

CANON 3, RULE 3.13

A judge shall conduct the judge's personal and extrajudicial activities to minimize the risk of conflict with the obligations of judicial office.

RULE 3.13: ACCEPTANCE OF GIFTS, LOANS, BEQUESTS, FAVORS, BENEFITS, OR OTHER THINGS OF VALUE

A judge shall not accept any gifts, loans, bequests, benefits, favors, or other things of value, except as follows:

- (1) items with little intrinsic value, such as plaques, certificates, trophies, and greeting cards;
- (2) gifts, loans, bequests, benefits, favors, or other things of value from individuals whose relationship with the judge would require disqualification 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;
- (8) gifts incident to a public testimonial;
- (9) 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

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invitation is offered to nonjudges who are engaged in similar ways in the activity as is the judge; and

- (10) gifts, loans, bequests, benefits, favors, or other things of value, only if the donor is not a party or other person whose interests have come or are likely to come before the judge, including lawyers who practice or have practiced before the judge.

COMMENTS

- [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 prohibits the acceptance of benefits except in circumstances where the risk of improper influence is low.
- [2] Gift giving between friends and relatives is a common occurrence and ordinarily does not create an appearance 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 decisionmaking. Paragraph (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.
- [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.
- [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.

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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 consider informing family and household members of the restrictions imposed upon judges by this Rule.

- [5] Contributions to a judge's campaign for judicial office are governed by Rules 4.3 and 4.4 of this Code.
- [6] "Ordinary social hospitality" includes the "routine amenities, favors, and courtesies which are normally exchanged between friends and acquaintances, and which would not create an appearance of impropriety to a reasonable, objective observer." *In re Corboy*, 124 Ill. 2d 29, 42 (1988). The touchstone of this objective test "is a careful consideration of social custom." *Id.* Factors relevant to this inquiry include (1) the monetary value of the gift, loan, bequest, or other item transferred from the donor or lender to the judge; (2) the relationship between the judge and the donor or lender; (3) the social practices and customs associated with transfers of the type made between the judge and donor or lender; and (4) the circumstances surrounding the transaction. See *id.* at 42-43.
- [7] Disclosure of economic interests including gifts is governed by Rule 3.15.