UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CONFIDENTIALITY STATEMENT

One of the most important obligations of judicial employees is to ensure that nonpublic information learned in the course of employment is kept confidential. In the performance of job duties, employees may have access to files, records, draft materials, and conversations that are, under the Code of Conduct for Judicial Employees or by practice of the court, confidential. Canon 3D of the Code sets forth the minimum standard:

> A judicial employee should avoid making public comment on the merits of a pending or impending action and should require similar restraint by personnel subject to the judicial employee's direction and control. This proscription does not extend to public statements made in the course of official duties or to the explanation of court procedures. A judicial employee should never disclose any confidential information received in the course of official duties except as required in the performance of such duties, nor should a judicial employee employ such information for personal gain. A former judicial employee should observe the same restrictions on disclosure of confidential information that apply to a current judicial employee, except as modified by the appointing authority.

1. Confidential Information

Confidential information means information received in the course of judicial duties that is not public and is not authorized to be made public. This includes information received by the court pursuant to a protective order or under seal; expressly marked or designated by a judge to be kept confidential; or relating to the deliberative processes of the court or an individual judge. Examples of confidential information are:

(a) the substance of draft opinions or decisions;

(b) internal memoranda, in draft or final form, prepared in connection with matters before the court;

(c) the content or occurrence of conversations among judges or between a judge and judicial employees concerning matters before the court;

(d) the identity of panel members or of the authoring judge before release of this information is authorized by the court;

(e) the authorship of per curiam opinions or orders;

(f) the timing of a decision, order, or other judicial action, including the status of or progress on a judicial action not yet finalized (except as authorized in accordance with Section 2.C.);

(g) views expressed by a judge in the course of discussions about a particular matter before the court; and

(h) any subject matter the appointing authority has indicated should not be revealed, such as internal office practices, informal court procedures, the content or occurrence of statements or conversations, and actions by a judge or staff.

Information that is not considered confidential includes court rules, published court procedures, public court records including the case docket, and information disclosed in public court documents or proceedings.

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2. Nondisclosure

A. Unauthorized disclosure. To promote public confidence in the integrity of the judicial system and to avoid impropriety, illegality, or favoritism, or any appearance thereof, it is critical that confidential information not be disclosed by a judicial employee. No past or present judicial employee may disclose or make available confidential information, except as authorized in accordance with Section 2.C.

B. Inadvertent disclosure. Sometimes breaches of confidentiality do not involve intentional disclosure but are the result of overheard remarks, casual comments, or inadequate shielding of sensitive materials. Judicial employees should take care to prevent inadvertent disclosure of confidential information by avoiding:

(1) case-related conversations and other discussions of confidential information in public places within the court, such as the library, hallways, elevators, and cafeteria;

(2) case-related conversations and other discussions of confidential information at bar association meetings, law schools, other gatherings of noncourt persons, or in public places;

(3) exposure of confidential documents to the view of noncourt persons;

(4) visible display of confidential documents in public places such as a library, on public transportation, or in a photocopier or scanner to which noncourt persons have access;

(5) substantive discussions with counsel, litigants, or reporters about the merits of a matter before the court;

(6) use of writing samples from judicial employment without adequate redaction and approval of the appointing authority; and

(7) internet and other electronic exchanges (anonymously, pseudonymously, or otherwise) about the court or its cases.

C. Authorized disclosure. Confidential information is authorized to be disclosed in the following circumstances:

(1) pursuant to a statute, rule, or order of the court, or authorization from the appointing authority;

(2) pursuant to a valid subpoena issued by a court or other competent body; and

(3) to report an alleged criminal violation to the appointing authority or other appropriate government or law enforcement official.

D. Continuing obligation. Confidentiality obligations do not end when judicial employment ceases or when a matter is completed or a case is closed. Former judicial employees should observe the same restrictions on disclosure of confidential information that apply to current employees, except as modified in accordance with Section 2.C. Confidentiality restrictions continue to apply with respect to open as well as closed and completed matters.

3. Acknowledgment

To emphasize the importance of the duty of confidentiality, the court asks that you sign this statement as an acknowledgment that you have read it, understand it, and agree to abide by it, and further that you understand violations of these confidentiality obligations may result in disciplinary action.

_____ _____

Signature *Date*