the [CJEO website](http://www.CJEO.org)

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CJEO Invites Public Comment

The California Supreme Court Committee on Judicial Ethics Opinions (CJEO) has adopted a draft formal opinion and approved it for posting and public comment pursuant

This CJEO Draft Formal Opinion has not been adopted by the committee in final form and is circulated for comment purposes only.

to California Rules of Court, rule 9.80(j), and CJEO Internal Operating Rules and Procedures, rule 7(d). ([Rule 9.80](#); [CJEO Rules](#).) The public is invited to comment on the draft opinion before the committee considers adoption of an opinion in final form, or other action.

CJEO Draft Formal Opinion 2025-030 details the ethical rules judges must follow when they take part in Inns of Court. Of particular note is the mentorship aspect of Inn involvement, as it may in some instances necessitate disclosure or even disqualification. Other ethical considerations include membership solicitation, educational activities, networking, and gifts.

After receiving and reviewing comments, the committee will decide whether the draft opinion should be published in its original form, modified, or formally withdrawn. (Rule 9.80(j)(2); CJEO rule 7(d)). Comments are due by **June 23, 2025** and may be submitted as described below.

How to Submit Comments

Comments may be submitted: (1) [online](#); (2) by email to Judicial.Ethics@jud.ca.gov; or (3) by regular mail to:

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Comments Due by June 23, 2025

At the close of the comment period, on or after **June 23, 2025**, the committee will post on its [website](#) all comments that are not clearly identified as confidential.

Attachment: CJEO Draft Formal Opinion 2025-030: *Participation in Inns of Court*

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**CALIFORNIA SUPREME COURT
COMMITTEE ON JUDICIAL ETHICS OPINIONS**

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CJEO Draft Formal Opinion 2025-030

PARTICIPATION IN INNS OF COURT

I. Question

What are a judicial officer's ethical obligations as they pertain to participation in American Inns of Court?

II. Advice Provided

Judicial membership in Inns of Court is not only permitted, but encouraged, under the provisions of the Code of Judicial Ethics¹ that discuss judicial engagement in activity that relates to the law, the legal system, or the administration of justice. Nevertheless, there are ethical considerations relating to the Inns' core activities of which a judge should be mindful, as they could lead a judge to modify their participation, disclose on

¹ All further references to Canons, the Code, and to Advisory Committee Commentary are to the California Code of Judicial Ethics unless otherwise indicated.

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the bench their involvement in the Inn, or even warrant disqualification. The mentorship aspect of the Inns of Court is the most likely to give rise to ethical concerns. Normally, judicial participation in an Inns of Court alongside attorneys is in the realm of a professional relationship or acquaintanceship that does not require disqualification or disclosure. However, acting as a mentor in the Inns of Court may necessitate disqualification from matters involving a mentee if the judge and the mentee have had frequent and substantial one-on-one contact and the judge feels personally invested in the mentee's professional success. Further, to the extent that a judge develops a relationship with a mentee lawyer – one that impacts, or may appear to impact, a judge's impartiality – the judge should consider disclosing that relationship if that attorney appears before the judge.

Other potential ethical concerns in the context of Inns of Court include membership solicitation (judges may solicit members so long as the solicitation could not reasonably be perceived as coercive and is not essentially a fundraising mechanism), educational activities (judges must remain neutral, avoid bias or the appearance of bias, and avoid indicating prejudgment of issues), networking – in-person and online (generally permitted, but judges must take care to avoid lending the prestige of the judicial office, casting doubt on a judge's ability to act impartially, and demeaning the judicial office), and gifts (there are some limited exceptions to the “no-gift” rule for “honors” presented to judges through the Inns, as well as gifts from parties whose relationship with the judge would already require disqualification).

III. Authorities

A. Applicable Canons

Terminology:

“‘Law, the legal system, or the administration of justice.’ When a judge engages in an activity that relates to the law, the legal system, or the administration of justice, the judge should also consider factors such as whether the activity upholds the integrity,

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impartiality, and independence of the judiciary (Canons 1 and 2A), whether the activity impairs public confidence in the judiciary (Canon 2), whether the judge is allowing the activity to take precedence over judicial duties (Canon 3A), and whether engaging in the activity would cause the judge to be disqualified (Canon 4A(4)). *See* Canons 4B (Commentary), 4C(1), 4C(1) (Commentary), 4C(2), 4C(2) (Commentary), 4C(3)(a), 4C(3)(b) (Commentary), 4C(3)(d)(ii), 4C(3)(d) (Commentary), 4D(6)(d), 4D(6)(e), 5A (Commentary), 5D, 5D (Commentary).”

Canon 2: “A judge shall avoid impropriety and the appearance of impropriety in all of the judge’s activities.”

Canon 2A: “Promoting Public Confidence. A judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary. A judge shall not make statements, whether public or nonpublic, that commit the judge with respect to cases, controversies, or issues that are likely to come before the courts or that are inconsistent with the impartial performance of the adjudicative duties of judicial office.”

ADVISORY COMMITTEE COMMENTARY: Canons 2 and 2A: “Public confidence in the judiciary is eroded by irresponsible or improper conduct by judges.”

Canon 2B(1): “A judge shall not allow family, social, political, or other relationships to influence the judge’s conduct or judgment, nor shall a judge convey or permit others to convey the impression that any individual is in a special position to influence the judge.”

Canon 2B(2): “A judge shall not lend the prestige of judicial office or use the judicial title in any manner, including any oral or written communication, to advance the pecuniary or personal interest of the judge or others....”

Canon 2C: “C. Membership in Organizations. A judge shall not hold membership in any organization that practices invidious discrimination on the basis of race, sex, gender, gender identity,* gender expression,* religion, national origin, ethnicity, or sexual orientation. This Canon does not apply to membership in a religious organization.”

Canon 3B(1): “B. Adjudicative Responsibilities

(1) A judge shall hear and decide all matters assigned to the judge except those in which he or she is disqualified.”

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Canon 3E(1): “A judge shall disqualify himself or herself in any proceeding in which disqualification is required by law.*”

Canon 3E(2)(a): “In all trial court proceedings, a judge shall disclose on the record as follows: (a) Information relevant to disqualification. A judge shall disclose information that is reasonably relevant to the question of disqualification under Code of Civil Procedure section 170.1, even if the judge believes there is no actual basis for disqualification.”

Canon 3E(3)(a): “A judge shall disqualify himself or herself in accordance with the following: (a) Statements that commit the judge to a particular result. A judge is disqualified if the judge, while a judge or candidate for judicial office,* made a statement, other than in a court proceeding, judicial decision, or opinion, that a person aware of the facts might reasonably believe commits the judge to reach a particular result or rule in a particular way.”

Canon 3E(4): “An appellate justice shall disqualify himself or herself in any proceeding if for any reason: (a) the justice believes his or her recusal would further the interests of justice;* or (b) the justice substantially doubts his or her capacity to be impartial;* or (c) the circumstances are such that a reasonable person aware of the facts would doubt the justice’s ability to be impartial.*”

Canon 3E(5)(a): “Disqualification of an appellate justice is also required in the following instances: (a) The appellate justice has served as a lawyer in the pending* proceeding, or has served as a lawyer in any other proceeding involving any of the same parties if that other proceeding related to the same contested issues of fact and law as the present proceeding, or has given advice to any party in the present proceeding up any issue involved in the proceeding.”

ADVISORY COMMITTEE COMMENTARY: Canon 3E

“In some instances, membership in certain organizations may have the potential to give an appearance of partiality, although membership in the organization generally may not be barred by Canon 2C, Canon 4, or any other specific canon. A judge holding membership in an organization should disqualify himself or herself whenever doing so would be appropriate in accordance with Canon 3E(1), 3E(4), or 3E(5) or statutory requirements. In addition, in some circumstances, the parties or their lawyers may consider a judge’s membership in an organization relevant to the question of disqualification, even if the judge believes there is no actual basis for disqualification. In accordance with this canon, a judge should disclose to the parties his or her membership in an organization, in any proceeding in which that information is reasonably relevant to

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the question of disqualification under Code of Civil Procedure section 170.1, even if the judge concludes there is no actual basis for disqualification.”

Canon 3E(6): “It shall not be grounds for disqualification that the justice: (a) Is or is not a member of a racial, ethnic, religious, sexual, or similar group and the proceeding involves the rights of such a group; (b) Has in any capacity expressed a view on a legal or factual issue presented in the proceeding, except as provided in Canon 3E(5)(a), (b), or (c); (c) Has as a lawyer or public official participated in the drafting of laws* or in the effort to pass or defeat laws,* the meaning, effect, or application of which is in issue in the proceeding unless the judge believes that his or her prior involvement was so well known* as to raise a reasonable doubt in the public mind as to his or her capacity to be impartial.*”

Canon 4A: “Extrajudicial Activities in General. A judge shall conduct all of the judge’s extrajudicial activities so that they do not (1) cast reasonable doubt on the judge’s capacity to act impartially,* (2) demean the judicial office, (3) interfere with the proper performance of judicial duties, or (4) lead to frequent disqualification of the judge.”

ADVISORY COMMITTEE COMMENTARY: Canon 4A

“Complete separation of a judge from extrajudicial activities is neither possible nor wise; a judge should not become isolated from the community in which he or she lives.... Because a judge’s judicial duties take precedence over all other activities (see Canon 3A), a judge must avoid extrajudicial activities that might reasonably result in the judge being disqualified.”

Canon 4B: “Quasi-judicial and Avocational Activities. A judge may speak, write, lecture, teach, and participate in activities concerning legal and nonlegal subject matters, subject to the requirements of this code.”

Canon 4C: “Governmental, Civic, or Charitable Activities. (1) A judge shall not appear at a public hearing or officially consult with an executive or legislative body or public official except on matters concerning the law, the legal system, or the administration of justice,* or in matters involving the judge’s private economic or personal interests.”

Canon 4C(3)(d): “Subject to the following limitations and other requirements of this code...(d) a judge as an officer, director, trustee, nonlegal advisor, or as a member or otherwise

- (i) may assist such an organization in planning fundraising and may participate in the management and investment of the organization’s funds. However, a

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judge shall not personally participate in the solicitation of funds or other fundraising activities, except that a judge may privately solicit funds for such an organization from member of the judge's family* or from other judges (excluding commissioners, referees, court-appointed arbitrators, hearing officers, temporary judges", and retired judges who service in the Temporary Assigned Judges Program, practice law or provide alternative dispute resolution services);

- (ii) may make recommendations to public and private fund-granting organizations on projects and programs concerning the law, the legal system of the administration of justice;*
- (iii) shall not personally participate in membership solicitation if the solicitation might be reasonably perceived as coercive or if the membership solicitation is essentially a fundraising mechanism, except as permitted in Canon 4C(3)(d)(i);
- (iv) shall not permit the use of the prestige or his or her judicial office for fundraising or membership solicitation but may be a speaker, guest of honor, or recipient of an award for public or charitable service provided the judge does not personally solicit funds and complies with Canons 4A(1), (2), (3), and (4)."

ADVISORY COMMITTEE COMMENTARY: Canon 4C(3)(d)

"A judge may solicit membership or endorse or encourage membership efforts of an organization devoted to the improvement of the law, the legal system, or the administration of justice, or a nonprofit educational, religious, charitable, service,* or civic organization as long as the solicitation cannot reasonably be perceived as coercive and is not essentially a fundraising mechanism. Solicitation of fund or memberships for an organization similarly involves the danger that the person solicited will feel obligated to respond favorably if the solicitor is in a position of influence or control.*

Canon 4D(6): "A judge shall not accept and shall discourage members of the judge's family residing in the judge's household* from accepting a gift,* bequest, favor, or loan from anyone except as hereinafter set forth. Gifts* that are permitted by Canons 4D(6)(a) through (i) may only be accepted if the gift,* bequest, favor, or loan would neither influence nor reasonably be perceived as intended to influence the judge in the performance of judicial duties:

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(a) a gift,* bequest, favor, or loan from a person whose preexisting relationship with the judge would prevent the judge under Canon 3E from hearing a case involving that person;”

Canon 4G: “A judge shall not practice law.”

Canon 5D: “Measures to Improve the Law. A judge or candidate for judicial office* may engage in activity in relation to measures concerning improvement of the law, the legal system, or the administration of justice,* only if the conduct is consistent with this code.”

B. Constitutional Provisions, Statutes, and Other Authorities

American Inns of Court, *What is an American Inn of Court*
https://home.innsofcourt.org/AIC/About_Us/What_Is_an_American_Inn_of_Court/AIC/AIC_About_Us/What_Is_An_American_Inn_of_Court.aspx?hkey=d3aa9ba2-459a-4bab-ae8-f8faca2bfa0f [as of May 7, 2025].

California Code of Civil Procedure, section 170.1.

California Code of Civil Procedure, section 170.9.

Cal. Judges Assn., Judicial Ethics Update (2014).

Cal. Judges Assn., Judicial Ethics Update (2016).

Cal. Judges Assn., Opn. No. 47 (1997) *Propriety of Judges Associating with Attorneys at Social and Educational Settings*.

CJEO Formal Opinion 2014-006 (2014), *Judicial Comment at Public Hearings and Consultation with Public Officials and Other Branches of Government*, Cal. Supreme Ct. Com. Jud. Ethics Opns.

CJEO Informal Opinion Summary 2018-005 (2018), *Disqualification for Spouse’s Political Campaign Services*, Cal. Supreme Ct. Com. Jud. Ethics Opns.

CJEO Formal Opinion 2018-012 (2018), *Providing Education Presentations at Specialty Bar Events*, Cal. Supreme Com. Jud. Ethics Opns.

CJEO Oral Advice Summary No. 2019-030, *Acceptance of a Private Testimonial Dinner and Honors*, Cal. Supreme Ct. Com. Jud. Ethics Opns.

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CJEO Formal Opinion 2021-018 (2021), *Providing Feedback on Attorney Courtroom Performance*, Cal. Supreme Ct. Com. Jud. Ethics Opns.

CJEO Expedited Opinion 2021-041 (2021), *Service on a Governmental Task Force*, Cal. Supreme Ct. Com. Jud. Ethics Opns.

CJEO Expedited Opinion 2021-042, *Social Media Posts About the Law, the Legal System, or the Administration of Justice*, Cal. Supreme Ct., Com. Jud. Ethics Opns.

CJEO Expedited Opinion 2021-043, *Service on the California Access to Justice Commission Child Welfare Council*, Cal. Supreme Ct., Com. Jud. Ethics Opns.

Rothman, California Judicial Conduct Handbook (4th ed. 2017; 2020 supp.) sections 2:24, 7:32, 9:34, 9:54, 10.5, 10:16, and 10.38.

IV. Discussion

a. Background

The American Inns of Court is an association of legal professionals from a variety of backgrounds, with different positions and levels of experience, including lawyers, law professors, judges, and law students. Today, there are more than 400 chartered Inns in 48 states, the District of Columbia, Guam, and Tokyo. The American Inns of Court espouse six primary values – collegiality, connection, education, innovation, mentorship, and respect. Discussed in greater detail below, the Inns’ primary principles promote civil and legal professionalism, principles that are affirmatively encouraged by the Code. Nevertheless, there are ethical considerations relating to the Inns’ core activities of which a judge should be mindful, as they could lead a judge to modify their participation, disclose on the bench their involvement in the Inn, or even warrant disqualification.

b. Ethical Considerations

i. Membership

The Code permits judges to participate in extrajudicial activities relating to “the improvement of the law, the legal system, and the administration of justice.” (Advisory Com. com. foll. Canon 4B.) Indeed, judges are in a “unique position to contribute” to

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these activities, provided that their involvement does not run afoul of the Code. (*Id.*; see also Canon 5D [recognizing that judicial officers are permitted to engage in extrajudicial activities, provided they are consistent with the Code].)

A variety of subjects, ranging from administrative and procedural concerns to substantive legal issues, may relate to “the improvement of the law, the legal system, or the administration of justice,” provided that judicial involvement does not impermissibly “encroach[] into the political (policy making) domain of the other branches” of government. (CJEO Expedited Opinion 2021-041 (2021), *Service on a Governmental Task Force*, Cal. Supreme Ct. Com. Jud. Ethics Opns., p.4 (internal citation omitted); see also CJEO Formal Opinion 2014-006 (2014), *Judicial Comment at Public Hearings and Consultation with Public Officials and Other Branches of Government*, Cal. Supreme Ct. Com. Jud. Ethics Opns., p. 7 (“The clearest examples of permissible [extrajudicial] activities are those addressing the legal process; however, comment and consultation about substantive legal issues, where the purpose is to benefit the law and legal system itself rather than any particular cause or group would also be permissible.”)).

Judicial membership is permissible in a variety of organizations and governmental bodies with a narrow focus directly related to the law, the legal system, and the administration of justice, provided membership does not raise ethical concerns under other canons. (CJEO Expedited Opinion 2021-042, *Social Media Posts About the Law, the Legal System, or the Administration of Justice*, Cal. Supreme Ct., Com. Jud. Ethics Opns., p. 7; CJEO Expedited Opinion 2021-043, *Service on the California Access to Justice Commission Child Welfare Council*, Cal. Supreme Ct., Com. Jud. Ethics Opns., pp. 6-7.) Based on the description offered by the Inns’ national website, most of the Inns’ activities and goals relate to the “improvement of the law, the legal system, or the administration of justice.” (Advisory Com. com. foll. Canon 4B.) For example, the national website states that

Through regular meetings, members are able to build and strengthen professional relationships; discuss fundamental concerns about

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professionalism and pressing legal issues of the day; share experiences and advice, exhort the utmost passion and dedication for the law; provide mentoring opportunities; and advance the highest levels of integrity, ethics, and civility.²

In Opinion Number 47, the California Judges Association notes: “Judges are encouraged to participate in the activities of organizations such as state and local bar associations and their sections, specialty bar associations such as business trial lawyer associations, family lawyer groups, *inns of court*, and similar organizations. Judges’ participation in the educational activities of such groups is particularly desirable.” (Cal. Judges Assn., Opn. No. 47 (1997) *Propriety of Judges Associating with Attorneys at Social and Educational Settings*, p. 2 [emphasis added].) Accordingly, judicial membership in the Inns of Court is not only permitted, it is encouraged.

1. Soliciting Membership

A judge “shall not personally participate in membership solicitation if the solicitation might reasonably be perceived as coercive or if the membership solicitation is essentially a fundraising mechanism....” (Canon 4C(3)(d)(iii).) The Code goes on to say a judge “shall not permit the use of the prestige of the judicial office for fundraising or membership solicitation.” (Canon 4C(3)(d)(iv).) However, the Advisory Committee commentary to Canon 4C(3)(d) specifically carves out an exception that allows judges to “solicit membership or endorse or encourage membership efforts for an organization devoted to the improvement of the law, the legal system, or the administration of justice ... as long as the solicitation cannot reasonably be perceived as coercive and is not essentially a fundraising mechanism.” (Advisory Com. commentary foll. Canon 4C(3)(d).)

² American Inns of Court, *What is an American Inn of Court* https://home.innsofcourt.org/AIC/About_Us/What_Is_an_American_Inn_of_Court/AIC/AIC_About_Us/What_Is_An_American_Inn_of_Court.aspx?hkey=d3aa9ba2-459a-4bab-ae8-f8faca2bfa0f [as of May 7, 2025].

American Inns are generally self-supporting through membership fees. These fees commonly cover the cost of members' meals and any administrative costs. As such, solicitation of membership is just that and not fundraising. So long as the membership solicitation cannot reasonably be perceived as coercive, it would not violate the Code.

2. Holding a Leadership Position

A judge is permitted to serve as a board member for an Inn of Court under the umbrella of participation in "law-related community improvement activities." (Rothman, et al., Cal. Judicial Conduct Handbook (4th ed. 2017) ("Rothman"), § 10:38, pp. 712-713, citing Cal. Judges Assn., Judicial Ethics Update (1997), p. 14.) "A judge who is on the board of an Inn of Court composed of judges and attorneys does not have to disqualify or disclose if an attorney who has been nominated to the board appears before the judge as long as the nomination is from the Inn and not from the judge." (Cal. Judges Assn., Judicial Ethics Update (2016), p. 3.)

ii. Mentoring

Mentoring is an important aspect of the Inns of Court. The mission of the American Inns of Court is to "inspire the legal community to advance the rule of law by achieving the highest level of professionalism through example, education, and mentoring."³ One of the American Inns of Court's strategic goals is "[t]o be a primary resource for mentoring and education focused on professionalism, which includes ethics, civility, and excellence."⁴ This includes the subgoals "[h]ave more Inns of Court with mentoring programs," and "[a]ssist new lawyers in finding a mentor."⁵

³ American Inns of Court, *Strategic Plan* (May 2017) https://www.innsofcourt.org/AIC_PDFs/Documents/AIC_Strategic_Plan_Vision_Mission_Goals_May2017b_OnePage.pdf [as of May 7, 2025].

⁴ *Id.*

⁵ *Id.*

Individual Inns are afforded significant autonomy in how to organize their mentoring opportunities, but most Inns promote a “pupillage team” structure. “For example, each pupillage team might have one judge, two or three additional masters, two barristers, two associates and two pupils.”⁶ “This allows the less-experienced attorneys to become more effective advocates and counselors by learning from the more experienced attorneys and judges.”⁷ The teams may meet monthly, but they may also gather informally outside of the Inn setting.

Judicial officers may “provide feedback on attorney performance in educational settings, such as moot court programs, Inns of Court, or bar association events.” (CJEO Formal Opinion 2021-018 (2021), *Providing Feedback on Attorney Courtroom Performance*, Cal. Supreme Ct. Com. Jud. Ethics Opns., p. 5.) In providing feedback or mentoring, however, a judge should avoid providing strategic or tactical advantages that could benefit certain attorneys over others. (Canon 4G.) A judge may discuss proper procedures, trial or appellate techniques, and black letter law. (CJEO Formal Opinion 2018-012 (2018), *Providing Education Presentations at Specialty Bar Events*, Cal. Supreme Com. Jud. Ethics Opns., p. 8.) A judge may also speak about best practices and provide advice to avoid common errors. (See Rothman, *supra*, § 10:16, pp. 686-687.)

When providing feedback to an attorney, judicial officers must also be mindful to avoid coaching. Although “coaching” is not defined in the Code, the committee has advised that judicial officers may not provide advice on topics or strategies that favor a particular side in litigation, such as how to select a pro-plaintiff or pro-defense jury or the ideal demeanor for a police witness in a criminal case. (CJEO Formal Opinion 2018-012, *supra*, p. 9.) Instead, judicial officers may offer guidance by providing neutral

⁶ American Inns of Court, *Membership Structure and Recruitment*, p. 2 https://www.innsofcourt.org/aic_pdfs/summits/membership_structure_and_recruitment.pdf [as of May 7, 2025].

⁷ American Inns of Court, *What is an American Inn of Court*, *supra* note 2.

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instruction on substance, procedure, and technique. (CJEO Formal Opinion 2021-018, *supra*, p. 10.)

While judicial mentoring is permitted, if the judge mentor is highly invested in the mentee’s career, it may be appropriate to limit the mentee’s appearance before the mentor judge. The Inns of Court promote a team-based model with multiple participants at different stages of their legal careers. The Inns of Court mentor relationship, therefore, could be seen as a more straightforward professional relationship or acquaintanceship that would normally not warrant disqualification. (See *id.* at 6; see also Rothman, *supra*, § 7:32, p. 433.) However, the Inns of Court mentorship program has the potential for moving beyond a more basic, professional relationship to a level of familiarity that may require disqualification or, at a minimum disclosure. The national promotional materials describe the Inns’ mentorship program as providing “unparalleled career support and life-long mentoring[.]”⁸ A “life-long” Inns of Court mentorship could run the risk of undermining public confidence in a judicial officer’s impartiality in cases involving the mentee. (See Canons 1, 2, and 2A [advising that judges must preserve public confidence in the integrity and impartiality of the judiciary in all activities] and 2B [advising that judges must not convey or permit others to convey the impression that any individual is in a special position to influence the judge].) In that event, disqualification may be appropriate.

Accordingly, participation as a mentor in the Inns of Court may necessitate disqualification from matters involving a mentee if the judge and the mentee have had frequent and substantial one-on-one contact and the judge feels personally invested in the mentee’s professional success. Further, to the extent that a judge develops a relationship

⁸ American Inns of Court, *The American Inns of Court Member Experience* (March 2017) https://home.innsofcourt.org/AIC/About_Us/The_Member_Experience/AIC/AIC_About_Us/Member_Experience_Pages/Member_Experience.aspx?hkey=7ea75127-c039-4805-8b5c-216cebb1f132 [as of May 7, 2025].

with a mentee lawyer – one that might impact, or appear to impact, a judge’s impartiality – the judge should consider disclosing that relationship on the bench if that attorney appears before the judge. (See Canon 3E(2)(a) [advising that when a trial judge determines that disqualification is not required in a matter, the judge must disclose on the record all facts “reasonably relevant” to the decision not to disqualify]; CJEO Informal Opinion Summary 2018-005 (2018), *Disqualification for Spouse’s Political Campaign Services*, Cal. Supreme Ct. Com. Jud. Ethics Opns., p. 8 [noting the circumstances requiring disclosure are broader than those requiring disqualification].)

iii. Education

The Inns offer a variety of structured educational programs, including online continuing legal education programming and an annual National Advocacy Training Program. But much of the education within an Inn generally revolves around monthly meetings, with one team responsible for conducting an educational demonstration every month. Such presentations customarily focus on some aspect of the litigation process or an interesting ethical challenge, and the aim is to learn by watching, engaging, and doing.

The Code recognizes that a judge’s education and experience make them uniquely qualified to contribute to the improvement of the law. (Advisory Com. com. foll. Canon 4B [noting a judge is specially learned in the law and in a unique position to contribute to its improvement].) In fact, a judge’s unique experience and perspective as a judge make it valuable for them to share their expertise in the law and the justice system in an educational setting. (CJEO Formal Opinion 2018-012, *supra*, p. 8 [recognizing that when presenting to a specialty bar association, a judge may utilize their unique judicial perspective for the benefit of the audience and may also rely on their experience as an attorney].) The committee therefore advises that a judge’s involvement in educational activities in an Inn, without more, does not violate the Code.

Although the Code permits judges to participate in Inns of Court education-related activities, there are a number of ethics-related concerns that may be relevant. A judge

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must ensure that when discussing prior attorney experience, the judge maintains neutrality, particularly if the judge is addressing former colleagues or attorneys from the judge's previous practice area. (Cal. Judges Assn., Jud. Ethics Com., Opn. No. 47 (1997), *Propriety of Judges Associating with Attorneys at Social and Educational Settings*.) Neutral treatment of legal issues includes addressing legal matters of interest to both sides of a legal issue and does not benefit one side of an issue over the other or advocate for one position or another on unsettled areas of law. (Rothman, *supra*, § 9:20, p. 602.) To achieve a sufficiently neutral presentation that conforms to the canons, the committee has advised that the presentation should be offered "from a judicial perspective, [and should] avoid coaching or providing a tactical advantage to the audience, and [] statements that might cast doubt on the judge's capacity to act impartially." (CJEO Formal Opinion 2018-012, *supra*, p. 7.)

A judge must also avoid bias or the appearance of bias towards the association's members who may represent a particular class of clients, engage in a particular practice area, or reflect a particular group of people. (See Canons 2, 2A, Advisory Com. com. foll. Canon 2A ["A judge shall act at all times in a manner that promotes the impartiality of the judiciary and shall not make statements that are inconsistent with the impartial performance of the adjudicative duties of judicial office"], 4A(1).) Any legal discussion or advice cannot identify the judge's leanings or biases, or suggest prejudgment of legal issues, as such statements could cast doubt on the judge's capacity to act impartially in pending or future proceedings. (See Canons 2A, 4A; Rothman, *supra*, § 10:16, pp. 686-87.) Finally, to avoid the appearance of bias, a judge must be equally available to give educational presentations to audiences with opposing views and interests. (See CJEO Formal Opinion 2018-012, *supra*, p. 7; Rothman, *supra*, § 6:38, p. 383, § 10:16, p. 685; Cal. Judges Assn., Opinion No. 47 (1997) *Propriety of Judges Associating with Attorneys at Social and Educational Settings*, p. 2.)

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iv. Networking & Socializing

As discussed above, professional interaction with attorneys does not usually require disqualification or disclosure. (Rothman, *supra*, § 7:32, p. 433. [“The fact that a judge and an attorney are members of the same professional legal organization, or that the judge has only a professional relationship with the attorney, does not normally require the judge to either recuse or disclose when the attorney appears before the court.”]) However, “[i]f a judge and a lawyer serve on the same board of such a professional legal organization, the judge should consider disclosure.” (*Id.*; but see Cal. Judges Assn., Judicial Ethics Update (2016), p. 3 [a judge who is on the board of an Inn is not required to disqualify or disclose if an attorney on the board appears before the judge, so long as the nomination of the attorney is from the Inn, and not the judge personally.])

There are potential ethical concerns when it comes to social networking as well. In 2010, CJA issued Opinion Number 66, which advises that networking online is simply a subset of social contact, and therefore, is subject to the same rules regarding a judge’s social interaction in person, in writing, or by phone. (Cal. Judges Assn., Opinion No. 66 (2010) *Online Social Networking*, pp. 3-4.) The opinion provides a list of ethical considerations for social networking, including but not limited to lending the prestige of the judicial office (Canon 2B(2)), public comment on pending cases (Canon 3B(9)), casting doubt on a judge’s ability to act impartially (Canon 4A(1)), demeaning the judicial office (Canons 2A and 4A(2)), and impermissible political activity (Canons 5A and 5B). (*Id.* at pp. 5-6.)

Opinion 66 concludes that a judge may include lawyers who may appear before the judge on their social networking site or platform. (Cal. Judges Assn., Opinion No. 66, *supra*, p. 6 [“There is no ethical rule prohibiting judges from interacting with lawyers who appear before them.... Judges are not only allowed but are encouraged to participate in bar associations and other groups dedicated to the improvement of the law. Judges are permitted to participate in organizations such as the American Inns of Court

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where judges and lawyers interact socially in an effort to foster civility and professionalism.”]) However, judges are advised that while there is no per se prohibition, online social networking with attorneys who may appear before the judge can create appearances that would violate the canons (e.g. the interaction may give rise to the appearance of bias or undue influence in violation of Canon 2A [“act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary,”] and 2B [prohibiting a judge from conveying or permitting others to “convey the impression that any individual is in a special position to influence the judge,”].)

v. Gifts & Awards

There are several scenarios relating to Inns of Court where a judge receiving a gift or award may be an exception to the “no-gift” rule under Canon 4D(5) and section 170.9 of the Code of Civil Procedure. For example, an Inn may establish an annual student achievement award, named after a judge, so long as no fundraising is involved. (Rothman, *supra* (2020 supp.) § 10:51.5, p. 106.) “Use of the judge’s title and name in the award contributes to legal education in a manner that advances the law, the legal system, and the administration of justice.” (CJEO Oral Advice Summary No. 2019-030, *Acceptance of a Private Testimonial Dinner and Honors*, Cal. Supreme Ct. Com. Jud. Ethics Opns., pp. 6-7.)

In the same opinion, the committee advised that a judge may accept a framed replica of a personalized plaque that is displayed at a law school to honor the aforementioned achievement award without violating the no-gift rule. (CJEO Oral Advice Summary No. 2019-030, *supra*, pp. 6-7.) The committee advised that the original plaque and the framed replica were “honors” rather than gifts and were therefore permissible. (*Id.* at p. 7) The committee further explained that plaques are expressly excluded from the definition of a “gift” under Code of Civil Procedure section 170.9, subdivision (1)(6), so long as they are less than \$250.00 in value. (*Id.* at pp. 7-8.) Finally, the committee concluded that even if the framed personalized plaque was considered a

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gift, its acceptance would still be appropriate, because the members of the Inns of Court executive committee who donated the plaque were longtime acquaintances of the judge whose prior relationship would disqualify the judge from presiding over any matter involving them. (*Id.* at p. 8.) By the same token, the committee advised that a judge retiring from the executive committee of an Inn of Court may accept a private testimonial dinner that would be attended and hosted by other executive committee members (including attorneys) whom the judge considered close personal friends, given that these preexisting relationships would already prevent the judge from hearing a case involving any of these members. (*Id.* at pp. 7-8, citing *Rothman*, § 10:16, p. 685 [“a judge may accept a free dinner and a plaque from a local bar association even though the event is underwritten by attorneys who will appear in front of the judge and who will be recognized for their donations at the event.”])

V. Conclusion

Judicial participation in a program such as Inns of Court is not only permissible but actively encouraged under the Code of Judicial Ethics, which endorses judicial engagement in activities that pertain to the law, the legal system, or the administration of justice. However, judges must remain cognizant of ethical considerations arising from the Inns’ core functions, as certain activities may necessitate modifications to their participation, disclosure of their involvement, or even disqualification from particular matters.

The mentorship component of Inns of Court presents the most significant ethical considerations. In general, judicial participation in these programs alongside attorneys qualifies as a professional relationship, which does not inherently require disqualification or disclosure. This remains true even when judges and attorneys participate on the same “pupilage team.” However, if a judge goes beyond the team structure and takes on a more direct mentor role, engages in frequent and substantive interactions with a mentee, and becomes personally invested in the mentee’s professional success, the judge may

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want to consider disqualifying themselves from matters involving that mentee. Furthermore, if the judge develops a relationship with a mentee that could reasonably be perceived as affecting their impartiality, disclosure should be considered if and when the mentee appears before the judge.

There are several other areas of ethical concern relating to Inns of Court participation. First, judges should ensure that any membership solicitation efforts could not reasonably be perceived as coercive and are not essentially a fundraising mechanism. Second, judges should take care when engaging in educational programming in the Inns setting. Judges must maintain neutrality in their educational activities. Neutral treatment of legal issues includes addressing legal matters of interest to both sides of a legal issue that does not benefit one side of an issue or advocate for a position on unsettled areas of law. Any legal discussion or advice cannot suggest prejudgment of legal issues, as such statement could cast doubt on the judge's capacity to act impartially in pending or future proceedings. Third, judges should exercise caution when networking and socializing with other Inn members, both in-person and online. A judge's association with attorneys in a professional setting is generally not cause for disqualification or disclosure. However, regardless of whether the interaction is in person or online, a judge must be careful to avoid lending the prestige of the judicial office, casting doubt on a judge's ability to act impartially, demeaning the judicial office, and engaging in impermissible political activity. Finally, judges must be mindful of the ethical constraints regarding gifts. While gifts are generally prohibited, there are some limited exceptions for honors conferred through the Inn or gifts from individuals whose relationship with the judge already necessitates disqualification.



This opinion is advisory only (Cal. Rules of Court, rule 9.80(a), (e); Cal. Com. Jud. Ethics Opns., Internal Operating Rules & Proc. (CJEO) rule 1(a), (b)). It is based on facts and issues, or topics of interest, presented to the California Supreme Court Committee on Judicial Ethics Opinions in a request for an opinion (Cal. Rules of Court, rule 9.80(i)(3); CJEO rule 2(f), 6(c)), or on subjects deemed appropriate by the committee (Cal. Rules of Court, rule 9.80(i)(1); CJEO rule 6(a)). The conclusions expressed in this opinion are those of the committee and do not necessarily reflect the views of the California Supreme Court or any other entity. (Cal. Rules of Court, rule 9.80(b); CJEO rule 1(a)).

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