

TERMINOLOGY

The first time any term listed below is used in a Rule in its defined sense, it is followed by an asterisk (*).

“Aggregate” in relation to contributions for a candidate denotes not only contributions in cash or in kind made directly to a candidate’s committee or treasurer, but also, except in retention elections, all contributions made indirectly with the understanding that they will be used to support the election of a candidate or to oppose the election of the candidate’s opponent. See Rules 2.12(A)(4) and 5.06(B) and (D).

“Appropriate authority” denotes the authority having responsibility for initiation of disciplinary process with respect to the violation to be reported. See Rules 2.17 and 2.18.

“Candidate for judicial office” describes a person seeking selection for or retention in judicial office by election or appointment. A person becomes a candidate for judicial office as soon as he or she makes a public announcement of candidacy, declares or files as a candidate with the election or appointment authority, authorizes or, where permitted, engages in solicitation or acceptance of contributions or support, or is nominated for election or appointment to office. A person does not become a candidate earlier than one year prior to the date of the election or appointment whereby the person seeks to obtain judicial office. See Preamble, Scope, and Rules 5.01 through 5.07.

“Contribution” denotes both financial and in-kind contributions, such as goods, professional services, advertising, campaign committee work, or other types of assistance, which, if obtained by the recipient otherwise, would require a financial expenditure. See Rules 2.12, 2.16, 4.04, 5.01, and 5.06.

“De minimis,” in the context of a judge’s interests, denotes an insignificant interest that could not raise a reasonable question as to the judge’s impartiality. See Rule 2.12(A)(2)(c).

“Domestic partner” denotes a person with whom another person maintains a household and conjugal relations, other than a person to whom he or she is legally married. See Rules 2.12, 2.16 Comment [2], 4.10, and 4.11.

“Economic interest” denotes ownership of more than a de minimis legal or equitable interest, but does not extend to a judge’s holdings or interests in mutual or common investment funds, deposits a judge maintains in financial institutions, mutual savings associations, or credit unions, or government securities owned by a judge, unless a proceeding pending or impending before the judge could substantially affect the value of such holdings or interests, or the judge is involved in the management of such entities’ holdings. The fact that securities might be held by an educational, charitable, fraternal, or civic organization in whose service the judge or the judge’s spouse, domestic partner, parent, or child may serve as a director, officer, advisor, or other participant does not

1 thereby give the judge an economic interest in such an organization for the purposes of
2 this Code. See Rules 2.12(A)(2) and (3) and (B).

3 “Fiduciary” includes such relationships as executor, administrator, trustee, or guardian.
4 See Rules 2.12(A)(3) and (B).

5 “Gift” denotes any gratuity, favor, discount, entertainment, hospitality, loan, forbearance,
6 bequest, or anything of monetary value, but does not include:

7 (A) ordinary social hospitality common among people in the judge’s
8 community, extended for a non-business purpose by an individual, not a corporation,
9 and limited to the provision of modest items, such as food and refreshments.

10 (B) items having little intrinsic value that are intended solely for presentation,
11 such as plaques, certificates, trophies, and greeting cards;

12 (C) bank and other financial institution loans that are made available on the
13 same terms and based on the same criteria applied to applicants who are not judges;

14 (D) opportunities and benefits, including favorable rates and commercial
15 discounts, made available on the same terms and based on the same criteria applied to
16 applicants who are not judges;

17 (E) rewards and prizes that are given to competitors in random drawings,
18 contests, or other events that are open to the public, awarded on the same terms and
19 based on the same criteria applied to other competitors;

20 (F) scholarships and fellowships awarded on the same terms and based on the
21 same criteria applied to applicants who are not judges;

22 (G) reimbursement or waiver of charges for travel-related expenses governed
23 by Rule 4.11; or

24 (H) compensation for extra-judicial activities that is governed by Rule 4.12.
25 See Rule 4.13.

26 “Impartiality” or “impartial” denotes the condition of being without bias or prejudice in
27 favor of, or against, particular parties or classes of parties, or their representatives, and of
28 maintaining an open mind in considering issues that may come before the judge. See
29 Canon 1 and Rule 1.01, Canon 2 and Rule 2.12, Rules 4.01, 4.04 Comment [8], 4.11,
30 4.12, and 4.13 Comment [1], and Canon 5.

31 “Impending matter” is a matter that is anticipated but not yet commenced. A matter is
32 impending when there is reason to believe a case may be filed, for example, when a crime
33 is being investigated but no charges have been brought, or when someone has been

1 arrested but not charged, or when legislation has been passed that will probably be
2 challenged in the courts. See Rules 2.10 and 2.11.

3 “Impropriety” denotes conduct that compromises the ability of a judge to carry out
4 judicial responsibilities with independence, integrity, and impartiality, or otherwise
5 demeans the judicial office. See Canon 1 and Rule 1.02.

6 “Independence” denotes a judge’s freedom from influence, guidance, or controls other
7 than those established by law. See Canon 1 and Rule 1.01 and Rule 2.07 Comments.

8 “Integrity” denotes probity, fairness, honesty, uprightness, and soundness of character.
9 See Canon 1 and Rule 1.01.

10 “Knowingly,” “knowledge,” “known,” and “knows” denote actual knowledge of the fact
11 in question. A person’s knowledge may be inferred from circumstances. See Rule
12 5.01(A)(11).

13 “Law” encompasses court rules as well as statutes, constitutional provisions, and
14 decisional law. See Rules 1.03, 2.01, 2.05, 2.06, 2.09, 2.10(A)(4), 4.02(A), 4.03, 4.04(B),
15 4.06, 5.06(A), (D), and (E), and 5.07(A).

16 “Member of the candidate’s family” denotes a spouse, child, grandchild, parent,
17 grandparent, or other relative or person with whom the candidate maintains a close
18 familial relationship. See Rule 5.01, Comments [6] and [19].

19 “Member of the judge’s family” denotes a spouse, child, grandchild, parent, grandparent,
20 or other relative or person with whom the judge maintains a close familial relationship.
21 See Rules 4.05(A) and 4.08.

22 “Member of a judge’s family residing in the judge’s household” denotes any relative of a
23 judge by blood or marriage or a person treated by a judge as a member of the judge’s
24 family who resides in the judge’s household. See Rule 2.12(A)(3) and 4.10(A)(4) and (B)
25 and Comments [3], [4], and [6].

26 “Nonpublic information” denotes information that is not available to the public.
27 Nonpublic information may include, but is not limited to, information that is sealed by
28 statute or court order or impounded or communicated *in camera*, and information offered
29 in grand jury proceedings, pre-sentencing reports, dependency cases, or psychiatric
30 reports. See Rule 3.03.

31 “Pending matter” is a matter that has commenced. A matter continues to be pending
32 through any appellate process until final disposition. See Rules 2.10 and 2.11.

33 “Political organization” denotes a political party or other group sponsored by or affiliated
34 with a political party or candidate, the principal purpose of which is to further the election
35 or appointment of candidates for political office. For purposes of this Code, the term does

1 not include a judicial candidate's campaign committee created as authorized by Rule
2 5.06. See Rules 5.01 through 5.04.

3 "Public election" includes primary and general elections, partisan elections, nonpartisan
4 elections, and retention elections. See Rules 5.01, 5.02, 5.03, and 5.06

5 "Spouse" denotes an individual to whom a judge is married. See Rule 2.12 and Comment
6 [7] and Rule 4.10(A)(3) and (4).

7 "Third degree of relationship" includes the following individuals: great-grandparent,
8 grandparent, parent, uncle, aunt, brother, sister, child, grandchild, great-grandchild,
9 nephew, and niece. See Rule 2.12.