

## Terminology

As used in Canons 1 to 3 of this Code:

~~“Aggregate,” in relation to contributions for a candidate, means not only contributions in cash or in kind made directly to a candidate’s campaign committee, but also 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 2.11 and 4.4.~~

“Appropriate authority” means the authority having responsibility for initiation of disciplinary process in connection with the violation to be reported. See Rule and 2.15.

“Contribution” means both financial and in-kind contributions, such as goods, professional or volunteer services, advertising, and other types of assistance, which, if obtained by the recipient otherwise, would require a financial expenditure. See Rule 3.7.

“*De minimis*,” in the context of interests pertaining to disqualification of a judge, means an insignificant interest that could not raise a reasonable question regarding the judge’s impartiality. See Rules 2.11 and 3.7.

“Domestic partner” means a person with whom another person maintains a household and an intimate relationship, other than a person to whom he or she is legally married. See Rules 2.11, 3.13, and 3.14.

“Economic interest” means ownership of more than a *de minimis* legal or equitable interest. Except for situations in which the judge participates in the management of such a legal or equitable interest or the interest could be substantially affected by the outcome of a proceeding before a judge, ~~it~~ “economic interest” does not include any of the following:

- (1) An interest in the individual holdings within a mutual or common investment fund;
- (2) An interest in securities held by an educational, religious, charitable, fraternal, or civic organization in which the judge or the judge’s spouse, domestic partner, parent, or child serves as a director, an officer, an advisor, or other participant;
- (3) A deposit in a financial institution or deposits or proprietary interests the judge may maintain as a member of a mutual savings association or credit union, or similar proprietary interests;
- (4) An interest in the issuer of government securities held by the judge.

See Rules 1.3 and 2.11.

46 “Ex parte communication” means a communication, concerning a pending or impending  
47 matter, between counsel or an unrepresented party and the court when opposing counsel or an  
48 unrepresented party is not present or any other communication made to the judge outside the  
49 presence of the parties or their lawyers. See Rule 2.9.

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51 “Fiduciary” includes relationships such as executor, administrator, trustee, or guardian.  
52 See Rules 2.11, 3.2, and 3.8.

53  
54 “Impartial,” “impartiality,” and “impartially” mean absence of bias or prejudice in favor  
55 of, or against, particular parties or classes of parties, as well as maintenance of an open mind in  
56 considering issues that may come before a judge. See Canons 1 and 2 and Rules 1.2, 2.2, 2.10,  
57 2.11, 2.13, 3.1, 3.7, 3.12, 3.13, and 3.14.

58  
59 “Impending matter” is a matter that is imminent or expected to occur in the near future.  
60 See Rules 2.9, 2.10, and 3.13.

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62 “Impropriety” includes conduct that violates the law, court rules, or provisions of this  
63 code, and conduct that undermines a judge’s independence, integrity, or impartiality. See Canon  
64 1 and Rule 1.2.

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66 “Independence” means a judge’s freedom from influence or controls other than those  
67 established by law. See Canon 1 and Rules 1.2, 3.1, 3.7, 3.12, 3.13, and 3.14

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69 “Integrity” means probity, fairness, honesty, uprightness, and soundness of character.  
70 See Canon 1 and Rules 1.2, 3.1, 3.7, 3.12, 3.13, and 3.14.

71  
72 ~~“Judicial candidate” means any person, including a sitting judge, who is seeking selection~~  
73 ~~for or retention in judicial office by election or appointment. A person becomes a candidate for~~  
74 ~~judicial office as soon as he or she makes a public announcement of candidacy, declares or files~~  
75 ~~as a candidate with the election or appointment authority, authorizes or, where permitted,~~  
76 ~~engages in solicitation or acceptance receipt of contributions or support, or is nominated for~~  
77 ~~election or appointment to office has the same meaning as in Rule 4.6. See Rule 2.11.~~

78  
79 “Knowingly,” “knowledge,” “known,” and “knows” mean actual knowledge of the fact in  
80 question. A person’s knowledge may be inferred from circumstances. See Rules 2.11, 2.15,  
81 2.16, 3.5, and 3.6.

82  
83 “Law” encompasses court rules ~~as well as, including this code and the Ohio Rules of~~  
84 Professional Conduct, statutes, constitutional provisions, and decisional law. See Rules 1.1, 2.1,  
85 2.2, 2.6, 2.7, 2.9, 3.1, 3.2, 3.4, 3.7, 3.9, 3.12, 3.13, 3.14, and 3.15.

86  
87 ~~“Member of the candidate’s family” means a spouse, domestic partner, child, grandchild,~~  
88 ~~parent, grandparent, or other relative or person with whom the candidate maintains a close~~  
89 ~~familial relationship.~~

91 “Member of the judge’s family” means a spouse, domestic partner, child, grandchild,  
92 parent, grandparent, or other relative or person with whom the judge maintains a close familial  
93 relationship. See Rules 3.7, 3.8, 3.10, and 3.11.

94  
95 “Member of a judge’s family residing in the judge’s household” means any relative of a  
96 judge by blood or marriage, or a person treated by a judge as a member of the judge’s family,  
97 who resides in the judge’s household. See Rules 2.11 and 3.13.

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99 “Nonpublic information” means information that is not available to the public.  
100 Nonpublic information may include, but is not limited to, information that is sealed by statute or  
101 court order or impounded or communicated in camera, and information offered in grand jury  
102 proceedings, presentencing reports, dependency cases, or psychiatric reports. See Rule 3.5.

103  
104 “Pending matter” is a matter that has commenced. A matter continues to be pending  
105 through any appellate process until final disposition. See Rules 2.9, 2.10, and 3.13.

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107 ~~“Personally solicit” means a direct request made by a judge or a judicial candidate for~~  
108 ~~financial support or in kind services, whether made by letter, telephone, or any other means of~~  
109 ~~communication. See Rule 4.1.~~

110  
111 ~~“Political organization” means a political party or other group sponsored by or affiliated~~  
112 ~~with a political party or candidate, the principal purpose of which is to further the election or~~  
113 ~~appointment of candidates for political office. For purposes of this Code, the term does not~~  
114 ~~include a judicial candidate’s campaign committee created as authorized by Rule 4.4. See Rules~~  
115 ~~4.1 and 4.2.~~

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117 ~~“Public election” includes primary and general elections, partisan elections, and~~  
118 ~~nonpartisan elections, and retention elections. See Rules 4.2 and 4.4.~~

119  
120 “Specialized docket” means a docket or court specifically created by statute or pursuant  
121 to the authority of the Rules of Superintendence of the Courts of Ohio to address similar cases  
122 and parties in a nonadversarial setting. “Specialized dockets” include, but are not limited to,  
123 drug courts, mental health courts, domestic violence courts, child support enforcement courts,  
124 sex offender courts, OMVI/DUI courts, reentry courts, housing courts, and environmental courts.  
125 Courts created in the Ohio Constitution or Revised Code, including appellate courts, common  
126 pleas courts and divisions of a common pleas court, municipal courts, and county courts are not,  
127 without more, a specialized docket. See Rule 2.9.

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129 “Third degree of relationship” includes the following persons: great-grandparent,  
130 grandparent, parent, uncle, aunt, brother, sister, child, grandchild, great-grandchild, nephew, and  
131 niece. See Rule 2.11.

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**Comparison to Ohio Code of Judicial Conduct**

The words and phrases defined in the Terminology section are comparable to those found in the corresponding section of the Ohio Code, with the following exceptions:

- “Appropriate authority,” “contribution,” “domestic partner,” “*ex parte* communication,” “impartial,” “impending matter,” “impropriety,” “independence,” “integrity,” “judicial candidate,” “pending matter,” and “specialized docket” are newly defined terms;
- The Ohio Code definition of “court personnel” is not included in the Terminology section.

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

The following modifications are made to the ABA Terminology section:

- The definition of “aggregate” is stricken, due to the deletion of Rule 2.11(A)(4), and moved to Rule 4.6;
- The definition of “judicial candidate” is modified reference the definition in Rule 4.6;
- The definition of “law” is modified to reference specifically the Ohio Code of Judicial Conduct and the Ohio Rules of Professional Conduct;
- The definitions of “member of the candidate’s family,” “personally solicit,” “political organization,” and “public election” are stricken because those terms are not used in Canons 1-3;
- Definitions of “*ex parte* communication” and “specialized docket” are added to correspond to modifications made to Rules 2.9 and 2.11.