

1 **RULE 3.13 Acceptance and Reporting of Gifts, Loans, Bequests, Benefits, or**
2 **Other Things of Value**

3
4 (A) A judge shall not accept, and shall urge the judge's spouse, domestic partner, and
5 other members of the judge's family residing in the judge's household not to accept, any gifts,
6 loans, bequests, benefits, or other things of value, ~~if acceptance is prohibited by law or would~~
7 ~~appear to a reasonable person to undermine the judge's independence, integrity, or impartiality.~~
8 except as follows:

9
10 (B) ~~Unless otherwise prohibited by law, or by division (A) of this rule, a judge may~~
11 ~~accept any of the following without publicly reporting such acceptance:~~ [RESERVED]

12
13 (1) Items with little intrinsic value, such as plaques, certificates, trophies, and
14 greeting cards;

15
16 (2) Gifts, loans, bequests, benefits, or other things of value from friends, relatives, or
17 other persons, including lawyers, whose appearance or interest in a proceeding *pending*
18 or *impending* before the judge would in any event require disqualification of the judge
19 under Rule 2.11;

20
21 (3) Ordinary social hospitality;

22
23 (4) Commercial or financial opportunities and benefits, including special pricing and
24 discounts, and loans from lending institutions in their regular course of business, if the
25 same opportunities and benefits or loans are made available on the same terms to
26 similarly situated persons who are not judges;

27
28 (5) Rewards and prizes given to competitors or participants in random drawings,
29 contests, or other events that are open to persons who are not judges;

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31 (6) Scholarships, fellowships, and similar benefits or awards, if they are available to
32 similarly situated persons who are not judges, based upon the same terms and criteria;

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34 (7) Books, magazines, journals, audiovisual materials, and other resource materials
35 supplied by publishers on a complimentary basis for official use;

36
37 (8) Gifts, awards, or benefits associated with the business, profession, or other
38 separate activity of a spouse, a *domestic partner*, or other member of the judge's family
39 residing in the judge's household, but that incidentally benefit the judge, provided the
40 gift, award, or benefit does not give the appearance of influencing the judge in his or her
41 judicial duties or otherwise appear to a reasonable person to undermine the judge's
42 independence, integrity, or impartiality;

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44 (9) A gift from a relative or friend for a social occasion, such as a wedding,
45 anniversary, or birthday, if the gift is commensurate with the relationship and occasion;
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47 (10) A gift incident to a public testimonial;

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49 (11) An invitation to the judge and the judge's spouse, domestic partner, or guest to
50 attend without charge either of the following:

51
52 (a) An event associated with a bar-related function or other activity related to
53 the law, the legal system, or the administration of justice;

54
55 (b) An event associated with any of the judge's educational, religious,
56 charitable, fraternal, or civic activities permitted by this code, if the same
57 invitation is offered to nonjudges who are engaged in similar ways in the activity
58 as is the judge.

59
60 (12) Any other thing of value, if the donor is neither of the following:

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62 (a) A party or other person who has come or is likely to come or whose
63 interests have come or are likely to come before the judge;

64
65 (b) A person who is doing or seeking to do business with the court.

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67 ~~(C) Unless otherwise prohibited by law or by division (A) of this rule, a judge may~~
68 ~~accept any of the following items and shall report such the acceptance to the extent of any gift,~~
69 ~~loan, bequest, benefit, or other thing of value as required by Rule 3.15.~~

70
71 ~~(1) Gifts incident to a public testimonial;~~

72
73 ~~(2) Invitations to the judge and the judge's spouse, domestic partner, or guest to~~
74 ~~attend without charge any of the following:~~

75
76 ~~(a) An event associated with a bar-related function or other activity relating to~~
77 ~~the law, the legal system, or the administration of justice;~~

78
79 ~~(b) An event associated with any of the judge's educational, religious,~~
80 ~~charitable, fraternal, or civic activities permitted by this code, if the same~~
81 ~~invitation is offered to nonjudges who are engaged in similar ways in the activity~~
82 ~~as is the judge;~~

83
84 ~~(3) Gifts, loans, bequests, benefits, or other things of value, if the source is a party or~~
85 ~~other person, including a lawyer, who has come or is likely to come before the judge, or~~
86 ~~whose interests have come or are likely to come before the judge.~~

87 88 89 **Comment**

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91 [1] Whenever a judge accepts a gift or other thing of value without paying fair market
92 value, there is a risk that the benefit might be viewed as intended to influence the judge's

93 decision in a case. Rule 3.13 ~~imposes restrictions upon~~ prohibits the acceptance of such benefits,
94 according to the magnitude of the risk. Division (B) identifies circumstances in which the risk
95 that the acceptance would appear to undermine the judge's independence, integrity, or
96 impartiality is low, and explicitly provides that such items need not be publicly reported. As the
97 value of the benefit or the likelihood that the source of the benefit will appear before the judge
98 increases, the judge is either prohibited under division (A) from accepting the gift, or required
99 under division (C) to publicly report it except in circumstances where the risk of improper
100 influence is low and subject to applicable financial disclosure requirements. See Rule 3.15 and
101 R.C. 102.02.

102
103 [2] Gift-giving between friends and relatives is a common occurrence, and ordinarily
104 does not create an appearance of impropriety or cause reasonable persons to believe that the
105 judge's independence, integrity, or impartiality has been compromised. In addition, when the
106 appearance of friends or relatives in a case would require the judge's disqualification under Rule
107 2.11, there would be no opportunity for a gift to influence the judge's decision making. Division
108 ~~(B)~~ (A)(2) places no restrictions upon the ability of a judge to accept gifts or other things of
109 value from friends or relatives under these circumstances, ~~and does not require~~ but requires
110 public reporting.

111
112 [3] Businesses and financial institutions frequently make available special pricing,
113 discounts, and other benefits, either in connection with a temporary promotion or for preferred
114 customers, based upon longevity of the relationship, volume of business transacted, and other
115 factors. A judge may freely accept such benefits if they are available to the general public, or if
116 the judge qualifies for the special price or discount according to the same criteria as are applied
117 to persons who are not judges. As an example, loans provided at generally prevailing interest
118 rates are not gifts, but a judge could not accept a loan from a financial institution at below-
119 market interest rates unless the same rate was being made available to the general public for a
120 certain period of time or only to borrowers with specified qualifications that the judge also
121 possesses.

122
123 [4] ~~Rule 3.13 applies only to acceptance of gifts or other things of value by a judge.~~
124 ~~Nonetheless, if a gift or other benefit is given to the judge's spouse, domestic partner, or member~~
125 ~~of the judge's family residing in the judge's household, it may be viewed as an attempt to evade~~
126 ~~Rule 3.13 and influence the judge indirectly. Where the gift or benefit is being made primarily~~
127 ~~to such other persons, and the judge is merely an incidental beneficiary, this concern is reduced.~~
128 ~~A judge should, however, remind family and household members of the restrictions imposed~~
129 ~~upon judges and urge them to take these restrictions into account when making decisions about~~
130 ~~accepting such gifts or benefits.~~ [RESERVED]

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132 [5] Rule 3.13 does not apply to contributions to a judge's campaign for judicial
133 office. Such contributions are governed by other rules of this code, including Rules 4.3 and 4.4.

136 **Comparison to Ohio Code of Judicial Conduct**

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138 Rule 3.13 corresponds to Ohio Canon 2(C)(5). That provision, together with R.C.
139 102.03, generally bars a judge from accepting gifts, loans, bequests, or benefits, except for those
140 items specifically permitted in Canon 2(C)(5)(a) to (h). The new rule is essentially the same as
141 the existing standards, with the exception that Rules 3.13(A)(1), (A)(5), and (A)(11)(b) are new
142 provisions with no counterpart in the Ohio Code. Specifically:

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- 144 • Rule 3.13(A)(2) corresponds to Ohio Canon 2(C)(5)(e);
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- 146 • Rule 3.13(A)(3) corresponds to Ohio Canon 2(C)(5)(c);
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- 148 • Rule 3.13(A)(4) corresponds to Ohio Canon 2(C)(5)(f);
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- 150 • Rule 3.13(A)(6) corresponds to Ohio Canon 2(C)(5)(g);
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- 152 • Rule 3.13(A)(7) corresponds to a portion of Ohio Canon 2(C)(5)(a);
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- 154 • Rule 3.13(A)(8) corresponds to Ohio Canon 2(C)(5)(b) but adds “domestic partner” and
155 incorporates the “independence, integrity, or impartiality” standards used throughout the
156 Code;
- 157
- 158 • Rule 3.13(A)(9) corresponds to Ohio Canon 2(C)(5)(d);
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- 160 • Rules 3.13(A)(10) and (A)(11)(a) correspond to portions of Ohio Canon 2(C)(5)(a);
- 161
- 162 • Rule 3.13(A)(12) corresponds to Ohio Canon 2(C)(5)(h), but is expanded to address gifts
163 from a person who is doing or seeking to do business with the court.
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165 Comment [3] provides guidance to judges in situations where special pricing, discounts,
166 and other benefits are made available by businesses and financial institutions.

167
168 Requirements for the reporting of gifts and other things of value are addressed in Rule
169 3.15.

170 **Comparison to ABA Model Code of Judicial Conduct**

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172
173 Model Rule 3.13 is reorganized entirely to be consistent with Ohio law. The Model Rule
174 3.13 divides gifts and other things of value into three categories: those that a judge may not
175 accept under any circumstances [Rule 3.13(A)]; those that a judge may accept without having to
176 report the acceptance of the item [Rule 3.13(B)]; and those that a judge may accept, provided the
177 acceptance is publicly reported [Rule 3.13(C)]. By contrast, the Ohio version of Rule 3.13(A)
178 prohibits the acceptance of any gift or item of value, except those expressly listed that would not
179 create an appearance of impropriety or cause a reasonable person to believe that the judge’s
180 independence, integrity, or impartiality has been compromised. Rule 3.13(C) requires disclosure

181 of any gift or other item of value as required by Rule 3.15. The comments are revised to
182 correspond to the rule.