



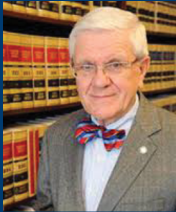
CALIFORNIA SUPREME COURT COMMITTEE ON JUDICIAL ETHICS OPINIONS

CJEO THE SOURCE

THE JUDICIARY'S GUIDE TO JUDICIAL ETHICS

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MESSAGE FROM THE COMMITTEE: *Spotlight on Social Media*



Justice Ronald B. Robie
Chair



Justice Douglas P. Miller
Vice-Chair

The California Supreme Court Committee on Judicial Ethics Opinions (CJEO) welcomes you to our third edition of *The Source*, which focuses on social media and judicial ethics. As the COVID-19 pandemic reaches the two-year mark, we reflect on

how much our personal and professional lives have changed. For many of us, technology became a lifeline for communicating with colleagues and conducting court business. When physical distancing became necessary, we relied on social media more than ever to stay connected to friends and family.

These changes are likely here to stay. Social media and online communication have become integral to our way of life. The challenge for the judiciary becomes how to integrate technology into our work and home lives in a way that is ethical, professional, and promotes public confidence in impartial decisionmaking.

In this issue, we aim to provide an overview of judicial ethics jurisprudence relating to social media and internet use. We hope this will be a helpful guide for members of the judiciary—whether infrequent internet users or seasoned technology experts—on using social media ethically and avoiding pitfalls. Read on to learn about recent social media-related judicial ethics opinions, key educational resources, and more.

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RECENT OPINIONS

[Providing Feedback on Attorney Courtroom Performance](#)

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[Disqualification Obligations for Participants in the California Judicial Mentor Program \(CJMP\)](#)

[Disqualification for Civics Education Activities in Matters Involving School District Mask and Vaccine Mandates](#)

CJEO: A ONE-STOP SOCIAL MEDIA RESOURCE

As social media and technology evolve, judges and judicial candidates may confront novel ethical questions related to their online activities. By collecting key social media resources on the [Social Media and Judicial Ethics](#) page of its website, CJEO has created a central hub of information to serve as a guide for judicial officers navigating ethical challenges.



The CJEO website includes a [summary](#) of 2018 and 2020 amendments to the [California Code of Judicial Ethics](#) that address online activity and social media. The 2018 amendment recognized the accessibility and permanence of electronic communications, and clarifies that the same canons that govern judicial conduct in traditional settings apply to virtual settings. The 2020 amendment prohibits judicial officers from engaging with crowd-sourcing websites in a way that would lend judicial prestige to advance private business interests. CJEO also maintains an [annotated code](#) that links all CJEO advisory opinions, including those relating to social media, to specific canons in the Code of Judicial Ethics.

Over the years, CJEO has issued several advisory opinions addressing social media use and online activity. In 2021, CJEO issued an opinion providing an overview of the ethical rules related to social media use by judicial officers. (CJEO Expedited Opinion 2021-042, [Social Media Posts About the Law, the Legal System, or the Administration of Justice](#).) This opinion advises that judges should assume the widest possible audience for all online activities and carefully evaluate what they intend to post, as well as continually monitor social media communications to ensure public confidence in the integrity, independence, and impartiality of the judiciary.

***"CJEO provides... a centralized location
for up-to-date [social media] guidance"***

[Read full article...](#)

TOP 10 SOCIAL MEDIA RESOURCES

1. [CJEO Social Media Webpage](#)
2. [CJEO Expedited Opinion 2021-042](#) (Social Media Posts About the Law)
3. [CJEO Expedited Opinion 2020-037](#) (Court Staff Social Media Posts)
4. [CJEO Oral Advice Summary 2014-004](#) (Online Use of Promotional Letters)
5. [CJP Technology Compendium](#)
6. [CJA Opinion No. 78](#) (Crowd-sourcing)
7. [CJA Opinion No. 66](#) (Facebook & Social Networks)
8. [NCSC Social Media & Judicial Ethics Up-date](#) (March 2022)
9. [NCSC Social Media & Judicial Ethics, Part 1](#) (Spring 2017)
10. [NCSC Social Media & Judicial Ethics, Part 2](#) (Summer 2017)

Below: CJEO meets virtually for its semi-annual full committee meeting, Dec. 2021



MEMBER SPOTLIGHT: COMMISSIONER BELINDA A. HANDY

Commissioner [Belinda A. Handy](#) is a commissioner for the Superior Court of Riverside County and has been a member of CJEO since 2017. Below, she answers questions from Sanna Singer, CJEO Staff Attorney and Editor of *The Source*, about hot topics in judicial ethics.

Q: You were appointed to CJEO in 2017. What first drew your interest to judicial ethics?

A: When I was first approached about joining CJEO, I was quite excited to be a part of it. Growing up, part of what drew me to become a lawyer is that I always valued fairness in everything I did. I believe most bench officers feel that way, but don't always know where to look for guidance on the difficult ethical questions. Sometimes people are reluctant to seek out information, and as a result, don't ask the questions that should be asked until it's too late and discipline has been imposed. I tend to be an approachable person, and I like the idea that CJEO provides forward-looking guidance in a way that's helpful and approachable, not critical.

Q: In your opinion, what are some of the most interesting or novel questions in the field of judicial ethics these days?

A: To me, some of the most interesting questions are about balancing a bench officer's right to free speech and the canons. For example, California's Chief Justice has spoken about inequalities in the justice system as a whole and put remedies in place to address them. For bench officers, it's a bit of a balancing act. We have a duty to be nonpolitical and true to our profession; at the same time, we might wonder when and how we can speak out. As a lawyer I was, probably like most lawyers, very vocal about championing certain issues and causes. When you become a bench officer, you may feel quieted by ethical constraints. However, as recent CJEO opinions explain, you don't have to be silent. It's an interesting issue that I would like to explore more.

"The takeaway is, if you are going to use social media, be proactive."

[Read more...](#)

DID YOU KNOW?

CJEO's Website has a Searchable Annotated California Code of Judicial Ethics

CJEO maintains on its [website](#) a searchable [CJEO Annotated California Code of Judicial Ethics](#), which includes citations to and summaries of every formal, informal, and expedited opinion throughout the code. It is a valuable tool for easily and quickly finding consolidated guidance on a particular subject, organized by canon. The annotated code can be used with CJEO's comprehensive [database](#) of opinions, which includes full-text opinions in a searchable format. CJEO also maintains a [compendium](#), which includes summaries of opinions grouped by type.

ELECTION SEASON

With election season approaching, judicial officers and candidates for judicial office who will appear on the ballot are reminded to complete the mandatory judicial campaign ethics online course offered by CJER within the statutory deadline. Click [here](#) for a link to this course. (Code of Ethics, canon 5B(3).) See CJEO's [Judicial Elections & Campaign Ethics](#) webpage for links to other campaign-related resources.



CJEO IN THE NEWS

- [Judicial Mentorships Require Case Disqualifications, Ethics Panel Says](#)—*The Recorder*
- [Civics Ed. Doesn't Bar Calif. Judges from School Mask Cases](#)—*Law 360*
- [Opinion Issued for Judges Advising Lawyers on Court Performance](#)—*The Daily Journal*

To speak with a judge on the CJA Judicial Ethics Committee for quick informal responses to questions about the Code of Judicial Ethics, judicial officers and candidates may call:

CJA Judicial Ethics Hotline: 916-239-4068

Toll free: 866-432-1CJA (1252)

Email: info@caljudges.org

Monday–Friday, 9a.m. to 5p.m., excluding holidays



Please see the CJA [website](#) ethics hotline page for more information.

ABOUT US

CJEO is an independent California Supreme Court committee of 12 judicial officers, appointed by the court, with delegated constitutional authority to issue opinions on judicial ethics. Click [here](#) to learn more about CJEO's history, mission, and our membership.

Thank You to our Readers from our Members

[Justice Ronald B. Robie](#) (Chair), Court of Appeal, Third Appellate District
[Justice Douglas P. Miller](#) (Vice-Chair), Court of Appeal, Fourth Appellate District, Division Two
[Justice Judith L. Haller](#), Court of Appeal, Fourth Appellate District, Division One
[Justice Marla J. Miller](#), Court of Appeal, First Appellate District, Division Two
[Judge Kenneth K. So](#), Superior Court of San Diego County
[Judge Robert J. Trentacosta](#), Superior Court of San Diego County
[Assistant Presiding Judge Samantha P. Jessner](#), Superior Court of Los Angeles County
[Judge George J. Abdallah, Jr.](#), Superior Court of San Joaquin County
[Judge Michael T. Garcia \(Ret.\)](#), Superior Court of Sacramento County

Judge Curtis E.A. Karnow, Superior Court of San Francisco County
Judge Erica R. Yew, Superior Court of Santa Clara County
Commissioner Belinda A. Handy, Superior Court of Riverside County

Sanna Singer, CJEO Staff Attorney and Editor of *The Source*
Nancy Black, CJEO Committee Counsel
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QUESTIONS, SUGGESTIONS?

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