



CALIFORNIA SUPREME COURT COMMITTEE ON JUDICIAL ETHICS OPINIONS

CJEO THE SOURCE

THE JUDICIARY'S GUIDE TO JUDICIAL ETHICS

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MESSAGE FROM COMMITTEE:
SPOTLIGHT ON APPELLATE
COURTS

The California Supreme Court Committee on Judicial Ethics Opinions (CJEO) is pleased to bring you this edition of *The Source* with a spotlight on appellate courts. While the California Code of Judicial Ethics governs all state judicial officers, there are certain canons that apply specifically to appellate justices.

In addition, appellate justices and judges serving in appellate divisions of superior courts may face ethics questions unique to reviewing courts. For example, at what point does the appellate justice's or reviewing judge's relationship with a trial judge warrant disqualification from reviewing that trial judge's decisions? What special disqualification and disclosure rules apply to appellate justices, whom the parties may not appear before until briefs are already filed and oral argument has been set?

These questions may be particularly thorny and challenging for justices and reviewing judges who are newly appointed or elevated. CJEO is here to help. We proudly introduce our new webpage, [Resources for Appellate Justices](#), which directs readers to CJEO's opinions addressing appellate-specific judicial ethics questions, as well as other resources of special interest to appellate justices, judges, and practitioners. We invite you to read on to learn about how to use this new webpage, other CJEO research tools, and the latest developments in judicial ethics.

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RECENT OPINIONS

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[Disqualification Obligations of a Trial Judge Based on Prior Judicial Involvement in Criminal Trial Court Proceedings](#)

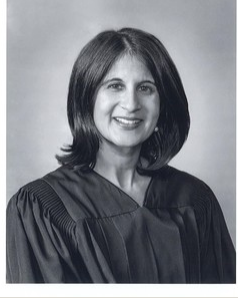
[Judicial Consultations with Other Judges](#)

[Responding to a Request for a Declaration in a Habeas Corpus Action](#)

INTRODUCING CJEO's NEWEST MEMBER

CJEO congratulates and welcomes [Justice Shama Hakim Mesiwala](#) who joined our committee this year.

Justice Mesiwala was elevated from the Superior Court of Sacramento County to the Court of Appeal, Third Appellate District on February 14, 2023.





CJEO: SUPPORTING APPELLATE JUSTICES

Readers of *The Source* know CJEO has created handy, one-stop webpage resources focused on [social media](#), [judicial campaigns and elections](#), and [presiding and supervising judges](#). But did you know CJEO has a new tool aimed at providing support and practical guidance to appellate justices?

The [Resources for Appellate Justices](#) webpage provides materials of interest to appellate justices, such as CJEO opinions involving conduct by appellate justices, as well as materials of general interest, including an overview of disqualification rules specific to appellate justices. The webpage also provides helpful information for trial court judges serving in appellate divisions of superior courts per California Rules of Court, [rule 8.800](#) et seq. (Click [here](#) to read more.)

Unless you are an appellate justice or have an appellate practice, you may not be aware of the California Supreme Court's decision in *Kaufman v. Court of Appeal* (1982) 31 Cal.3d 933, which substantially impacted the rules governing appellate disqualification. In *Kaufman*, the Court held that statutory disqualification procedures for trial judges do not apply to appellate justices. Following legislative change in response to *Kaufman*, the procedural and substantive rules governing appellate disqualification were not specified either by statute or the Code of Judicial Ethics. [Read the full article.](#)



CJEO committee meeting, January 2023 – Top row from left: Justice Shama Mesiwala, Judge Mike Garcia (Ret.), Judge Robert Trentacosta, Judge Kenneth So, Justice Judith Haller (Ret.), Justice Douglas Miller, Judge Samantha Jessner, Justice Marla Miller, and Judge Erica Yew; bottom row from left: Committee Counsel Nancy Black, Judge George Abdallah, Jr., Justice Ronald Robie, Commissioner Belinda Handy, and Committee Staff Attorney Sanna Singer



MEMBER SPOTLIGHT: JUSTICE JUDITH L. HALLER (RET.)
[Justice Judith L. Haller \(Ret.\)](#) has been a member of CJEO since 2013 and recently retired from the Court of Appeal, Fourth Appellate District, Division One. 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 serve as a member of CJEO in 2013. What drew you to the field of judicial ethics?

A: Around 1996, a colleague recommended that I apply for the California Judges Association (CJA) ethics committee, which I did, and later became committee vice-chair and chair, in 2001 and 2002. I really enjoyed the committee's process and thought it was an incredibly helpful resource for judges. Virtually all inquiries we received at that time were from trial judges who needed immediate ethics advice because something was occurring while they were on the bench or would be occurring very soon. I was so impressed with how the ethics committee members, who were experienced and well versed in the canons, responded to those inquiries.

[Read the full interview.](#)

DON'T MISS...

CJEO has created a first-of-its-kind resource for judges and members of the public searching for disciplinary decisions relating to judicial ethics in California. On the [CJEO website](#), judges can view [CJEO's California Code of Judicial Ethics annotated with CJP disciplinary decisions](#). This annotated code provides comprehensive annotations of CJP's public disciplinary decisions organized by canon. Designed to be used in conjunction with [CJP's Public Decisions Database](#), this robust research tool is an excellent companion to CJEO's other research publications, including [CJEO's California Code of Judicial Ethics annotated with CJEO opinions](#), the [CJEO opinions compendium](#), and the [CJEO opinions database](#). Click [here](#) for an instructional video on how to use this tool.

CJEO IN THE NEWS

- [Calif. Panel Floats New Guidance on Judges' Info Sharing](#)—*Law 360*
- [Calif. Judges Not Barred from Cases Over Prior Involvement](#)—*Law360*
- [California Judges Can Consult Peers on Cases, Ethics Ruling Says](#)—*Bloomberg Law*
- [Can Judges Compliment Lawyers?](#)—*The Daily Journal*
- [California Justices Want Judges to Demand Subpoena for Testimony](#)—*Bloomberg Law*
- [Ethics Committee Warns Against Aiding Ex-Client with Laudatory Comments Absent Subpoena](#)—*Metropolitan News-Enterprise (Los Angeles)*

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 membership.

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.



Thank You to Our Readers from Our Members

[Acting Administrative Presiding 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

[Judge George J. Abdallah, Jr.](#), Superior Court of San Joaquin County

[Judge Michael T. Garcia \(Ret.\)](#), Superior Court of Sacramento County

[Justice Judith L. Haller \(Ret.\)](#), Court of Appeal, Fourth Appellate District, Division One

[Commissioner Belinda A. Handy](#), Superior Court of Riverside County

[Presiding Judge Samantha P. Jessner](#), Superior Court of Los Angeles County

[Justice Shama Hakim Mesiwala](#), Court of Appeal, Third Appellate District

[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

[Judge Erica R. Yew](#), Superior Court of Santa Clara County

Sanna Singer, CJEO Staff Attorney and Editor, *The Source*
Nancy Black, CJEO Committee Counsel



QUESTIONS, SUGGESTIONS?
Email: Judicial.Ethics@jud.ca.gov Phone: 415.865.7169 Toll Free: 855.854.5366

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