



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

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CJEO Expedited Opinion¹ 2025-052

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Ceremonial Swearing-In

I. Question

A group of new admittees to the State Bar asked the requesting judge to swear them in. However, the admittees received their oath cards well ahead of the swearing-in ceremony, and many of them already took their oaths and signed their cards. (Note that the State Bar now allows digital signing and processing of oath cards via DocuSign, and you can take the oath in-person, or virtually before a judge, justice, clerk of court, or anyone else authorized to

¹ The California Supreme Court Committee on Judicial Ethics Opinions (CJEO or the committee) issues Expedited Opinions, formerly known as Oral Advice Summaries, pursuant to California Rules of Court, rule 9.80(i)(1) (eff. Jan. 1, 2021). Expedited Opinions are issued to requesting judicial officers following a discretionary decision by CJEO to address the ethical issues raised in an expedited process that does not include posting draft opinions for public comment, as required for CJEO Formal Opinions. CJEO Expedited Opinions are published in full, without identifying information regarding the requesting judicial officer, to provide information and analysis to the bench and the public regarding judicial ethics.

administer oaths.) May the requesting judge ethically perform a “mock” or ceremonial swearing-in for these new admittees, even though they have already taken their oaths?

II. Advice Provided

A judicial officer may ethically conduct a ceremonial swearing-in for new attorneys who have already executed the attorney’s oath, provided that the judge makes clear to participants and observers that the proceeding is solely a reaffirmation of the oath and not the official act of admission. When framed in this manner, the ceremony is consistent with the Code of Judicial Ethics,² as it upholds public confidence in the judiciary while allowing new admittees to be recognized in an appropriately celebratory fashion.

III. Authorities

A. Applicable Canons³

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 4: “A judge shall so conduct the judge’s quasi-judicial and extrajudicial activities so as to minimize the risk of conflict with judicial obligations.”

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

³ Boldface, some capitalization, and asterisks omitted throughout.

- (2) demean the judicial office,
- (3) interfere with the proper performance of judicial duties, or
- (4) lead to frequent disqualification of the judge.”

Canon 4H: “Compensation, Reimbursement, and Honoraria[.] [¶] A judge may receive compensation and reimbursement of expenses as provided by law for the extrajudicial activities permitted by this code, if the source of such payments does not give the appearance of influencing the judge’s performance of judicial duties or otherwise give the appearance of impropriety.”

Canon 4H(3): “No judge shall accept any honorarium[.] [¶] ‘Honorarium’ means any payment made in consideration for a speech given, an article published, or attendance at any public or private conference, convention, meeting, social event, meal, or like gathering. ‘Honorarium’ ... does not include fees or other things of value received pursuant to Penal Code section 94.5 for performance of a marriage....”

B. Statutes and Other Authorities

Code of Civil Procedure, section 2093.

Family Code, section 400.

Government Code, section 1225.

Commission on Judicial Performance, Annual Report (2017).

Commission on Judicial Performance, Annual Report (1992).

California Judges Association, Judicial Ethics Update (2018).

California Judges Association, Judicial Ethics Update (2012).

California Judges Association, Judicial Ethics Update (2012).

California Judges Association, Judicial Ethics Update (2010).

California Judges Association, Judicial Ethics Update (2008).

California Judges Association, Judicial Ethics Update (2002).

California Supreme Court Committee on Judicial Ethics Opinions, CJEO Oral Advice Summary 2016-018, *Administering the Oath of Office to a Recently Elected District Attorney*.

Rothman, California Judicial Conduct Handbook (2020 supp.) section 9:91.

IV. Discussion

Judicial officers are authorized by statute to administer and certify oaths and affirmations. (Code Civ. Proc., § 2093, subd. (a); Gov. Code, § 1225, subd. (a).) This commonly includes administering the attorney’s oath at a swearing-in ceremony for new attorneys. (The State Bar of California, Attorney’s Oath (2025) <<https://www.calbar.ca.gov/Admissions/Examinations/California-Bar-Examination/Attorneys-Oath>> [as of Aug. 26, 2025].) CJEО has published one opinion on the subject of oaths, which provides that a judge may administer the oath of office to a recently elected district attorney. (Cal. Supreme Ct. Com. Jud. Ethics Opns., CJEО Oral Advice Summary 2016-018 (2016) *Administering the Oath of Office to a Recently Elected District Attorney*, [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, so long as the judicial officer takes caution to avoid any activities that might convey an appearance of bias towards individuals or groups that appear before the court].)

The California Judges Association (CJA) has also explored the parameters of administering oaths and swearing-in ceremonies in numerous of its judicial updates. (Cal. Judges Assn., Ethics Update (2018) p. 6. [“[A] [j]udge may administer the oath of office to the judge’s close friend who was recently elected to city council”]; *id.* at p. 7 [“[A] [j]udge may not permit a law school to use a video of the judge swearing in a new admittee to the bar since the video would be used as a marketing tool for the law school”]; Cal. Judges Assn., Jud. Ethics Update (2012) p. 8 [“A judge may not administer the ‘Dr. Seuss’ oath to children at a for-profit business bookstore as this lends the prestige of the office to advance the pecuniary interests of the bookstore”]; Cal. Judges Assn., Jud. Ethics Update (2012) p. 5 [“[A] [j]udge may administer the oath of office to the local Republican Central Committee, provided that [j]udge cautions persons introducing [j]udge to not associate [j]udge with the cause of the party, and provided that [j]udge does not associate self with the cause of the party in [j]udge’s remarks at the ceremony”]; Cal. Judges Assn., Jud. Ethics Update (2010) p. 5 [“[A] [j]udge may swear in a new firefighter at the local fire station in an afterhours ceremony. Judge may wear his/her robe for this official judicial duty”]; Cal. Judges Assn., Jud. Ethics Update (2008) p. 4 [“[A] [j]udge may administer oath of office to newly elected officers of a local political party’s Central

Committee”]; Cal. Judges Assn., Jud. Ethics Update (2002) p. 2 “[A] [j]udge may wear robe at a swearing in ceremony at a location outside of the courthouse as long as use is dignified and does not impair public confidence in the judicial office.”].)

Here, however, the question is whether the judge may perform a “mock” or ceremonial swearing in for a group of new admittees who already officially took the attorney’s oath and have been admitted to the State Bar. Neither the Code nor Judge Rothman offer specific guidance for this situation, but Rothman does discuss mock ceremonies in the context of officiating a wedding. (Rothman, Cal. Jud. Conduct Handbook (2020 supp.) § 9:91, pp. 668–669.) A judge must “act at all times in a manner that promotes public confidence in the integrity . . . of the judiciary.” (Canon 2A.) A judge may perform a “mock ceremony” (i.e. where the marriage is not being officially solemnized, such as where the parties are already married, or where they intend to get married at a later date) so long as the judge makes clear that they are not actually solemnizing the marriage. (Rothman, *supra*, § 9:91, p. 668 [If a judge conducts a ceremony that does not legally solemnize a marriage, the judge must disclose the relevant facts—such as the absence of a license or that the couple is already married—and clarify that no legal wedding is occurring. If no license exists, the judge should note that the marriage can be solemnized later; if the couple is already married, the judge should explain the ceremony is simply a reaffirmation of their vows.].)

CJA has also addressed mock wedding ceremonies on numerous occasions. (Cal. Judges Assn., Ethics Update (2017) p. 3 [“Judge may officiate at an out-of-state ceremonial wedding for a couple who are already married, so long as judge ensures that all in attendance know that the ceremony is a reaffirmation of the marriage which has already taken place. Judge may wear the judicial robe while officiating”]; Cal. Judges Assn., Jud. Ethics Update, *supra*, at p. 4 [“A judge may perform a re-affirmation of wedding vows provided that the judge states publicly that the ceremony is a re-affirmation of the vows”]; Cal. Judges Assn., Jud. Ethics Update (2002) p. 2. [“A judge may conduct a wedding ceremony for a married couple who wish to reaffirm their vows as long as the judge makes mention of the fact that the couple is already married at the ceremony”]; Cal. Judges Assn., Jud. Ethics Update (2000) p. 4 [“If judge is asked to perform marriage ceremony and learns that the parties have been previously married (to each

other) and therefore cannot obtain a California license, the judge must advise those in attendance at the ceremony that the ceremony is a reaffirmation, not the actual marriage ceremony]; Cal. Judges Assn., Jud. Ethics Update (1999) p. 4 [“A judge who knows that a couple whose wedding the judge is about to perform were actually married several weeks previously must inform the public that the wedding is not official”]; Cal. Judges Assn., Jud. Ethics Update (1995) p. 3 [“It would be improper for a judge to perform a marriage ceremony for a couple already married unless the public knows the ceremony is not real”]; Cal. Judges Assn., Jud. Ethics Update (1990) p. 2 [“It would be improper for a judge to perform a mock wedding when the couple was legally married in another state without first making that fact known to all in attendance.”].)

As noted above, judicial officers are authorized to administer oaths under statute, including formal swearing-in ceremonies for new attorneys. However, because the admittees in this scenario have already satisfied the legal requirement by executing and submitting their oath cards, a subsequent ceremony would carry only symbolic significance. Ethical guidance on analogous situations—such as judges performing reaffirmation or “mock” marriage ceremonies—establishes that so long as the judge publicly clarifies that no legal act is taking place, the ceremony does not create impropriety or mislead the public. This approach is consistent with Canons 2 and 2A, which require judges to promote public confidence in the integrity of the judiciary, and with Canon 4, which permits extrajudicial activities that do not cast doubt on impartiality or demean the judicial office. Accordingly, the committee advises that a judge is ethically permitted to perform a ceremonial or “mock” swearing-in for new admittees to the State Bar who have already taken the official attorney’s oath, provided that the judge makes clear to all in attendance that the ceremony is a reaffirmation rather than the actual administration of the oath.

V. Conclusion

A ceremonial swearing-in of new admittees to the State Bar, conducted with the proper clarification that the ceremony is a reaffirmation, is a permissible and dignified judicial activity

that celebrates new attorneys without compromising a judge's ethical obligations under the Code.



This expedited advice opinion is advisory only. (Cal. Rules of Court, rule 9.80(a), (e); Cal. Supreme Ct. Com. Jud. Ethics Opns. (CJEO), Internal Operating Rules & Proc. 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 rules 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)).