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CALIFORNIA STATE AUDITOR AND COMMISSION ON JUDICIAL PERFORMANCE
ANNOUNCE SETTLEMENT OF LITIGATION

The California State Auditor and the Commission on Judicial Performance are pleased to have settled the litigation that was pending between them. The settlement permits the State Auditor's office to proceed with a full audit of the commission, as approved by the Joint Legislative Audit Committee in August 2016. The audit commenced last week, and the State Auditor's Office hopes to complete it by May 2019, in time to assist the Legislature as it crafts the fiscal year 2019-20 state budget.

In connection with the settlement, section 8545 of the Government Code was amended to clarify that records restricted from disclosure pursuant to a rule, statute, or constitutional provision – including the commission's confidential records – will not be subject to public disclosure once those records are in the possession of the State Auditor's Office. This clarification is declaratory of existing law. As a part of the settlement, the parties agreed to a stipulated reversal of the superior court's judgment in the litigation. The commission also considered, and adopted, an amendment to its confidentiality rule to provide an exception for the State Auditor's office to examine its confidential records in connection with an audit.

The California State Auditor and the commission wish to thank Court of Appeal Presiding Justice Peter Siggins for facilitating the resolution of this dispute, which would not have been possible without the cooperation of both parties, as well as the Legislature's, Governor's, and Court of Appeal's commitment to transparency in government.

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The California State Auditor is the State's independent external auditor and the office provides truthful, balanced, and unbiased information to the California State Legislature, the Governor, and the public.

The commission is composed of six public members, three judges, and two lawyers. The chairperson is Nanci E. Nishimura, Esq.

For further information about the California State Auditor, visit www.auditor.ca.gov. For further information about the Commission on Judicial Performance, see the commission's website at <http://cjp.ca.gov>.