



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

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CJEO Expedited Opinion¹ 2026-053

[Issued February 26, 2026]

**SEEKING CONTRIBUTIONS AND ENDORSEMENTS
FROM FELLOW COURT COMMISSIONERS**

I. Question

May a state court commissioner running for judge ethically solicit contributions and endorsements from fellow commissioners?

II. Advice Provided

Canon 5B(4) of the California Code of Judicial Ethics prohibits judges from soliciting campaign contributions and endorsements from subordinate judicial officers (including court

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.

commissioners) and court personnel because of the inherent risk of coercion arising from the hierarchical relationship between judges and those who serve under their authority. The prohibition is grounded in concerns unique to the superior-subordinate dynamic.

When a state court commissioner is a candidate for judicial office and seeks campaign contributions and endorsements from fellow commissioners, those same concerns are not implicated. Commissioners do not exercise supervisory or disciplinary authority over one another in the manner judges exercise authority over subordinate judicial officers and court personnel. As a result, the risk of perceived or actual coercion that underlies canon 5B(4)'s prohibition is not implicated.

Accordingly, a state court commissioner running for judicial office may ethically solicit campaign contributions and endorsements from other state court commissioners, provided the commissioner otherwise complies with all applicable canons and other statutory authority governing judicial campaign activity, which includes but is not limited to: disqualification and disclosure requirements pertaining to campaign contributions; restrictions on campaign statements that commit the candidate to a particular result; prohibition on using public resources for campaign purposes; and the general admonition against campaign activity that is inconsistent with the independence, integrity, or impartiality of the judiciary. The commissioner should still refrain, however, from seeking contributions and endorsements from other court personnel.

III. Authorities

A. *Applicable Canons*²

Canon 3B(9): "A judge shall not make any public comment about a pending or impending proceeding in any court, and shall not make any nonpublic comment that might substantially interfere with a fair trial or hearing.... In connection with a judicial election or recall campaign, this canon does not prohibit any judge from making a public comment about a pending proceeding, provided (a) the comment would not reasonably be expected to affect the outcome or impair the fairness of the proceeding, and (b) the comment is about the procedural, factual, or legal basis of a decision about which a judge has been criticized during the election or recall campaign...."

² Boldface, some capitalization, and asterisks omitted throughout for clarity and readability.

ADVISORY COMMITTEE COMMENTARY: Canon 3B(9)

“The provision allowing a judge to make a public comment about a pending decision that is the subject of criticism during an election campaign applies to all judicial elections, including recall elections. Depending on the circumstances, the judge should consider whether it may be preferable for a third party, rather than the judge, to respond or issue statements in connection with allegations concerning the decision. For purposes of this provision, a recall campaign begins when a judge is served with a notice of intention to circulate a recall petition (see Elec. Code, § 11006), and a judicial election campaign begins when a judge or candidate for judicial office files a declaration of intention of candidacy for judicial office (see Elec. Code, § 8023).”

Canon 3E(1): “Disqualification and Disclosure. [¶] A judge shall disqualify himself or herself in any proceeding in which disqualification is required by law.”

Canon 3E(2)(b))i): “Campaign contributions in trial court elections[.] [¶] (i) Information required to be disclosed[.] [¶] In any matter before a judge who is or was a candidate for judicial office in a trial court election, the judge shall disclose any contribution or loan of \$100 or more from a party, individual lawyer, or law office or firm in that matter as required by this canon, even if the amount of the contribution or loan would not require disqualification. Such disclosure shall consist of the name of the contributor or lender, the amount of each contribution or loan, the cumulative amount of the contributor’s contributions or lender’s loans, and the date of each contribution or loan. The judge shall make reasonable efforts to obtain current information regarding contributions or loans received by his or her campaign and shall disclose the required information on the record.”

ADVISORY COMMITTEE COMMENTARY: Canon 3E(b)(2)

“Code of Civil Procedure section 170.1, subdivision (a)(9)(C) requires a judge to ‘disclose any contribution from a party or lawyer in a matter that is before the court that is required to be reported under subdivision (f) of Section 84211 of the Government Code, even if the amount would not require disqualification under this paragraph.’ This statute further provides that the “manner of disclosure shall be the same as that provided in Canon 3E of the Code of Judicial Ethics.” Canon 3E(2)(b) sets forth the information the judge must disclose, the manner for making such disclosure, and the timing thereof. [...]

Disclosure of campaign contributions is intended to provide parties and lawyers appearing before a judge during and after a judicial campaign with easy access to information about campaign contributions that may not require disqualification but could be relevant to the question of disqualification of the judge. The judge is responsible for ensuring that the disclosure is conveyed to the parties and lawyers appearing in the matter. The canon provides that the judge has discretion to select the manner of making the disclosure. [...]

In addition to the disclosure obligations set forth in Canon 3E(2)(b), a judge must, pursuant to Canon 3E(2)(a), disclose on the record any other information that may be relevant to the question of disqualification. As examples, such an obligation may arise as a result of

contributions or loans of which the judge is aware made by a party, lawyer, or law office or firm appearing before the judge to a third party in support of the judge or in opposition to the judge's opponent; a party, lawyer, or law office or firm's relationship to the judge or role in the campaign; or the aggregate contributions or loans from lawyers in one law office or firm.

Canon 3E(2)(b) does not eliminate the obligation of the judge to recuse himself or herself where the nature of the contribution or loan, the extent of the contributor's or lender's involvement in the judicial campaign, the relationship of the contributor or lender, or other circumstance requires recusal under Code of Civil Procedure section 26 170.1, and particularly section 170.1, subdivision (a)(6)(A)."

Canon 3E(3)(b): "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 in a proceeding."

Canon 5: "A JUDGE OR CANDIDATE FOR JUDICIAL OFFICE SHALL NOT ENGAGE IN POLITICAL OR CAMPAIGN ACTIVITY THAT IS INCONSISTENT WITH THE INDEPENDENCE, INTEGRITY, OR IMPARTIALITY OF THE JUDICIARY."

Canon 5B(1): "Conduct During Judicial Campaigns ... [¶] A candidate for judicial office or an applicant seeking appointment to judicial office shall not [¶] (a) make statements to the electorate or the appointing authority that commit the candidate or the applicant with respect to cases, controversies, or issues that are likely to come before the courts, or [¶] (b) knowingly, or with reckless disregard for the truth, make false or misleading statements about the identity, qualifications, present position, or any other fact concerning himself or herself or his or her opponent or other applicants."

Canon 5B(2): "A candidate for judicial office shall review and approve the content of all campaign statements and materials produced by the candidate or his or her campaign committee before its dissemination. A candidate shall take appropriate corrective action if the candidate learns of any misrepresentations made in his or her campaign statements or materials. A candidate shall take reasonable measures to prevent any misrepresentations being made in his or her support by third parties. A candidate shall take reasonable measures to ensure that appropriate corrective action is taken if the candidate learns of any misrepresentations being made in his or her support by third parties."

Canon 5B(3): "Every candidate for judicial office shall complete a judicial campaign ethics course approved by the Supreme Court no earlier than one year before or no later than 60 days after the filing of a declaration of intention by the candidate, the formation of a campaign committee, or the receipt of any campaign contribution, whichever is earliest. If a judge appears on the ballot as a result of a petition indicating that a write-in campaign will be conducted for

the office, the judge shall complete the course no later than 60 days after receiving notice of the filing of the petition, the formation of a campaign committee, or the receipt of any campaign contribution, whichever is earliest. [¶] Unless a judge forms a campaign committee or solicits or receives campaign contributions, this requirement does not apply to judges who are unopposed for election and will not appear on the ballot. [¶] Unless an appellate justice forms a campaign committee or solicits or receives campaign contributions, this requirement does not apply to appellate justices.”

ADVISORY COMMITTEE COMMENTARY: Canon 5B

“The purpose of Canon 5B is to preserve the integrity of the appointive and elective process for judicial office and to ensure that the public has accurate information about candidates for judicial office. Compliance with these provisions will enhance the integrity, impartiality, and independence of the judiciary and better inform the public about qualifications of candidates for judicial office. [¶] ... [¶] Canon 5B(1)(b) prohibits knowingly making false or misleading statements during an election campaign because doing so would violate Canons 1 and 2A, and may violate other canons.”

Canon 5B(4): “In judicial elections, judges may solicit campaign contributions or endorsements for their own campaigns or for other judges and attorneys who are candidates for judicial office. Judges are permitted to solicit such contributions and endorsements from anyone, including attorneys and other judges, except that a judge shall not solicit campaign contributions or endorsements from California state court commissioners, referees, court-appointed arbitrators, hearing officers, and retired judges serving in the Assigned Judges Program, or from California state court personnel. In soliciting campaign contributions or endorsements, a judge shall not use the prestige of judicial office in a manner that would reasonably be perceived as coercive.”

ADVISORY COMMITTEE COMMENTARY: Canon 5B(4)

“Regarding campaign contributions for a judge’s own campaign, see Canon 3E(2)(b) and accompanying Commentary addressing disclosure of campaign contributions. See also Code of Civil Procedure section 170.1, subdivision (a)(9), which provides that a judge is disqualified if the judge has received a campaign contribution exceeding \$1,500 from a party or an attorney in the proceeding. Although it is improper for a judge to receive a gift from an attorney subject to exceptions noted in Canon 4D(6), a judge’s campaign may receive attorney contributions. See also Government Code section 8314, which prohibits any elected state or local officer from using public resources, including buildings, telephones, and state-compensated time, for a campaign activity. Under section 8314, subdivision (b)(2), ‘campaign activity’ does not include ‘the incidental and minimal use of public resources, such as equipment or office space, for campaign purposes, including the referral of unsolicited political mail, telephone calls, and visitors to private political entities.’

Even though it is permissible for a judge to solicit endorsements and campaign funds for attorneys who are candidates for judicial office, the judge must be cautious. Such solicitation may raise issues of disqualification and disclosure under Code of Civil Procedure section 170.1, subdivision (a), and Canon 3E. Even if the judge is not disqualified, disclosure may be required under Canon 3E(2)(a). For example, a judge who has solicited campaign funds or endorsements for a candidate who is an attorney must consider disclosing that solicitation in all cases in which the attorney candidate appears before the judge. The judge should also consider Canon 4A(1) and Canon 4A(4), which require a judge to conduct extrajudicial activities so they do not cast reasonable doubt on the judge's capacity to act impartially or lead to frequent disqualification. 'Judicial elections' includes recall elections."

B. Statutes and Other Authorities

California Supreme Court Committee on Judicial Ethics Opinions, CJEO Expedited Opinion 2021-040, *Acceptance of Campaign Contributions Donated by a Court Employee Political Action Committee to a Judicial Political Action Committee*.

California Supreme Court Committee on Judicial Ethics Opinions, CJEO Oral Advice Summary 2018-026, *Soliciting Endorsements from Trial Court Judges for Other Appellate Court Justices Subject to Retention Elections*.

Rothman, et al., California Judicial Conduct Handbook (4th Ed. & 2020 Supp.) §§ 7:56, 11:42, 11:46, 11:60.

Supreme Court Advisory Committee on the Code of Judicial Ethics, Invitation to Comment SP18-08: *Proposed Amendment to Canon 5 of the Code of Judicial Ethics* (Mar. 20, 2018).

IV. Discussion

The Code of Judicial Ethics³ expressly prohibits a judge from soliciting campaign contributions or endorsements from subordinate judicial officers. Specifically, canon 5B(4) reads:

In judicial elections, judges may solicit campaign contributions or endorsements for their own campaigns or for other judges and attorneys who are candidates for judicial office. Judges are permitted to solicit such contributions and endorsements from anyone, including attorneys and other judges, ***except that a judge shall not solicit campaign contributions or endorsements from court commissioners, referees, retired judges, court-appointed arbitrators, hearing officers, and***

³ All further references to the Code, Canons, Terminology, and Advisory Committee Commentary are to the California Code of Judicial Ethics unless otherwise indicated.

temporary judges, or from court personnel. In soliciting campaign contributions or endorsements, a judge shall not use the prestige of judicial office in a manner that would reasonably be perceived as coercive. (Emphasis added.)

Canon 5B(4) was added to the code in 2018. In the invitation to comment regarding this amendment, the Supreme Court Advisory Committee on the Code of Judicial Ethics (Advisory Committee) wrote:

The committee also proposes adding a provision to new canon 5B(4) prohibiting judges from soliciting contributions and endorsements from subordinate judicial officers and court personnel. Canon 4C(3)(d)(i), which relates to a judge soliciting funds for certain limited types of organizations, provides that a judge may privately solicit funds for these organizations only from “members of the judge’s family or from other judges (excluding court commissioners, referees, retired judges, court-appointed arbitrators, hearing officers, and temporary judges).” Judges are not permitted to solicit funds from these judicial officers because, as judicial officers who report to the judges in the court, they may feel compelled to contribute. The committee concluded that the same considerations are involved when a judge asks court staff or a subordinate judicial officer for campaign contributions or endorsements. It is likely that a court employee or subordinate judicial officer would feel pressured to contribute to or endorse a judge’s campaign if asked because of the judge’s position.

(Supreme Ct. Advisory Com. on the Code of Jud. Ethics, Invitation to Comment SP18-08: *Proposed Amendment to Canon 5 of the Code of Judicial Ethics* (Mar. 20, 2018) p. 3.)

The prohibition against judges seeking contributions or endorsements from subordinate judicial officers is grounded in the concern that a subordinate judicial officer may feel particularly obligated to contribute given the differential of power and authority between the two roles. Such an imbalance may even contribute to the perception of coercion. (See, e.g., CJEO Expedited Opinion 2021-040, *Acceptance of Campaign Contributions Donated by a Court Employee Political Action Committee to a Judicial Political Action Committee* (2021) pp. 2-3 [“[j]udges are not permitted under any circumstances to use the prestige of judicial office in a manner that is, or that would reasonably be perceived to be, coercive.... The potential for coercion depends on factors including the nature and length of the relationships judges have with court employees, the size of the court, both numerically and geographically, the frequency and proximity in which particular judges and court employees work together, and whether

contributions are designated for specific judicial campaigns or instead are intended to benefit all judges equally”]; CJEO Oral Advice Summary 2018-026, *Soliciting Endorsements from Trial Court Judges for Other Appellate Court Justices Subject to Retention Elections* (2018) p. 3 [“[t]here is a risk that anyone a judge solicits for a campaign endorsement will feel obligated to make the endorsement regardless of whether the request is made by the judicial candidate or on behalf of the judicial candidate. This may be greater and there may be a perception of coercion when the soliciting judge is in a position of influence or control over the person being solicited. For this reason, canon 5B(4) prohibits judges from soliciting campaign endorsements from certain subordinate judicial officers and court staff in all circumstances”].) These concerns are mitigated in the scenario raised here, where the commissioner is seeking endorsements and contributions from other court commissioners.

It bears noting, however, that while a commissioner is permitted to seek endorsements and/or contributions from fellow court commissioners, the commissioner must still refrain from soliciting donations or endorsements from any court personnel. (Canon 5B(4).) Likewise, commissioners must be mindful of the other ethical requirements and limitations on campaign activity contained in the code, including the guidelines regarding public comments on pending proceedings in connection with a judicial election (canon 3B(9) and Advisory Com. Commentary on the same); disqualification and disclosure requirements pertaining to campaign contributions (canon 3E and Advisory Com. Commentary foll. canon 3E(2)(b)); refraining from campaign statements that commit the candidate to a particular result, as well as false or misleading statements about the identity or qualifications of the candidate or their opponent (canons 3E(3)(a), 5B(1)); reviewing and approving the content of all campaign statements and materials (canon 5B(2)); completing the Supreme Court-approved ethics course within the required time period (canon 5B(3); Advisory Com. Commentary foll. canon 5B); refraining from using public resources for campaign activity (Advisory Com. Commentary foll. canon 5B(4)); and avoiding political or campaign activity that is inconsistent with the independence, integrity, or impartiality of the judiciary (canon 5).

V. Conclusion

Canon 5B(4) prohibits judges from soliciting campaign contributions and endorsements from subordinate judicial officers (including state court commissioners) and court personnel due to the inherent risk of coercion arising from the hierarchical relationship between judges and subordinate judicial officers. This prohibition, however, arises out of concerns unique to the superior-subordinate dynamic.

Where a state court commissioner is a candidate for judicial office and seeks campaign contributions and endorsements from fellow commissioners, the same concerns regarding obligation or coercion are not present. Commissioners do not exercise supervisory or disciplinary authority over one another in the same manner as the authority effected by judges over subordinate judicial officers and court personnel. Accordingly, soliciting endorsements and contributions from fellow commissioners does not implicate the specific risks canon 5B(4) was designed to address.

A state court commissioner running for judicial office may solicit campaign contributions and endorsements from other state court commissioners, provided that the commissioner otherwise complies with the canons that apply to conduct during judicial campaigns and elections.



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)).