

Rule 4.13
Acceptance of Gifts
HALT

Suzanne M. Mishkin, Associate Counsel
November 18, 2004

In furtherance of its October 15, 2003 joint comments with the Community Rights Counsel (CRC) urging the Commission to adopt amendments on financial disclosure and limitations on multi-day seminars and its December 5, 2003 testimony to the Commission recommending clarification and strengthening of rules related to gift receipt and reporting, HALT – An Organization of Americans for Legal Reform expresses its support for the Commission’s recommendations that provide more specific guidance on the kinds of gifts judges may accept and the circumstances and methods in which judges must report such receipts.

HALT urges the Commission to use the rules for federal officials as a baseline standard to determine the appropriate dollar limit thresholds for permissible and reportable gifts.

- **Rule 4.13(a)(7):** HALT supports the Commission’s \$50 gift cap and recommends a reduction of the aggregate gift cap to \$100, as provided in rules for the U.S. House of Representative and Senate.
- **Rule 4.13(b):** HALT supports the Commission’s proposal that judges publicly report gifts that alone or in the aggregate with other gifts from the same source in the same calendar year exceed \$250 because of its conformity with the federal Ethics in Government Act.

Rule 4.13 (a) (3)
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HALT urges the Commission to limit a judge’s receipt of invitations to “widely attended events” and activities “devoted to the improvement of the law, the legal system or the administration of justice” to events valued at less than \$500 and that it require judges to report attendance at events valued at more than \$250 as a regular component of their quarterly financial disclosures.

Rule 4.13 Comment
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HALT recommends that the Commission add the following comment to Rule 4.13 to clarify the type of activities that constitute gifts that judges must disclose.

“In recent years, corporations and other interested parties have started hosting or funding expense-paid continuing legal education programs for judges in order to advance a particular perspective on the law or specific legal issues. Participation in these events inevitably creates the appearance of a conflict of interest.. The program fees and materials, travel, food, and lodging expenses associated with such programs are gifts to the judge.”

Terminology

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HALT urges the Commission to amend the definition of “widely attended events” as follows. (Additions underlined.)

“Widely attended event” means a convention, conference, symposium, forum, panel discussion, dinner, viewing, reception or similar event valued at \$500 or less at which more that 25 persons are expected to attend.”

Rule 4.16

Reporting of Compensation, Reimbursement and Waiver of Charges

HALT

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HALT encourages the Commission to proceed with rules that require quarterly reporting of gifts, compensation, reimbursements and waivers of charges that judges receive and expresses its strong support for the Commission’s requirement that clerk’s offices and web sites make such information publicly available.