

ADMINISTRATIVE ORDER 2026-06-17-02

IN THE SUPREME COURT OF CALIFORNIA

EN BANC

ENACTMENT OF NEW RULE 9.81 OF THE CALIFORNIA RULES OF COURT

The Court, on its own motion and following a 45-day public comment period, hereby enacts new rule 9.81 of the California Rules of Court concerning the Supreme Court's Advisory Committee on the Code of Judicial Ethics. The new rule is set forth in the attachment to this order and will become effective as of August 1, 2026.

It is so ordered.

GUERRERO
Chief Justice

CORRIGAN
Associate Justice

LIU
Associate Justice

KRUGER
Associate Justice

GROBAN
Associate Justice

EVANS
Associate Justice

Division 6. Judicial Ethics

Rule 9.81. Supreme Court Advisory Committee on the Code of Judicial Ethics

(a) Purpose

The Supreme Court has established the Advisory Committee on the Code of Judicial Ethics to consider and recommend to the Supreme Court amendments to the Code of Judicial Ethics and its commentary.

(b) Committee recommendations

In providing its recommendations to the Supreme Court, the committee acts independently of the Commission on Judicial Performance, the Committee on Judicial Ethics Opinions, and all other entities.

(c) Membership

The committee consists of nine members appointed by the Supreme Court. At least three members must be justices of the Courts of Appeal, with the remaining members being judges or subordinate judges of the superior courts. Unless otherwise requested by the committee chair and approved by the Supreme Court, no more than a total of two retired justices or judges may serve on the committee at one time, except that if an active justice or judge retires before the expiration of the member's term, the member will be permitted to complete that term. A retired justice or judge who becomes an active licensee of the State Bar of California or is engaged in privately compensated dispute resolution activities is not eligible to serve on the committee.

(d) Terms

- (1) Except as provided in subdivision (d)(2), all full terms are for four years. Appointments to fill a vacancy will be for the balance of the term vacated.
- (2) To create staggered terms among the members of the committee, the Supreme Court will in 2026 appoint members of the committee as follows:
 - (A) Three members each to serve an initial term of four years. The court may reappoint these members to subsequent four-year terms.
 - (B) Three members each to serve an initial term of three years. The court may reappoint these members to subsequent four-year terms.
 - (C) Three members each to serve an initial term of two years. The court may reappoint these members to subsequent four-year terms.

(e) Chair and vice-chair

The Supreme Court will initially appoint a chair and vice-chair from the members of the committee to serve a term consistent with the terms provided by (d)(2) of this rule. Thereafter, the chair and the vice-chair may each be reappointed or appointed by the Supreme Court to a four-year term. The chair may call meetings as needed and otherwise coordinate the work of the committee. If the chair is unavailable, the vice-chair may assume the duties of the chair.

(f) Powers and duties

Upon the request of the Supreme Court or on its own initiative, the committee may consider and propose amendments to the Code of Judicial Ethics or its commentary and submit recommendations to the Supreme Court for consideration. Specifically, the committee is authorized to:

- (1) Make recommendations to the Supreme Court for amending the Code of Judicial Ethics, its commentary, or these rules; and
- (2) Make other recommendations to the Supreme Court as deemed appropriate by the committee or as requested by the court.

(g) Procedures

- (1) Prior to issuing any recommendation, the committee must first draft a proposal and seek approval from the Supreme Court on whether to solicit public comment on the proposal. Any approved public comment period shall last at least 45 days, unless directed otherwise by the Supreme Court. After the public comment period has expired, the committee must consider all submitted comments and, in light of those comments, issue its recommendation to the Supreme Court, which may include whether to modify or withdraw its original proposal.
- (2) Because the Code of Judicial Ethics addresses sensitive subjects that are often informed by actual experiences, in seeking public comment under (g)(1) of this rule, the committee shall permit commenters to request that their comments remain confidential or anonymous. In determining whether to grant a request for confidentiality or anonymity, the committee shall consider whether granting the request is necessary in order to encourage honest and constructive feedback from a broad spectrum of perspectives and outweighs the necessity for disclosure in the interests of justice.
- (3) In any final recommendations submitted to the Supreme Court, the views of any dissenting committee members must be presented.
- (4) The committee shall meet at least once every calendar year to consider, on its own initiative, whether to consider and propose amendments to the Code of Judicial Ethics or its commentary.