

AMERICAN BAR ASSOCIATION
CPR POLICY IMPLEMENTATION COMMITTEE

COMPARISON OF ABA MODEL JUDICIAL CODE AND STATE VARIATIONS

RULE 3.13 Acceptance and Reporting of Gifts, Loans, Bequests, Benefits, or Other Things of Value

(A) A judge shall not accept any gifts, loans, bequests, benefits, or other things of value, if acceptance is prohibited by law* or would appear to a reasonable person to undermine the judge's independence,* integrity,* or impartiality.*

(B) Unless otherwise prohibited by law, or by paragraph (A), a judge may accept the following without publicly reporting such acceptance:

- (1) items with little intrinsic value, such as plaques, certificates, trophies, and greeting cards
- (2) gifts, loans, bequests, benefits, or other things of value from friends, relatives, or other persons, including lawyers, whose appearance or interest in a proceeding pending* or impending* before the judge would in any event require disqualification of the judge under Rule 2.11;
- (3) ordinary social hospitality;
- (4) commercial or financial opportunities and benefits, including special pricing and discounts, and loans from lending institutions in their regular course of business, if the same opportunities and benefits or loans are made available on the same terms to similarly situated persons who are not judges;
- (5) rewards and prizes given to competitors or participants in random drawings, contests, or other events that are open to persons who are not judges;
- (6) scholarships, fellowships, and similar benefits or awards, if they are available to similarly situated persons who are not judges, based upon the same terms and criteria;
- (7) books, magazines, journals, audiovisual materials, and other resource materials supplied by publishers on a complimentary basis for official use; or
- (8) gifts, awards, or benefits associated with the business, profession, or other separate activity of a spouse, a domestic partner,* or other family member of a judge residing in the judge's household,* but that incidentally benefit the judge.

(C) Unless otherwise prohibited by law or by paragraph (A), a judge may accept the following items, and must report such acceptance to the extent required by Rule 3.15:

- (1) gifts incident to a public testimonial;
- (2) invitations to the judge and the judge's spouse, domestic partner, or guest to attend without charge:
 - (a) an event associated with a bar-related function or other activity relating to the law, the legal system, or the administration of justice; or
 - (b) an event associated with any of the judge's educational, religious, charitable, fraternal or civic activities permitted by this Code, if the same invitation is offered to nonjudges who are engaged in similar ways in the activity as is the judge; and
- (3) gifts, loans, bequests, benefits, or other things of value, if the source is a party or other person, including a lawyer, who has come or is likely to come before the judge, or whose interests have come or are likely to come before the judge.

COMMENT

[1] Whenever a judge accepts a gift or other thing of value without paying fair market value, there is a risk that the benefit might be viewed as intended to influence the judge's decision in a case. Rule 3.13 imposes restrictions upon the acceptance of such benefits, according to the magnitude of the risk. Paragraph (B) identifies circumstances in which the risk that the acceptance would appear to undermine the judge's independence, integrity, or impartiality is low, and explicitly provides that such items need not be publicly reported. As the value of the benefit or the likelihood that the source of the benefit will appear before the judge increases, the judge is either prohibited under paragraph (A) from accepting the gift, or required under paragraph (C) to publicly report it.

[2] Gift-giving between friends and relatives is a common occurrence, and ordinarily does not create an appearance

	<p>of impropriety or cause reasonable persons to believe that the judge’s independence, integrity, or impartiality has been compromised. In addition, when the appearance of friends or relatives in a case would require the judge’s disqualification under Rule 2.11, there would be no opportunity for a gift to influence the judge’s decision making. Paragraph (B)(2) places no restrictions upon the ability of a judge to accept gifts or other things of value from friends or relatives under these circumstances, and does not require public reporting.</p> <p>[3] Businesses and financial institutions frequently make available special pricing, discounts, and other benefits, either in connection with a temporary promotion or for preferred customers, based upon longevity of the relationship, volume of business transacted, and other factors. A judge may freely accept such benefits if they are available to the general public, or if the judge qualifies for the special price or discount according to the same criteria as are applied to persons who are not judges. As an example, loans provided at generally prevailing interest rates are not gifts, but a judge could not accept a loan from a financial institution at below-market interest rates unless the same rate was being made available to the general public for a certain period of time or only to borrowers with specified qualifications that the judge also possesses.</p> <p>[4] Rule 3.13 applies only to acceptance of gifts or other things of value by a judge. Nonetheless, if a gift or other benefit is given to the judge’s spouse, domestic partner, or member of the judge’s family residing in the judge’s household, it may be viewed as an attempt to evade Rule 3.13 and influence the judge indirectly. Where the gift or benefit is being made primarily to such other persons, and the judge is merely an incidental beneficiary, this concern is reduced. A judge should, however, remind family and household members of the restrictions imposed upon judges, and urge them to take these restrictions into account when making decisions about accepting such gifts or benefits.</p> <p>[5] Rule 3.13 does not apply to contributions to a judge’s campaign for judicial office. Such contributions are governed by other Rules of this Code, including Rules 4.3 and 4.4.</p> <p>Three (3) states have identical language (AR, MS, NV) Nineteen (19) states have similar language (AZ, CO, HI, IN, IA, KS, MD, MN, MO, MT, NH, NE, NY, OH, OK, TN, UT, WA, WY) One (1) state has different language (DE)</p>
AL	
AK	
AZ Effective 9/1/09	<p>(B)(6): replaces language after “awards” with “granted on the same terms and based on the same criteria applied to other applicants” Deletes Model Code (C) (B)(9) and (10): same as Model Code (C)(1) and (2) Deletes Model Code (C)(3) Adds (C) <i>A judge shall report the acceptance of any gift, loan, bequest, or other thing of value as required by Rule 3.15.</i> [1]: replaces language after “3.13” with “prohibits the acceptance of such benefits except in circumstances where the risk of improper influence is low and subject to applicable financial disclosure requirements. See Rule 3.15” [2]: replaces “and does not” with “but may” in last sentence Adds [3]: <i>The receipt of ordinary social hospitality, commensurate with the occasion, is not likely to undermine the integrity of the judiciary. However, the receipt of other gifts and things of value from an attorney or party who has or is likely to come before the judge will be appropriate only in the rarest of circumstances.</i> [5]: similar to Model Code [4] but deletes first and third sentences, deletes “evade Rule 3.13 and” in new first sentence and replaces “restrictions” with “reporting requirements” in new second sentence</p>
AR Effective 7/1/09	Identical

<p>CA (as proposed)</p>	<p>CA Canon 4D(6)(a): Committee believes that the reference to “books and tapes” is outdated and proposes changing it to “educational or resource materials supplied by publishers on a complimentary basis for official use.” (A) – CA Commentary to Canon 4H, 1st paragraph: The Committee proposes similar qualification to be added to CA commentary pertaining to compensation and reimbursement: “Judges should not accept compensation or reimbursement of expenses if acceptance would appear to a reasonable person to undermine the judge’s integrity, impartiality, or independence.” (B)(2) – CA Canon 4D(6)(f): The proposed amendment is based, in part, on the Model Rule. In addition, the Committee proposes deleting the existing CA restriction to relatives and “close personal friends” as unnecessary. (B)(3) – CA Canon 4D(6)(d) and Commentary: The Committee suggests that the exception should contain a provision stating that the judge should accept hospitality only if a reasonable person would conclude that it was not intended to influence the judge in the performance of judicial duties. Also the phrase “between members of the bench and bar” would be eliminated from the commentary. (B)(4) – CA 4D(6)(g): Same (B)(5) – CA Canon 4D(6)(i): Same (C)(2)(b) – CA Canon 4D(6)(j) -Same, but would replace “fraternal activities” with “service organization.” (C) – CA Commentary to Canon 4D(6)(f): The Committee proposes that the commentary incorporates 2 separate concepts on the judge accepting public testimonial. Comment [4] – CA Commentary to Canon 4D(5): The Committee proposes amending the language, because it is technically incorrect to make a reference to family members violating “ethical constrains upon the judge.”</p>
<p>CO Effective 7/1/10</p>	<p>Deletes [5]</p>
<p>CT Effective 1/1/11</p>	<p>Does not have Model Code (C)(3); Does not have Model Code Comment [5].</p>
<p>DE Effective 11/1/08</p>	<p>(A) Neither a judge nor a member of the judge's family residing in the judge's household should solicit or accept a gift, bequest, favor, or loan from anyone except for: (A)(1): similar to 1990 Model Code Canon 4D(5)(a) (A)(2): similar to 1990 Model Code Canon 4D(5)(b) (A)(4): same as 1990 Model Code Canon 4D(5)(d) (A)(5): similar to 1990 Model Code Canon 4D(5)(e) (A)(6): same as 1990 Model Code Canon 4D(5)(f) (A)(7): same as 1990 Model Code Canon 4D(5)(g) (A)(8): <i>any other gift, bequest, favor or loan, only if:</i> <i>(i) the donor has not sought and is not seeking to do business with the court or other entity served by the judge; or</i> <i>(ii) the donor is not a party or other person who has come or is likely to come before the judge or whose interests may be substantially affected by the performance or nonperformance of his or her official duties.</i> (B) <i>A judge is not required by this Code to make financial disclosures except as provided by the Supreme Court.</i></p>

	Deletes (C) and Comment
<p>DC (as pro- posed)</p>	<p>Changes title to: “Acceptance of Gifts, Loans, Bequests, Benefits, or Other Things of Value” (B) Deletes “without publicly reporting such acceptance” Adds (B)(9): Same as MC (C)(1) Adds (B)(10): Same as MC (C)(2) [1] Replaces text after first sentence with: <i>This risk is especially high when the donor is a party or other person, including a lawyer, who has come or is likely to come before the judge, or whose interests have come or are likely to come before the judge. In such an instance, the acceptance will be appropriate only in rare circumstances, and only after the judge has determined under Rule 3.13 (A) that the receipt would not appear to a reasonable person to undermine the judge’s integrity, impartiality, or independence.</i> [5]: Not Adopted Adds Comments: [6] <i>The acceptance of gifts, loans, bequests, benefits, or other things of value may be subject to reporting requirements as set forth in Rule 3.15, which requires compliance with D.C. Code § 11-1530 (2001) and the Rules of the District of Columbia Commission on Judicial Disabilities and Tenure.</i> [7] <i>This Rule departs in two, related respects from Model Rule 3.13. First, Model Rule 3.13 divides things of value a judge may accept into two categories (in paragraphs (B) and (C)) depending on whether the judge must publicly report their acceptance, but as the preceding comment states, the duty publicly to report acceptance of things of value is set forth instead in Rule 3.15, which refers to disclosure obligations established in D.C. Code § 11-1530 (2001) and the Rules of the Commission on Judicial Disabilities and Tenure. Second, although Model Rule 3.13 (C)(3) expressly permits a judge to accept “gifts, loans, bequests, benefits, or other things of value, if the source is a party or other person, including a lawyer, who has come or is likely to come before the judge, or whose interests have come or are likely to come before the judge,” acceptance of gifts from such sources is subject to a public reporting requirement. Because D.C. Code § 11-1530 and the Rules of the Commission on Judicial Disabilities and Tenure do not require public reporting of gifts from such sources, a District of Columbia judge should not accept them, except in rare circumstances, as provided in Comment [1]. Paragraph (B) of this Rule permits a judge to accept, unless prohibited by law or by paragraph (A), all other items set forth in Model Rule 3.13(B) and (C).</i></p>
<p>FL</p>	
<p>HI Effective 1/1/09</p>	<p>(A): replaces “undermine” with “materially impair” and adds “temperament, or fitness to fulfill the duties of judicial office” to end (B)(9): same as Model Code (C)(1) (B)(10): same as Model Code (C)(2) (C)(1): same as Model Code (C)(3) Adds (C)(2): <i>gifts, bequests, favors, loans, or other types of value exceeding \$200.00, if the donor is not a party or other person who has come or is likely to come or whose interests have come or are likely to come before the judge.</i> [1]: replaces “undermine” with “materially impair” and adds “temperament, or fitness to fulfill the duties of judicial office” after “impartiality” [2]: adds “temperament, or fitness to fulfill the duties of judicial office” after “impartiality” Deletes [5]</p>

ID	
IL	
<p>IN Effective 1/1/09</p>	<p>(B)(9): same as Model Code (C)(1) (B)(10): same as Model Code (C)(2) (C) Unless otherwise prohibited by law or by paragraph (A), a judge may accept any other gift, loan, bequest, benefit, or other thing of value but must report such acceptance to the extent required by Rule 3.15. Deletes (C)(3) [2]: adds “Similarly, the receipt of ordinary social hospitality, commensurate with the occasion, is not likely to undermine the integrity of the judiciary. However, the receipt of other gifts and things of value, not listed in Rule 3.13(B), presents the greatest risk. Under Rule 3.13(C), a judge may accept and report other gifts and things of value only after careful scrutiny in light of Rule 3.13(A). Where the donor is an attorney or party who has or is likely to come before the judge, the exchange will be appropriate only in the rarest of circumstances, and only after the judge has determined under Rule 3.13(A) that the receipt would not appear to a reasonable person to undermine the judge’s integrity, impartiality, or independence, and only if reported pursuant to Rule 3.15. For example, if a substantial period of time has elapsed since the judge presided over a case involving the donor and, in the interim, there has occurred a significant change of personal circumstances between the two, the judges may be permitted to accept the gift or loan or other thing of value, subject to the reporting requirements” to end</p>
<p>IA Effective 5/3/10</p>	<p>(A) Adds after “A judge,” “a judge’s spouse, a judge’s domestic partner, or a judge’s minor child;” Adds “bequests” after “loan;” “gift,” “loan,” “benefit,” and “or other thing” are all singular; (B) Adds after “A judge,” “a judge’s spouse, a judge’s domestic partner, or a judge’s minor child;” replaces language after “accept” with “only the following gifts, loans, bequests, benefits, or other things of value if they are from a restricted donor*.” Does not have MR (B)(2) or (B)(3); (B)(2) is MR (B)(4); Does not have MR (B)(5) or (B)(6); (B)(3) is MR (7) Adds: <i>(B)(4): anything received from a person related within the fourth degree of kinship or marriage, unless the donor is acting as an agent or intermediary for another person not so related;</i> <i>(5) an inheritance or bequest;</i> <i>(6) nonmonetary items with a value of \$3 or less that are received from any one donor during one calendar day;</i> <i>(7) items or services solicited by or given to a state, national or regional organization in which the state of Iowa or a political subdivision of the state is a member;</i> <i>(8) items or services received as part of a regularly scheduled event that is part of a conference, seminar or other meeting that is sponsored and directed by any state, national or regional organization in which the judicial branch is a member;</i> <i>(9) funeral flowers or memorials to a church or non-profit organization; and</i> <i>(10) gifts which are given to an official or employee for the official’s or the employee’s wedding or twenty-fifth or fiftieth wedding anniversary.</i> Replaces language in (C) with:</p>

(C) Unless prohibited by paragraph (A), a judge, a judge's spouse, a judge's domestic partner, or a judge's minor child may receive the following gifts, loans, bequests, benefits, or other things of value from a donor other than a restricted donor:

(1) gifts, loans, bequests, benefits, or other things of value from friends, relatives, or other persons, including lawyers, whose appearance or interest in a proceeding pending or impending before the judge would in any event require disqualification of the judge under rule 51:2.11;

(2) ordinary social hospitality;

(3) rewards and prizes given to competitors or participants in random drawings, contests, or other events that are open to persons who are not judges;

(4) scholarships, fellowships, and similar benefits or award, if they are available to similarly situated persons who are not judges, based upon the same terms and criteria;

(5) gifts, awards, or benefits associated with the business, profession, or other separate activity of a spouse, a domestic partner, or other family member of a judge residing in the judge's household,* but that incidentally benefit the judge;*

(6) gifts incident to a public testimonial;

(7) invitations to the judge and the judge's spouse, domestic partner, or guest to attend without charge:

(a) an event associated with a bar-related function or other activity relating to the law, the legal system, the provision of legal services, or the administration of justice; or

(b) an event associated with any of the judge's education, religious, charitable, fraternal or civic activities permitted by the Iowa Code of Judicial Conduct, if the same invitation is offered to nonjudges who are engaged in similar ways in the activity as is the judge;

(8) contributions to the campaign committee of a judge, a judge's spouse, or a judge's domestic partner; and

(9) anything that can be given by a restricted donor under paragraph (B).

[1] Replaces language after "risk" with: "Paragraph (B) identifies the only gifts, loans, bequests, benefits, or other things of value that a judge, a judge's spouse, a judge's domestic partner, or a judge's minor child may accept from a donor other than a restricted donor. Rule 51: 3.13 substantially complies with the gift law provisions of chapter 68B of the Iowa Code;"

[2] Changes reference to Paragraph (C)(1) instead of (B)(2) and deletes language after "circumstances;"

[4] Replaces "or member...household" with "minor child;" deletes "evade Rule 3.13 and;" Deletes sentence beginning with "Where the gift;" deletes "however" after "A judge should;"

[5] Changes "campaign for judicial office" to "retention election;"

Adds:

[6] In deciding whether a gift, loan, benefit, or other thing of value constitutes ordinary social hospitality, relevant considerations include the cost of the event or gift, whether the benefits conferred are greater in value than that traditionally furnished at similar events sponsored by bar associations or similar groups, whether the benefits are greater in value than that which the judge customarily provides the judge's own guests, whether the benefits conferred are usually exchanged only between friends or relatives, whether there is a history or expectation of reciprocal social hospitality between the judge and the

	<i>donor, whether the event is a traditional occasion for social hospitality, and whether the benefits received must be reported to any governmental entity.</i>
KS Effective 3/1/09	(B)(4): same as Model Code (B)(5) (B)(5) and (6): same as Model Code (B)(7) and (8) (C)(4): same as Model Code (B)(4) (C)(5): same as Model Code (B)(6)
KY	
MD Effective 7/1/10	Title: deletes “and Reporting;” (B) Deletes language after “following;” (B)(9) and (B)(10), (B)(10)(a) and (b) are the same as Model Code (C)(1), (C)(2), (C)(2)(a) and (b); Does not adopt (C); Does not adopt (C)(3). [1] After “impartiality is low” deletes clause “and explicitly provides...be publicly reported”; Deletes reference to (C) “or required under paragraph (C) to publicly report it.” [2] Deletes language after “under these circumstances;” [5] Deletes second sentence.
MO Effective 1/1/2012	(B) Adds after “a judge may accept:” “but must report if required by section 105.485, RSMo” (B)(2) Replaces “disqualification” with “recusal” (B)(3) Adds at the end: “including wedding, engagement or shower gifts” (B)(8) Deletes “domestic partner” (C)(2) Deletes “domestic partner” [2] Replaces “disqualification” with “recusal” [4] Deletes “domestic partner” [5] Replaces reference to the rules with a reference to “Rules 2-4.1 and 2-4.2”
NV Effective 1/19/10	Identical

MI	
MN Effective 7/1/09	<p>(B)(8): replaces language between “spouse” and “but” with “a person with whom the judge has an intimate relationship, or a member of the judge’s household”</p> <p>(B)(9): same as Model Code (C)(1)</p> <p>(B)(10): same as Model Code (C)(2) but replaces “domestic partner” with “a person in an intimate relationship with the judge, a member of the judge’s household”</p> <p>(B)(10)(a) and (b): same as Model Code (C)(2)(a) and (b)</p> <p>Adds (B)(11): <i>any other gift, loan, bequest, benefit, or other thing of value with a value not exceeding \$150, if the source is not a party or other person who, directly or indirectly, has come or is likely to come before the judge, or whose interests have come or are likely to come before the judge.</i></p> <p>(C): replaces “to the extent required” with “in the same manner as the judge reports compensation under”</p> <p>Adds (C) (1) any other gift, loan, bequest, benefit, or other thing of value not described in paragraphs (B)(1)-(10) above with a value exceeding \$150; and</p> <p>(C)(2): similar to Model Code (C)(3) but adds “not described in paragraphs (B)(1)-(10) above” after “value,” deletes “including a lawyer” and adds “directly or indirectly” after “who”</p> <p>[1]: adds third sentence “Paragraph (A) prohibits acceptance where expressly prohibited by law or where the judge’s independence,* integrity,* or impartiality would be compromised by acceptance.”</p> <p>[4]: In second sentence, replaces language between “spouse” and “it may” with “a person in an intimate relationship with the judge, or a member of the judge’s household.” In last sentence, adds “intimates” after “family”</p>
MS (as pro- posed)	Identical
MT Effective 1/1/09	<p>(B): deletes language after “following”</p> <p>Adds (B)(6)(a): related to training in the law, the legal system or the administration of justice; or</p> <p>(B)(9): same as Model Code (C)(1)</p> <p>(B)(10): same as Model Code (C)(2)</p> <p>Deletes (C) and (C)(3)</p> <p>[1]: combines first sentence of Model Code [1] and first two sentences of Model Code [2]</p> <p>[2] – [4]: same as Model Code [3] – [5]</p>
NE Effective 1/1/2011	<p>(B)(2) Replaces language after “other things of value from” with “a member of the judge’s family*.”</p> <p>(C)(3) Replaces language after “other things of value” with “from any source other than a member of the judge’s family.”</p> <p>[2] Reserved.</p>
NV (as pro- posed)	Identical
NH Effective 4/1/2011	[5]: Deleted
NJ	
NM	Changes title to: “Acceptance of gifts, loans, benefits, or other things of value”

<p>(as proposed)</p>	<p>(A) Adds to the end: “or if the source is a party or other person, including lawyer, who has come or is likely to come before the judge, or whose interests have come or are likely to come before the judge.”</p> <p>(B)(2) Replaces reference with respective Rule 21-211 NMRA</p> <p>Adds (B)(9), which is the same as MC (C)(1)</p> <p>Adds (B)(10)(a) and (b), which are the same as MC (C)(2)(a) and (b)</p> <p>(C): Deleted</p> <p>[1] Replaces reference with corresponding Rule 21-313 NMRA; Deletes the rest of the text after “such items need not be publicly reported.”</p> <p>[2] Replaces reference with corresponding Rule 21-211 NMRA</p> <p>[4] Replaces references with corresponding Rule 21-313 NMRA</p> <p>[5] Replaces references with corresponding Rules 21-313, 21-403 and 21-404 NMRA</p>
<p>NY (as proposed)</p>	<p>(A) Adds “and shall urge members of the judge’s family residing in the judge’s household not to accept” after “shall not accept.”</p>
<p>NC</p>	
<p>ND (as proposed)</p>	<p>Title: Deletes “and Reporting”</p> <p>(A) Replaces all language after “other thing of value” with “except as follows;” Deletes all language before MC(B)(1)-(8) and continues with MC (B)(1)-(8);</p> <p>Subsection (7): Replaces “official use” with “use in the duties of judicial office”</p> <p>Adds to the end of Subsection (8):</p> <p style="padding-left: 40px;"><i>... provided the gift, award, or benefit does not give the appearance of influencing the judge in the performance of the duties of judicial office or otherwise appear to a reasonable person to undermine the judge’s independence*, integrity*, or impartiality*;</i></p> <p>Adds to the end:</p> <p style="padding-left: 40px;"><i>(9) gifts incident to a public testimonial;</i></p> <p style="padding-left: 40px;"><i>(10) invitations to the judge and the judge’s spouse, domestic partner, or guest to attend without charge:</i></p> <p style="padding-left: 80px;"><i>(a) an event associated with a bar-related function or other activity relating to the law, the legal system, or the administration of justice; or</i></p> <p style="padding-left: 80px;"><i>(b) an event associated with any of the judge’s educational, religious, charitable, fraternal or civic activities permitted by this Code, if the same invitation is offered to nonjudges who are engaged in similar ways in the activity as is the judge; and</i></p> <p style="padding-left: 40px;"><i>(11) and other thing of value, if the donor is not a party or other person who has come or is likely to come or whose interests have come or are likely to come before the judge.</i></p> <p>(C): Deleted</p> <p>[1] In the second sentence replaces “imposes restrictions upon” with “prohibits” and Replaces all language after “the acceptance of such benefits” with “except in circumstances where the risk of improper influence is low and the acceptance is subject to applicable reporting requirements. The judge should be aware of applicable reporting requirements based on the value of the gifts or other things of value which a judge may accept under this rule. See Rule 3.15.”</p> <p>[2] Deletes the last sentence</p>

<p>OH Effective 3/1/09</p>	<p>(A): adds “and shall urge the judge’s spouse, domestic partner, and other members of the judge’s family residing in the judge’s household not to accept” after “accept” and replaces language after “value” with “except as follows” Deletes (B) (A)(1) – (7): same as Model Code (B)(1) – (7) (A)(8): similar to Model Code (B)(8) but adds “provided the gift, award, or benefit does not give the appearance of influencing the judge in his or her judicial duties or otherwise appear to a reasonable person to undermine the judge’s <i>independence, integrity, or impartiality</i>” to end (A)(9): similar to 1990 Model Code Canon 4D(5)(d) (A)(10): similar to Model Code (C)(1) (A)(11): similar to Model Code (C)(2) (A)(12): <i>Any other thing of value, if the donor is neither of the following:</i> (a) <i>A party or other person who has come or is likely to come or whose interests have come or are likely to come before the judge;</i> (b) <i>A person who is doing or seeking to do business with the court.</i> (B): <i>A judge shall report the acceptance of any gift, loan, bequest, benefit, or other thing of value as required by Rule 3.15</i> Deletes (C) [1]: replaces language after first sentence with “Rule 3.13 prohibits the acceptance of such benefits, except in circumstances where the risk of improper influence is low and subject to applicable financial disclosure requirements. See Rule 3.15 and R.C. 102.02” [2]: replaces “and does not require” with “but requires” Deletes [4]</p>
<p>OK Effective 4/15/2011</p>	<p>Changes title to: “Accepting Gifts, Loans, Bequests, Benefits, or Other Things of Value” (A) Replaces “by the law” with “by the Rules of the Ethics Commission of other law” (B) Replaces “by law, or by paragraph (A) with “by the Rules of the Ethics Commission;” Deletes all words after “the following” (B)(2) Replaces language after “from friends” with “from close friends, relatives; or members of the judge’s household and their relatives” Adds (B)(7): <i>scholarships, fellowships, and similar benefits or awards specifically for judicial education;</i> OK (B)(8) is identical to MC (B)(7) Adds (B)(9): <i>gifts incident to a public testimonial;</i> Adds (B)(10): <i>Invitations to the judge and the judge’s spouse, member of the judge’s household, or guest to attend without charge:</i> (a) <i>an event associated with a bar-related function or other activity relating to the law, the legal system, or the administration of justice; or</i> (b) <i>an event associated with any of the judge’s educational, religious, charitable, fraternal or civic activities permitted by this Code, if the same invitation is offered to nonjudges who are engaged in similar ways in the activity as is the judge; and</i> Adds (B)(11): <i>gifts, awards, or benefits associated with the business, profession, or other separate activity of a spouse, or member of the judge’s household, but that incidentally benefit the judge, However, such benefits provided to a spouse or member of the judge’s household are also</i></p>

	<p><i>subject to the same limitation as a judge.</i></p> <p>Replaces (C) with:</p> <p><i>Under the Rules of the Ethics Commission there are specific limitations on a state officer or employee asking for, soliciting, receiving or agreeing to receive things of value from:</i></p> <p><i>(1) a lobbyist or lobbyist principal;</i></p> <p><i>(2) a person who is seeking to do business or doing business with the government entity of which the state officer's or state employee's office or employment to a part; and</i></p> <p><i>(3) a person who has an economic interest in actions or matters before or affecting the governmental entity of which the state officer's or state employee's office or employment is a part.</i></p> <p><i>A judge should carefully examine the Rules of the Ethics Commission to determine the limitations imposed by these Rules on receiving things of value from anyone in one of these three categories.</i></p> <p>[1] Deletes the rest of the words in the third sentence after: "or impartiality is low." Changes the last sentence after "appear before the judge increases" with: "the judge may be prohibited under paragraph (A), or (C) from accepting the gift."</p> <p>[2] Deletes Adds "personal" before "friends." Deletes all text after the first sentence.</p> <p>[4] Replaces "member of the judge's family residing in the judge's household" with "member of the judge's household"</p> <p>Adds [6]:</p> <p><i>As described in Paragraph (C) of this rule, a person with an economic interest in matters before or affecting the governmental entity served by the recipient would include a party or other person, including a lawyer, who has come or is likely to come before the judge, or whose interests have come or are likely to come before the judge.</i></p>
OR	
PA	
SD	
TN (as pro- posed)	<p>Adds (B)(9): <i>gifts incident to a public testimonial; or</i></p> <p>Adds (B)(10): <i>invitations to the judge and the judge's spouse, domestic partner, or guest to attend without charge:</i></p> <p><i>(B)(10)(a): an event associated with a bar-related function or other activity relating to the law, the legal system, or the administration of justice; or</i></p> <p><i>(B)(10)(b): an event associated with any of the judge's educational, religious, charitable, fraternal or civic activities permitted by this Code, if the same invitation is offered to nonjudges who are engaged in similar ways in the activity as is the judge.</i></p> <p><i>(C): Unless otherwise prohibited by law or by paragraph (A), a judge may accept gifts, loans, bequests, benefits, or other things of value. A judge must report such acceptance, to the extent required by Rule 3.15, if the source is a party or other person, including a lawyer, who has come or is likely to come before the judge, or whose interests have come or are likely to come before the judge.</i></p> <p>Adds [6]: <i>A judge shall only accept a gift incident to a public testimonial if the judge's receipt of the public testimonial is permitted activity under Rule 3.7(A)(4) and Comment [1] thereto.</i></p>
TX	
UT Effective 4/1/10	<p>(B): deletes language after "following"</p> <p>(B)(9): same as Model Code (C)(2)</p> <p>Deletes (C) and (C)(1) and (3)</p>

As of September 6, 2011

	[1]: replaces language after “low” with “In lieu of imposing financial reporting requirements, Utah has adopted stricter prohibitions than those proposed by the Model Code against the acceptance of gifts, loans, bequests, benefits, or other things of value” [2]: deletes language after “circumstances”
VT	
VA	
WA Effective 1/1/11	<ul style="list-style-type: none"> • (B) State Code deletes “without publicly reporting such acceptance;” • Model Code (C) deleted; • State Code adds (B)(9) which is identical to Model Code (C)(1); • State Code adds (B)(10)(a)(b) which is identical to Model Code (C)(2)(a)(b)
WV	
WI	
WY Effective 7/1/09	[5]: adds “retention” before “campaign.”

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