



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

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CJEO Oral Advice Summary 2016-018

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**ADMINISTERING THE OATH OF OFFICE TO A RECENTLY ELECTED
DISTRICT ATTORNEY**

I. Question

May a judge administer the oath of office to a recently elected district attorney?

II. Oral Advice Provided

Judicial officers are among those authorized by law to administer the oath of office required to be taken by all public office holders under the California Constitution. (Cal. Const., art. XX, § 3 [all public officers and employees, executive, legislative, and judicial, shall take the prescribed loyalty oath]; Gov. Code, § 1225 [authorization for judicial officers to administer oaths].) To do so 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 (Rothman, Cal. Judicial Conduct Handbook (2013 Supp.) § 10.34, pp. 544-545), a person aware of the fact that a judge was performing an official function would not entertain doubt as to the judge's impartiality. (Cal. Code Jud. Ethics, canon 2; Advisory Com. com. foll. canon 2; Rothman, *supra*, § 10.34, p. 546; Cal. Judges Assn., Formal Opinion No. 58 (2006) pp. 2-3 [a judge's administration of the oath of office at a ceremony to swear in new police officers or a new police captain would be an official function that does not create an appearance of bias].)

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 creating an appearance of bias in violation of the California Code of Judicial Ethics.



This oral advice summary 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 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)).