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CANON 4

**EXTRA-JUDICIAL CONDUCT: A JUDGE SHALL CONDUCT THE JUDGE’S
EXTRA-JUDICIAL ACTIVITIES TO MINIMIZE THE RISK OF CONFLICT WITH
JUDICIAL OBLIGATIONS¹**

RULE 4.01: EXTRA-JUDICIAL ACTIVITIES IN GENERAL

**A judge shall conduct all of the judge’s extra-judicial activities so that
they²**

**A. do not interfere with the proper performance of judicial
duties;³**

**B. do not cast reasonable doubt on the judge’s capacity to act
with integrity, impartiality, and independence; and⁴**

C. comply with the requirements of this Code.

COMMENT

[1] Judges are encouraged to engage in appropriate extra-judicial activities so as not to become isolated from their communities, and to further the public’s understanding of how courts and the judicial system affect their lives.

[2] Expressions of bias or prejudice by a judge, at any time, may cast reasonable doubt on the judge’s ability to act impartially as a judge. Such expressions include jokes and other remarks demeaning individuals on the basis of race, gender, religion, ethnicity, national origin, disability, age, sexual orientation or socioeconomic status. See Rule 3.04 and accompanying Comments.⁵

[3] As a judicial officer specially learned in the law, a judge is in a unique position to contribute to the improvement of the law, the legal system, and the administration of justice, including revision of substantive and procedural law and improvement of the justice system. Such contributions may take the form of speaking, writing, teaching or participating in other extrajudicial activities. In many instances, these activities may contribute significantly to the promotion of the fair

¹ Canon 4
² Canon 4A
³ Canon 4A(3)
⁴ Canon 4A(1)
⁵ Canon 4A Commentary

1 administration of justice and to ensuring the integrity, impartiality, and
2 independence of the judiciary. To the extent that time permits, a judge is
3 encouraged to undertake such activities, either independently or through a
4 bar association, judicial conference or other organization. Judges may
5 participate in efforts to promote the fair administration of justice, the
6 independence of the judiciary and the integrity of the legal profession,
7 both within and outside their jurisdictions. For example, judges may have
8 occasion to express opposition to the persecution of lawyers and judges in
9 other countries because of their professional activities.⁶

10 [4] A judge may also wish to engage in writing, speaking, teaching, or
11 being otherwise active in regard to non-legal subjects. To the extent that
12 such activity is not in conflict with any of the judges' duties under this
13 Code, it is permitted by this Rule.

14 **RULE 4.02: APPEARANCES BEFORE GOVERNMENTAL BODIES**

15 **A judge shall not appear at a public hearing before, or otherwise**
16 **consult with, an executive or legislative body or official except⁷**

17 **A. on matters concerning the law*, the legal system or the**
18 **administration of justice;⁸**

19 **B. on other matters that might reasonably merit the attention and**
20 **comment of the judge because of knowledge or expertise acquired in**
21 **the course of the judge's judicial duties; or**

22 **C. when acting pro se in a matter involving the judge or the**
23 **judge's interests.⁹**

24 **COMMENT**

25 [1] Judges possess special expertise on matters of law, the legal
26 system and the administration of justice, and may properly share that
27 expertise with governmental bodies. In addition, judges may acquire
28 information on issues before them that are not law-related but upon which
29 they may be well qualified to comment from their unique vantage point as
30 jurists. For example, a juvenile court judge may be uniquely situated to
31 comment to a public body on the potential benefits of proposed
32 community improvements that could lead to a decrease in delinquency
33 among juveniles. Judges must be mindful, however, that their appearance

⁶ Canon 4B Commentary

⁷ Canon 4C(1) (partial)

⁸ Canon 4C(1) (partial)

⁹ Canon 4C(1) (partial)

1 before governmental bodies remains subject to other provisions of this
2 Code, such as Rule 2.11, governing public comment on pending and
3 impending matters, Rule 3.02, prohibiting judges from lending the prestige
4 of office to advance the interests of themselves or others, and Rule 4.01B,
5 prohibiting judges from engaging in extra-judicial activities that cast
6 reasonable doubt on the judge's integrity, impartiality, and independence.

7 [2] In general, it would be an unnecessary and unfair burden to
8 prohibit judges from appearing before governmental bodies on matters
9 that are likely to have special effect upon them as private citizens, for
10 example, zoning proposals that will affect their real property or proposals
11 having to do with the availability of local health services. The judge must
12 exercise care, however, not to lend the prestige of judicial office to
13 advance general causes with respect to which the judge possesses no
14 special judicial competence.

15 [3] See Rules 2.07 and 3.01 and Comments regarding the obligation to
16 avoid improper influence.¹⁰

17 **RULE 4.03: APPOINTMENTS TO GOVERNMENTAL BODIES**

18 **A judge shall not accept appointment to a governmental committee or**
19 **commission or other governmental position that is concerned with**
20 **issues of fact or policy on matters other than the improvement of the**
21 **law, * the legal system or the administration of justice.**

22 **COMMENT**

23 [1] A judge must assess the appropriateness of accepting extra judicial
24 assignments both in terms of judicial availability and in terms of the
25 requirements of impartiality of the judiciary. Thus, a judge should not
26 serve on a governmental commission that requires an excessive time
27 commitment or is embroiled in controversial subject matter, or whose
28 members are limited to advocating for one side in a policy debate. A judge
29 may, however, represent a country, state or locality on ceremonial
30 occasions in connection with historical, educational or cultural activities.¹¹
31

32 **RULE 4.04: PARTICIPATION IN CIVIC OR CHARITABLE ACTIVITIES**

33
34 **A. A judge may participate in civic or charitable activities that do**
35 **not reflect adversely upon a judge's integrity, impartiality and**
36 **independence, or interfere with the performance of judicial duties,**

¹⁰ Canon 4C(1) Commentary

¹¹ Canon 4C(2) Commentary

1 subject to the following limitations and the other requirements of this
2 Code.¹²

3
4 **B. With respect to any activities in which a judge participates on**
5 **behalf of a civic or charitable organization:**¹³

6
7 (1) A judge shall not

8
9 (a) use or permit the use of the prestige of judicial
10 office for fundraising or membership solicitation;¹⁴

11
12 (b) personally solicit funds for the organization¹⁵ on
13 an other than de minimis basis;

14
15 (c) personally participate in membership solicitation
16 if the solicitation is primarily a fundraising mechanism,
17 or if it might reasonably be perceived as coercive.¹⁶

18
19 (2) Notwithstanding paragraph (1) above, a judge may

20
21 (a) personally solicit funds from members of the
22 judge's family, or judges over whom the judge does not
23 exercise supervisory or appellate authority;¹⁷

24
25 (b) assist the organization in fundraising and
26 participate in the management and investment of the
27 organization's funds;¹⁸

28
29 (c) appear at, participate in, and permit the judge's
30 title to be used in connection with an event of an
31 organization devoted to the improvement of law, the
32 legal system, or the administration of justice, even
33 though the event may serve a fundraising purpose;

34
35 (d) make recommendations to public and private
36 fund-granting organizations on programs and activities
37 concerning the law, the legal system or the
38 administration of justice.¹⁹

¹² Canon 4C(3) (see Rule 4.04(b) for deleted portions of this Rule)

¹³ Canon 4C(3)(b)

¹⁴ Canon 4C(3)(b)(iv)

¹⁵ Canon 4C(3)(b)(i) (partial)

¹⁶ Canon 4C(3)(b)(iii)

¹⁷ Canon 4C(3)(b)(i) (partial)

¹⁸ Canon 4C(3)(b)(i) (partial)

¹⁹ Canon 4C(3)(b)(ii)

1 **C. ²⁰ A judge may serve as an officer, director, trustee, or non-**
2 **legal advisor of an organization or governmental entity devoted to the**
3 **improvement of the law, * the legal system or the administration of**
4 **justice or of an educational, religious, charitable, fraternal or civic**
5 **organization not conducted for profit, unless it is likely that the**
6 **organization or governmental entity:²¹**

7
8 **(1) will be engaged in proceedings that would ordinarily**
9 **come before the judge, or²²**

10
11 **(2) will be engaged frequently in adversary proceedings in**
12 **the court of which the judge is a member or in any court**
13 **subject to the appellate jurisdiction of the court of which the**
14 **judge is a member.²³**

15
16 **COMMENT**

17
18 [1] A judge should be permitted to participate in civic, fraternal or
19 charitable activities for the benefit of the community of which the judge is
20 a part, provided that such participation does not take inappropriate
21 advantage of the judge's judicial position, or otherwise interfere with the
22 performance of the judge's judicial duties. See Rule 5.01A.

23
24 [2] Judges may solicit lawyers to participate in pro bono programs so
25 long as in doing so the judge does not misuse the prestige of the office and
26 does not solicit lawyers to accept particular cases that could come before
27 the judge or the court on which the judge sits.

28
29 [3] Solicitation of funds for an organization involves the danger that
30 the person solicited will feel obligated to respond favorably to the solicitor
31 if the solicitor is in a position of influence or control.²⁴ For that reason, a
32 judge is not permitted to solicit funds in person, in writing or by
33 telephone, on an other than de minimis basis, unless the person being
34 solicited is another judge over whom the judge exercises no appellate or
35 supervisory control. Similarly, a judge is not permitted personally to
36 solicit memberships in an organization if the solicitation is primarily a
37 fundraising mechanism. A judge may, however, participate in fundraising
38 activities by performing tasks other than soliciting or accepting donations
39 at fundraising events, without the attendant risk of coercion that makes
40 personal solicitation of funds problematic.

²⁰ Canon 4C(3)(a)

²¹ Canon 4C(3)

²² Canon 4C(3)(a)(i)

²³ Canon 4C(3)(a)(ii)

²⁴ Canon 4C(3)(b) Commentary (partial)

1 [4] De minimis solicitation includes insignificant, incidental, or
2 behind-the-scenes activities that do not use the judge's name or title and
3 situations where the judge's role is no more active or visible than that of
4 other participants.

5 [5] Solicitation of membership poses potential problems similar to
6 those associated with the solicitation of funds. For that reason, a judge
7 must not personally solicit membership or endorse or encourage
8 membership efforts for civic or charitable organizations if the solicitation
9 could reasonably be perceived as coercive. For example, a judge must not
10 solicit memberships from other judges over whom the judge exercises
11 supervisory or appellate authority, or from persons or those affiliated with
12 persons who are likely to appear before the court on which the judge
13 serves.

14 [6] Notwithstanding the foregoing limitations, no comparable risk of
15 coercion arises when a judge who is an officer of such an organization
16 sends a general membership solicitation over the judge's signature. In
17 addition, lawyer and judicial organizations with diverse memberships,
18 whose membership is balanced in representing all parties in litigation
19 often include judges in their leadership. Judges may be involved in
20 member recruitment for such organizations even though the dues or fees
21 associated with membership may be used, in part, as fundraising to
22 support the objectives of those organizations.²⁵

23 [7] Judges are an integral part of the legal community and may
24 participate as judges in the activities of organizations within the legal
25 community without inappropriately lending the prestige of office to those
26 activities, even when they serve a fundraising purpose. Therefore, a judge
27 may, for example, accept an invitation to speak at or be recognized or
28 honored at an event hosted by a legal organization, law school, or other
29 entity devoted to improving the law, the legal system or the administration
30 of justice, even if such an event raises funds for the benefit of the
31 sponsoring organization.

32 [8] Use of an organization's letterhead for fundraising or membership
33 solicitation does not violate Rule 4.04 provided that the letterhead lists
34 only the judge's name and office or other position in the organization, and,
35 if comparable designations are listed for other persons, the judge's judicial
36 designation. In addition, a judge must make reasonable efforts to ensure
37 that the judge's staff, court officials and others subject to the judge's
38 direction and control do not solicit funds on the judge's behalf for any
39 purpose, charitable or otherwise.²⁶
40

²⁵ Canon 4C(3)(b) Commentary

²⁶ Canon 4C(3)(b) Commentary

1 [9] This Rule does not prohibit a judge from serving in a governmental
2 position associated with the improvement of the law, the legal system or
3 the administration of justice; see Rule 4.03.²⁷

4 [10] In this and other Rules in Canon 4, the phrase "subject to the
5 requirements of this Code" is used to remind judges that the use of
6 permissive language in various Rules of the Code does not relieve a judge
7 from the other requirements of the Code that apply to the specific
8 conduct.²⁸ For example, a judge permitted by this Rule to serve on the
9 board of a fraternal institution may nevertheless be prohibited from such
10 service by Rules 3.03 or 4.01 if the institution practices invidious
11 discrimination or if service on the board otherwise casts reasonable doubt
12 on the judge's capacity to act impartially as a judge.²⁹

13 [11] Service by a judge on behalf of a civic, fraternal or charitable
14 organization may be governed by other provisions of Canon 4 in addition
15 to Rules 4.02, 4.03, and 4.04. For example, a judge is prohibited by Rule
16 4.07 from serving as a legal advisor to a civic, fraternal or charitable
17 organization.³⁰

18 [12] The changing nature of some organizations makes it necessary for
19 a judge regularly to reexamine the activities of each organization with
20 which the judge is associated to determine if it is proper for the judge to
21 continue such association.³¹

22 [13] This Rule, not Rule 4.03 governs a judge's service in a
23 nongovernmental position. This Rule permits service by a judge with
24 organizations devoted to the improvement of the law, the legal system or
25 the administration of justice and with educational, religious, charitable,
26 fraternal or civic organizations not conducted for profit. Service on the
27 board of a public educational institution, other than a law school, would be
28 prohibited under Rule 4.03, whereas service on the board of a public law
29 school or any private legal institution would generally be permitted.³²

30 **RULE 4.05: APPOINTMENTS TO FIDUCIARY POSITIONS**

31 **(a) A judge shall not serve as executor, administrator or**
32 **other personal representative, trustee, guardian, attorney in**
33 **fact or other fiduciary, except for the estate, trust or person of**

²⁷ Canon 4C(3)(b) Commentary

²⁸ Canon 4B Commentary

²⁹ Canon 4C(3) Commentary

³⁰ Canon 4C(3) Commentary

³¹ Canon 4C(3)(a) Commentary

³² Canon 4C(2) Commentary

1 a member of the judge’s family,* and then only if such service
2 will not interfere with the proper performance of judicial
3 duties.³³

4 (b) A judge shall not serve as a fiduciary if it is likely that
5 the judge as a fiduciary will be engaged in proceedings that
6 would ordinarily come before the judge, or if the estate, trust
7 or ward becomes involved in adversary proceedings in the
8 court on which the judge serves or one under its appellate
9 jurisdiction.³⁴

10 (c) The same restrictions on financial activities that apply
11 to a judge personally apply to the judge while acting in a
12 fiduciary capacity.³⁵

13 **COMMENT**

14 [1] The Time for Compliance provision of this Code (Application,
15 Section II) postpones the time for compliance with certain provisions of
16 this Rule in some cases.³⁶

17
18 [2] Other restrictions imposed by this Canon may conflict with the
19 judge’s obligation as a fiduciary. For example, a judge should resign as
20 trustee if detriment to the trust would result from divestiture of holdings
21 the retention of which would place the judge in violation of Rule 4.11, or
22 require frequent disqualification.

23 **RULE 4.06: SERVICE AS ARBITRATOR OR MEDIATOR**

24 **A judge shall not act as an arbitrator or mediator or perform judicial**
25 **functions in a private capacity unless expressly authorized by law*.³⁷**

26 **COMMENT**

27 [1] Judges regularly participate in arbitration, mediation or settlement
28 conferences, either as part of their regular duties or as specially authorized
29 by court rule or other law. See Rule 2.09, Comment [2] and Rule
30 2.10A(4).³⁸

³³ Canon 4E(1)
³⁴ Canon 4E(2)
³⁵ Canon 4E(3)
³⁶ Canon 4E Commentary
³⁷ Canon 4F
³⁸ Canon 4F Commentary

1 [2] The integrity of the judiciary is undermined, however, when judges
2 take financial advantage of their offices by rendering private dispute
3 resolution services for pecuniary gain as an extra-judicial activity. In such
4 circumstances, the prestige of the judicial office would be used to advance
5 the personal financial gain of the judge. Even when performed without
6 charge, dispute resolution services provided by a judge in an extrajudicial
7 capacity may interfere with the proper performance of the judicial office,
8 and are therefore permitted only when authorized by law.

9 **RULE 4.07: PRACTICE OF LAW**

10 **A judge shall not practice law. Notwithstanding this prohibition, a**
11 **judge may act pro se and may, without compensation, give legal**
12 **advice to and draft or review documents for a member of the judge's**
13 **family.*³⁹**

14 **COMMENT**

15 [1] This prohibition refers to the practice of law in a representative
16 capacity and not in a pro se capacity. A judge may act for himself or
17 herself in all legal matters, including matters involving litigation and
18 matters involving appearances before or other dealings with legislative
19 and other governmental bodies. However, in so doing, a judge must not
20 abuse the prestige of office to advance the interests of the judge or the
21 judge's family. See Rule 3.01.⁴⁰

22 [2] The Code allows a judge to give legal advice to and draft legal
23 documents for members of the judge's family, so long as the judge
24 receives no compensation. A judge must not, however, act as an advocate
25 or negotiator for a member of the judge's family in a legal matter.⁴¹

26 **RULE 4.08 FINANCIAL ACTIVITIES**

27 **A judge shall not engage in financial and business dealings that⁴²**

28 **A. may reasonably be perceived to exploit the judge's judicial**
29 **position, or⁴³**

³⁹ Canon 4G

⁴⁰ Canon 4G Commentary

⁴¹ Canon 4G Commentary

⁴² Canon 4D(1)

⁴³ Canon 4D(1)(a)

1 **B. involve the judge in frequent transactions or continuing**
2 **business relationships with lawyers or other persons likely to come**
3 **before the court on which the judge serves.**⁴⁴

4 **COMMENT**

5 [1] When in a judicial capacity a judge acquires information that is not
6 yet generally known, such as material contained in filings with the court,
7 the judge must not use the information for private gain. See Rules 3.01
8 and 3.02.⁴⁵

9 [2] A judge must avoid financial and business dealings that involve the
10 judge in frequent transactions or continuing business relationships with
11 persons likely to come before the judge personally or before other judges
12 on the judge's court. In addition, a judge should discourage members of
13 the judge's family from engaging in dealings that would reasonably appear
14 to exploit the judge's judicial position. This rule is necessary to avoid
15 creating an appearance of exploitation of office or favoritism and to
16 minimize the potential for disqualification. With respect to affiliation of
17 relatives of a judge with law firms appearing before the judge, see
18 Comments to Rule 2.12 relating to disqualification.⁴⁶

19 [3] Participation by a judge in financial and business dealings is
20 subject to the general prohibitions in Rule 4.01 against activities that tend
21 to reflect adversely on impartiality, demean the judicial office, or interfere
22 with the proper performance of judicial duties. Such participation is also
23 subject to the general prohibition in Canon 1 against activities involving
24 impropriety or the appearance of impropriety, and the prohibition in Rule
25 3.01 against the misuse of the prestige of judicial office. In addition, a
26 judge must maintain high standards of conduct in all of the judge's
27 activities, as set forth in Canon 1.⁴⁷

28 **RULE 4.09: REMUNERATIVE ACTIVITIES**

29 **A judge may, subject to the requirements of this Code, hold and**
30 **manage investments of the judge and members of the judge's family, ***
31 **and engage in other remunerative activity.**⁴⁸

32 **COMMENT**

⁴⁴ Canon 4D(1)(b)

⁴⁵ Canon 4D(1) Commentary

⁴⁶ Canon 4D(1) Commentary

⁴⁷ Canon 4D(1) Commentary

⁴⁸ Canon 4D(2)

1 [1] This Rule provides that, subject to the requirements of this Code, a
2 judge may hold and manage investments owned solely by the judge,
3 investments owned solely by a member or members of the judge’s family,
4 and investments owned jointly by the judge and members of the judge’s
5 family. The term “investments” includes real estate. See Comments to
6 Rule 4.04 regarding use of the phrase "subject to the requirements of this
7 Code."⁴⁹

8 **RULE 4.10: MANAGEMENT AND DIVESTITURE OF INVESTMENTS**

9 **A judge shall manage the judge’s investments and other financial**
10 **interests to minimize the number of cases in which the judge is**
11 **disqualified. As soon as the judge can do so without serious financial**
12 **detriment, the judge shall divest himself or herself of investments and**
13 **other financial interests that might require frequent disqualification.**⁵⁰

14 **COMMENT**

15 [1] Judges must not allow their financial activities to interfere with
16 their duty to preside over cases that come before them. Although some
17 disqualifications will be unavoidable, judges must reduce unnecessary
18 conflicts of interest that arise when they retain financial interests in
19 organizations and other entities that appear regularly in their courts, by
20 divesting themselves of such interests.

21 [2] Financial interests, within the meaning of this Rule, include the
22 interests of others whom the judge serves as a fiduciary under Rule 4.05.

23 **RULE 4.11: FOR-PROFIT ACTIVITIES**

24 **A judge shall not serve as an officer, director, manager, general**
25 **partner, advisor or employee of any for-profit entity except that a**
26 **judge may, subject to the requirements of this Code, manage and**
27 **participate in**⁵¹

28 **A. a for-profit entity closely held by the judge or members of the**
29 **judge’s family, * or**⁵²

30 **B. a for-profit entity primarily engaged in investment of the**
31 **financial resources of the judge or members of the judge’s family.** ⁵³

⁴⁹ Canon 4D(2) Commentary

⁵⁰ Canon 4D(4)

⁵¹ Canon 4D(3)

⁵² Canon 4D(3)(a)

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COMMENT

[1] Although participation by a judge in a closely held family for-profit business might otherwise be permitted by Rule 4.11, a judge may be prohibited from participation by other provisions of this Code. Examples of such situations include when the business entity regularly appears before the judge’s court or the participation requires significant time away from judicial duties. Similarly, a judge must avoid participating in a closely held for-profit family business if the judge’s participation would involve misuse of the prestige of judicial office.⁵⁴

RULE 4.12: SOLICITATION AND ACCEPTANCE OF GIFTS

A. A judge shall not solicit or accept and shall urge members of the judge’s family residing in the judge’s household* not to solicit or accept gifts, * from anyone except that a judge may accept⁵⁵

- (1) a gift* incident to a public testimonial;**
- (2) books, magazines, journals, audio-visual materials and other resource materials supplied by publishers or organizations on a complimentary basis for official use;**
- (3) an invitation to the judge and the judge’s spouse, domestic partner or guest to attend without charge**
 - (a) a widely attended event;**
 - (b) a bar-related function; or**
 - (c) any activity devoted to the improvement of the law,* the legal system or the administration of justice;⁵⁶**
- (4) a gift*, award or benefit incident to the business, profession or other separate activity of a spouse, domestic partner or other family member of a judge residing in the judge’s household, including gifts, awards and benefits for the use of both the spouse, domestic partner or other family member and the judge (as spouse, domestic partner or family member), provided the gift, award or benefit could not**

⁵³ Canon 4D(3)(b)
⁵⁴ Canon 4D(3) Commentary
⁵⁵ Canon 4D(5)
⁵⁶ Canon 4D (5)(a)

1 reasonably be perceived as intended to influence the judge in the
2 performance of judicial duties⁵⁷

3
4 (5) a gift* from a relative or friend, for a special occasion, such as
5 a wedding, anniversary or birthday, if the gift is commensurate with
6 the occasion and the relationship;⁵⁸

7
8 (6) a gift* from a relative or personal friend whose appearance or
9 interest in a case would in any event require disqualification under
10 Rule 2.12;⁵⁹ or

11
12 (7) any other individual gift*, from any other source, valued at
13 [\$50] or less, or series of gifts from the same source whose value in the
14 aggregate does not exceed [\$150], if the donor is not

15
16 (a) a lawyer, party, or third person who has come before
17 the judge, or a person or entity whose interests have come
18 before the judge, within the preceding five years, or

19
20 (b) a lawyer, party, or third person who is likely to come
21 before the judge, or a person or entity whose interests are
22 likely to come before the judge, in the foreseeable future.⁶⁰

23
24 B. for any gift, other than a gift from a member of the judge's
25 family, that alone or in the aggregate with other gifts received from
26 the same source in the same calendar year exceeds [\$250.00] in value,
27 the judge must publicly report receipt of the gift in the same manner
28 as the judge reports compensation, reimbursement or waiver of
29 charges pursuant to Rule 4.16.⁶¹

30
31 **COMMENT**

32
33 [1] This Rule imposes restrictions on the solicitation and acceptance of
34 gifts. The Terminology section defines a "gift" as any gratuity, favor,
35 discount, entertainment, hospitality, loan, forbearance, bequest, or
36 anything of monetary value, but does not include:

37
38 (a) Ordinary social hospitality that is common among people in
39 the judge's community, extended for a non-business purpose by an

⁵⁷ Canon 4D(5)(b)

⁵⁸ Canon 4D(5)(d)

⁵⁹ Canon 4D(5)(e)

⁶⁰ Canon 4D(5)(h) (partial)

⁶¹ Canon 4D(5)(h) (partial)

1 individual, not a corporation, and limited to the provision of
2 modest items, such as food and refreshments.⁶²

3 (b) items with little intrinsic value intended solely for
4 presentation, such as plaques, certificates, trophies and greeting
5 cards;

6 (c) loans from banks and other financial institutions on terms
7 that are available based on factors other than judicial status;⁶³

8 (d) opportunities and benefits, including favorable rates and
9 commercial discounts, that are available based on factors other
10 than judicial status;

11 (e) rewards and prizes given to competitors in random
12 drawings, contests or other events that are open to the public,
13 awarded based on factors other than judicial status;

14 (f) scholarships and fellowships awarded on the same terms
15 and based on the same criteria applied to non-judge applicants;

16 (g) reimbursement or waiver of charges for travel-related
17 expenses governed by Rule 4.14;

18 (h) compensation for extra-judicial activities that is governed
19 by Rule 4.14.
20

21 [2] A judge may accept a public testimonial or a gift incident thereto
22 only if the donor organization is not an organization whose members
23 comprise or frequently represent the same side in litigation, and the
24 testimonial and gift are otherwise in compliance with other provisions of
25 this Code. See Rules 4.01 and 2.09.⁶⁴
26

27 [3] Because a gift to a member of the judge's family residing in the
28 judge's household might be viewed as intended to influence the judge, a
29 judge must inform those family members of the relevant ethical
30 constraints upon the judge in this regard and discourage those family
31 members from violating them. A judge cannot, however, reasonably be
32 expected to know or control all of the financial or business activities of all
33 family members residing in the judge's household.⁶⁵
34

35 [4] A gift to a judge, or to a member of the judge's family living in the
36 judge's household, that is excessive in value raises questions about the
37 judge's impartiality and the integrity of the judicial office and might
38 require disqualification of the judge.⁶⁶
39

⁶² Canon 4D(5)(c)

⁶³ Canon 4D(5)(f)

⁶⁴ Canon 4D(5)(a) Commentary

⁶⁵ Canon 4D(5)

⁶⁶ Canon 4D(5)(f)

⁶⁷ Canon 4D(5)(h) Commentary

1 [5] Rule 4.12 prohibits judges from accepting gifts from lawyers or
2 their firms if they have come or are likely to come before the judge; it also
3 prohibits gifts from clients of lawyers or their firms when the clients'
4 interests have come or are likely to come before the judge. Rule 4.12A(5)
5 prohibits a judge from accepting gifts, even of a nominal value, from
6 people or entities who are likely to appear before the judge. The rule
7 requires a judge to consider whether a donor, or the donor's interest, might
8 come before the judge in the foreseeable future.⁶⁷
9

10 [6] Rule 4.12 does not apply to contributions to a judge's campaign for
11 judicial office. Such contributions are governed by Canon 5 and other
12 Rules of this Code.⁶⁸ Rule 4.12 likewise does not apply to the
13 reimbursement or waiver of charges for travel-related expenses, which is
14 governed by Rule 4.13.
15

16 [7] Acceptance of an invitation to a law-related function is governed
17 by Rule 4.12(a)(1) and includes acceptance of an invitation paid for by an
18 individual lawyer or group of lawyers.⁶⁹ The judge's acceptance of such
19 an invitation is subject to the provisions of Rule 4.12A(7)(a) and (b).
20

21 [8] Regardless of whether Rule 4.12 would permit receipt of a
22 particular gift by a judge or a member of the judge's family residing in the
23 judge's household, other Rules may prohibit the gift. For example, Rule
24 4.01B would apply if the gift would cast reasonable doubt on the judge's
25 capacity to act with integrity, impartiality, and independence.
26

27 **RULE 4.13: REIMBURSEMENT OR WAIVER OF CHARGES FOR TRAVEL-**
28 **RELATED EXPENSES OF THE JUDGE OR THE JUDGE'S SPOUSE, DOMESTIC**
29 **PARTNER OR GUEST**
30

31 **A. A judge may accept reimbursement of or a waiver of charges**
32 **from sources other than the judge's employing entity for necessary**
33 **travel, food, and lodging expenses associated with the judge's**
34 **participation in extra-judicial activities permitted by this Code, only if**
35 **such acceptance does not cast reasonable doubt on the judge's**
36 **capacity to act with impartiality, integrity, or independence.**⁷⁰
37

38 **B. Expense reimbursement and waiver of charges shall be limited**
39 **to the actual cost of travel, food, and lodging reasonably incurred by**
40 **the judge and, where appropriate to the occasion, by the judge's**
41 **spouse, domestic partner or guest. Any reimbursement or waiver of**

⁶⁸ Canon 4D(5) Commentary

⁶⁹ Canon 4D(5)(a) Commentary

⁷⁰ Canon 4H(1)

1 **charges that alone or in the aggregate with other expenses reimbursed**
2 **from the same source in the preceding [twelve months] exceeds [\$250]**
3 **shall be reported and made accessible to the public in the same**
4 **manner as required by Rule 4.15.⁷¹**
5

6 **COMMENT**
7

8 [1] Participation in judicial education in law-related and academic
9 disciplines is in keeping with a judge's duty to remain competent in the
10 law and is encouraged under the provisions of Canon 4. Attendance at
11 educational activities where the expenses are paid for by persons or
12 entities other than the judge, or a government entity, must nevertheless be
13 evaluated by the judge to determine whether attendance is consistent with
14 the requirements of this Code. For example, Rule 4.01B requires that a
15 judge's extra-judicial activities be conducted so that they do not cast
16 reasonable doubt on the judge's capacity to act with impartiality, integrity,
17 and independence.
18

19 [2] A judge's decision whether to attend such an expense-paid
20 educational activity should be based on an assessment of all of the
21 circumstances, and the judge must undertake a reasonable inquiry to
22 obtain the information necessary to make an informed judgment. The
23 judge should, for example, consider whether the sponsor or the funding
24 source of the educational activity is currently appearing, or likely to
25 appear, before the judge in a matter, thus requiring disqualification of the
26 judge in the matter. See Rule 2.12. A judge also should not attend
27 educational activities sponsored by organizations with which the judge
28 may not properly be associated, such as organizations referred to in Rule
29 3.03; to do so would violate Rule 1.01 if the judge's attendance manifests
30 approval of the organization's policies. See Rule 3.03, Comment [2].
31 Other factors that may affect whether the judge should or should not
32 attend an educational activity include:
33

- 34 (a) Whether the sponsor is an accredited educational institution
35 or bar association rather than a for-profit entity or trade
36 association;
37 (b) Whether the source of the funding is largely from
38 numerous contributors rather than from a single entity and
39 earmarked for programs with specific content;
40 (c) Whether the content is unrelated to the subject matter of
41 litigation before the judge or is related to matters that are, or are
42 likely to come before the judge;

⁷¹ Canon4H (1)(b)

- 1 (d) Whether the activity is purely educational rather than
2 recreational, and whether expenses of attending are a reasonable
3 amount;
4 (e) Whether information concerning the activity and its
5 funding sources are available upon inquiry.

6 [3] Consistent with Rules 4.12B and 4.15, a judge must take
7 reasonable steps to ensure that information concerning the judge's
8 participation in educational activities and other events, as well as
9 reasonable information regarding the nature and circumstances of such
10 events, are available to the public. A judge should therefore promptly and
11 publicly disclose participation in extra-judicial events at which the
12 expenses are paid for by entities other than the judge or a government
13 entity.

14 **RULE 4.14: COMPENSATION FOR EXTRA-JUDICIAL ACTIVITIES**

15
16 **A. A judge may accept compensation for extra-judicial activities**
17 **permitted by this Code, if such acceptance does not cast reasonable**
18 **doubt on the judge's capacity to act with impartiality, integrity, or**
19 **independence.**⁷²

20
21 **B. Compensation shall not exceed a reasonable amount nor shall**
22 **it exceed what a person who is not a judge would receive for the same**
23 **activity.**⁷³

24
25 **COMMENT**

26
27 [1] The Code does not prohibit a judge from accepting honoraria or
28 speaking fees provided that the compensation is reasonable and
29 commensurate with the task performed. A judge should ensure, however,
30 that no conflicts are created by the arrangement. A judge must not exploit
31 or appear to exploit the judicial position for personal advantage. Nor
32 should a judge spend significant time away from court duties to meet
33 speaking or writing commitments for compensation. The source of the
34 payment of any such compensation must not raise any question of undue
35 influence or the judge's ability or willingness to be impartial.⁷⁴ See Rule
36 4.01.
37

⁷² Canon 4H(1)

⁷³ Canon 4H(1)(a)

⁷⁴ Canon 4H(2) Commentary

1 **RULE 4.15: REPORTING OF COMPENSATION, REIMBURSEMENT OF**
2 **EXPENSES AND WAIVER OF CHARGES**

3
4 **A judge shall report the date, place, and nature of any activity for**
5 **which the judge received compensation, reimbursement of expenses**
6 **or waiver of charges, the name of the payor or waivor and the amount**
7 **of compensation, reimbursement of expenses, or waiver of charges so**
8 **received. The judge’s report shall be made at least annually, except**
9 **with respect to reimbursements and waivers, which shall be reported**
10 **at least quarterly, and shall be filed as a public document in the office**
11 **of the clerk of the court on which the judge serves or other office**
12 **designated by law,* and when technically feasible, posted on the**
13 **website of that court or office.**⁷⁵

14
15 **COMMENT**

16
17 [1] By reporting and publicly disclosing their compensation,
18 reimbursement of expenses or waiver of charges for extrajudicial
19 activities, judges promote transparency and public confidence in the
20 integrity, impartiality, and independence of the judiciary.
21

⁷⁵ Canon 4H(2)