



*The State Bar of California*

# Proposed Amendments to Rules 8.2 and 8.4: Circulation for Public Comment

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# Purpose of the Proposal



Request Board approval to circulate proposed amendments for public comment.



Amendments aim to clarify attorney speech that may harm judicial proceedings or safety.



Focus on statements not protected under the U.S. or California Constitution.



## Background and Need

- Sharp rise in threats against judges (175 in 2019 to 500 in 2023).
- Notable cases: Murders of Judges Wilkinson (2023) and Roemer (2022).
- COPRAC issued an ethics alert in March 2025.
- Attorneys must avoid false claims that could incite harm or undermine judicial integrity.



# Key Amendments

Table 1. Summary of Rule Changes

Rule 8.2	Rule 8.4
Adds Comment [1]: Clarifies opinion statements implying facts can be disciplined.	Moves definition of “judicial officer” to Comment [8].
Requires statements to be false and made with knowledge or reckless disregard.	Adds Comment [7]: Clarifies that unprotected speech may warrant discipline.



# Public Comment and Next Steps

## Engagement & Action Requested

- 8 written comments received: Support mixed with constitutional concerns.
- Revisions added clarity, retained key protections for judicial safety.
- Recommended Action: Approve release for 45-day public comment period.

