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GOVERNMENT CODE - GOV

TITLE 8. THE ORGANIZATION AND GOVERNMENT OF COURTS [68070 - 77655] (Title 8 added by Stats. 1953, Ch. 206.)

CHAPTER 2.5. Commission on Judicial Performance [68701 - 68772] (Heading of Chapter 2.5 amended by Stats. 1987, Ch. 56, Sec. 93.)

ARTICLE 4. Committee to Review the Operations and Structure of the Commission on Judicial Performance [68770 - 68772] (Article 4 added by Stats. 2021, Ch. 79, Sec. 16.)

68770. The Committee to Review the Operations and Structure of the Commission on Judicial Performance is hereby created in state government.

(Added by Stats. 2021, Ch. 79, Sec. 16. (AB 143) Effective July 16, 2021.)

68771. (a) The committee shall consist of 15 members who are the following:

- (1) The director of the commission.
- (2) The chair of the commission.
- (3) A current or former public member of the commission.
- (4) The legal adviser to the commission.
- (5) Two public members appointed by the Senate Committee on Rules.
- (6) Two public members appointed by the Speaker of the Assembly.
- (7) Seven members appointed by the Governor.

(A) Two active judges, one of whom shall be a justice of a court of appeal.

(B) Three members of the public.

(C) One director of a judicial conduct commission from another state that is similar in population to the State of California.

(D) One law professor or other person who is recognized as an expert in judicial ethics, who may be an active or retired attorney or judge.

(b) The committee shall appoint a chairperson and establish any subcommittees and operating rules it deems appropriate.

(c) For purposes of this section, the following terms have the following meanings:

- (1) "Attorney" means a person who is an active licensee and has been admitted to the State Bar of California for at least 10 years.
- (2) "Member of the public" means a person who is not a judicial officer or former judicial officer, has never been a licensee of the State Bar or admitted to practice before any court in the United States, and who complies with the provisions of Section 450 of the Business and Professions Code.

(Added by Stats. 2021, Ch. 79, Sec. 16. (AB 143) Effective July 16, 2021.)

68772. The committee shall study and make recommendations for changes in the operations and structure of the commission that would improve the commission's ability to carry out its mission to protect the public, enforce rigorous standards of judicial conduct, and maintain public confidence in the integrity and independence of the judiciary.

(a) As part of its study pursuant to this section, the committee shall, at a minimum, do all of the following:

(1) Review and consider the following:

(A) All findings and recommendations of the California State Auditor in Audit 2016-137.

(B) The existing structure and operations of the commission.

(C) The existing structures and operations of judicial discipline commissions of other states that are similar in population to the State of California.

(2) Hold at least two hearings to accept comments from the public about possible changes in the operations and structure of the commission that would improve the commission's ability to carry out its mission to protect the public, enforce rigorous standards of judicial conduct, and maintain public confidence in the integrity and independence of the judiciary.

(A) Hold at least one hearing, prior to the committee completing its study or formulating its tentative recommendations pursuant to this section, to allow the committee to accept the public's suggestions for possible changes in the operations and structure of the commission.

(B) Hold at least one hearing, after completing its study and formulating its tentative recommendations for possible changes in the operations and structure of the commission but prior to completing its study pursuant to subdivision (b), to allow the committee to accept the public's comments about its tentative recommendations. The committee shall provide the public with notice of its tentative recommendations in advance of the hearing by, among other methods, providing a copy of the tentative recommendations to any person who provides contact information to the committee and either requests to be notified of the committee's tentative recommendations, or provides written suggestions for possible changes in the operations and structure of the commission pursuant to subparagraph (A), and transmitting the tentative recommendations to the commission in a time period that allows the commission to post the tentative recommendations on its internet website at least 10 calendar days prior to the hearing.

(C) The public meetings described in this subparagraph shall comply with the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code).

(3) Study and make recommendations whether any of the following should be changed in order to improve the commission's ability to carry out its mission to protect the public, enforce rigorous standards of judicial conduct, and maintain public confidence in the integrity and independence of the judiciary:

(A) The number of commission members.

(B) The allocation of appointments to the commission among the appointing authorities.

(C) The structure of the commission.

(D) The appropriate discipline and remedies available to the commission when it imposes discipline.

(E) The policies and procedures governing the commission's operations.

(F) Whether the commission currently has adequate financial and personnel resources.

(G) What, if any, specific funding is necessary to support any recommended improvements to the commission.

(H) Whether changes to the Constitution and statutes of the State of California, Rules of Court, and rules of the commission are needed.

(4) Seek input on its study from all of the following:

(A) All three branches of government.

(B) Judges.

(C) Attorneys admitted to the State Bar of California.

(D) Members of the commission.

(E) The public.

(b) All members of the committee shall serve without compensation. Members of the committee shall be reimbursed for their necessary expenses, including expenses for travel, food, and lodging, incurred in connection with their committee duties.

(c) Support for the committee shall be provided by staff of the commission.

(d) The committee shall complete its study and provide a written report about its findings and recommendations no later than March 30, 2023, to the following:

(1) The Governor.

(2) The commission.

(3) The Supreme Court.

(4) The President pro Tempore of the Senate and the Chair of the Senate Committee on Judiciary.

(5) The Speaker of the Assembly and the Chair of the Assembly Committee on Judiciary.

(6) The public, including by providing the report to the commission, so that the commission may make the report available on the commission's internet website.

(Added by Stats. 2021, Ch. 79, Sec. 16. (AB 143) Effective July 16, 2021.)