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November 17, 2004

Recommendations on Model Code of Judicial Conduct

In 4.13, I recommend that the gift criteria be stated relative to the mean or median judicial salary to eliminate creeping devaluation with inflation. See details below.

David L. Hagen

Summary:

In "4.13 Solicitation and Acceptance of Gifts"

Establish the criteria for gifts relative to the median judicial income.

E.g., In Rule 4.13(a)7: Replace \$50 with 0.04% of the median judicial income.

Replace \$150 with 0.12% of the median judicial income.

In Rule 4.13(b), replace \$250 with 0.2% of the median judicial income.

Discussion:

3) Rule 4.13(b) Acceptance of Gifts

A specific dollar amount is subject to creeping devaluation relative to the salary because of inflation and increases in judicial income. Recommend declaring the amounts relative to the median judicial income. Then provide for a separate document where those amounts are stated and adjusted annually.

Recent statistics on Judicial income are reported in:

"Survey of Judicial Salaries" National Center for State Courts, Vol 29 No 1 April 1, 2004.

http://www.ncsconline.org/WC/Publications/KIS_JudComJudSal040104.pdf

E.g. Assuming \$125,000 as the median income. (Please calculate).

In Rule 4.13(a)7: Replace \$50 with 0.04% of the median judicial income.

Replace \$150 with 0.12% of the median judicial income.

The revised section would read:

Rule 4.13(a)

7. any other individual gift* valued at ~~[\$50]~~ 0.04% of the median judicial income or less, or series of gifts from the same source whose value in the aggregate does not exceed ~~[\$150]~~ 0.12% of the median judicial

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income, if the donor is not: . . .

Rule 4.13(b) Acceptance of gifts

In Rule 413(b) Recommend changing the \$250 criteria to:

“Exceeds 0.2% of the median judicial income.”

The revised section would read:

“4.13(b) For any gift, other than a gift from a member of the judge’s family, that alone or in the aggregate with other gifts received from the same source in the same calendar year ~~exceeds \$250.00 in value~~ **0.2% of the median judicial income**, the judge must publicly report in the same manner as the judge reports compensation, reimbursement or waiver of charges pursuant to Rule 4.16.⁸”