

SUPREME COURT OF LOUISIANA

ORDER

Acting in accordance with Article V, Sections 1 and 5 of the Louisiana Constitution of 1974, and the inherent power of this Court, and considering the need to amend the Code of Judicial Conduct,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

PART I.

Canon 6 of the Louisiana Code of Judicial Conduct be and is hereby amended to read in its entirety as follows:

CANON 6

A Judge May Not Accept Compensation, Gifts, Loans, Bequests, Benefits, Favors or Other Things of Value for Quasi-Judicial and Extra-Judicial Activities Except Under Restricted Circumstances; Reporting Requirements

A. COMPENSATION AND EXPENSES

A judge may receive compensation and expenses for the quasi-judicial and extra-judicial activities permitted by this Code, if the source of such payments does not give the appearance of influencing the judge in his or her judicial duties or otherwise give the appearance of impropriety, subject to the following restrictions:

1. Compensation. Compensation for quasi-judicial activities shall not exceed a reasonable amount. Compensation for extra-judicial activities shall not exceed what a person who is not a judge would receive for the same activity.

2. Expenses. Expenses shall be limited to the actual cost of travel, food, and lodging reasonably incurred by the judge and, where appropriate to the occasion, by his or her spouse. Any payment in excess of such an amount is compensation.

B. GIFTS, LOANS, BEQUESTS, BENEFITS, FAVORS OR OTHER THINGS OF VALUE

(1) A judge shall not accept, directly or indirectly, any gifts, loans, bequests, benefits, favors or other things of value which might reasonably appear as designed to affect the judgment of the judge or influence the judge's official conduct.

(2) Except as provided in Canon 6B(3) and B(4) below, a judge shall not accept, directly or indirectly, any gifts, loans, bequests, benefits, favors or other things of value if the source is a party or other person, including a lawyer, who has come or is likely to come before the judge, or whose interests have come or are likely to come before the judge.

(3) If not in violation of Canon 6B(1), a judge may accept the following without reporting such acceptance:

- (a) items with little intrinsic value, such as plaques, certificates, trophies, and greeting cards;
- (b) gifts, loans, bequests, benefits, favors or other things of value from friends, relatives, or other persons, including lawyers, whose appearance or interest in a proceeding pending or impending before the judge would in any event require disqualification of the judge, or if the gift, bequest, benefit, favor or other thing of value is made in connection with a special occasion such as a wedding, anniversary or birthday and the gift is commensurate with the occasion and the relationship;
- (c) ordinary social hospitality provided the total value of the food, drink, or refreshment given to a judge at any single event shall not exceed fifty dollars regardless of the number of persons giving food, drink or refreshment to the judge at a single event. The value of the food, drink or refreshment provided to the judge shall be determined by dividing the total cost of the food, drink and refreshment provided at the event by the total number of persons invited. Beginning on July 1, 2009, and on July first of each year thereafter, when there has been an increase in the unadjusted Consumer Price Index (CPI-U) (Food and Beverage) as published by the United States Department of Labor, Bureau of Labor Statistics in January each year, the limit of fifty dollars for

food, drink or refreshments shall be increased by the same percentage as the percentage by which that price index is increased. The amount of the increase shall be rounded off to the nearest dollar. The food, drink, or refreshment limit shall be promulgated to judges annually by the Supreme Court;

- (d) 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;
- (e) rewards and prizes given to competitors or participants in random drawings, contests, or other events that are open to persons who are not judges;
- (f) 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;
- (g) books, magazines, journals, audiovisual materials, and other resource materials supplied by publishers on a complimentary basis for official use;
- (h) gifts, awards or benefits associated with the business, profession, or other separate activity of a spouse or immediate family member residing in the judge's household, but that incidentally benefit the judge; or
- (i) complimentary admission to a political event if in compliance with this Code of Judicial Conduct, Canon 7.

(4) If not in violation of Canon 6B(1), a judge may accept the following, and must report such acceptance, subject to Canon 6C(2)(a):

- (a) gifts incidental to a public testimonial;
- (b) invitations to the judge and the judge's spouse or guest to attend without charge:
 - (i) an event associated with a bar-related function or other activity relating to the law, the legal system, or the administration of justice; or
 - (ii) an event associated with any of the judge's educational, religious,

charitable, fraternal or civic activities permitted by this Code of Judicial Conduct, if the same invitation is offered to non-judges who are engaged in similar ways in the activity as is the judge;

- (c) complimentary admission to a civic, non-profit or educational event when the judge is a program honoree, is a speech presenter, or is a panel member; or
- (d) any fishing trip, hunting trip, or golf outing only if such trip or outing is associated with a candidate's, elected official's or organization's fundraising event open to the general public.

(5) The provisions of Canon 6B(3)(c) shall not apply to a gathering held in conjunction with an event or meeting related to a local, regional, or national organization concerning the law, the legal system or the administration of justice, or a meeting of an organization of governmental officials or employees.

(6) A contribution to a judge's campaign committee organized pursuant to Canon 7D is not a gift for purposes of Canon 6.

C. ANNUAL REPORTING REQUIREMENTS:

(1) Compensation and Expenses.

- (a) A judge shall report annually all compensation and expenses received in connection with any quasi-judicial activity of the judge when the amount received for any such quasi-judicial activity exceeds \$500 and is paid for by any individual, professional organization or association, including law-related groups, or any business organization or association.
- (b) The judge's report shall be filed in the Office of the Judicial Administrator of the Supreme Court of Louisiana on or before May 15th of each year, for the preceding calendar year, and the report shall be subject to public inspection. In the report the judge shall list the name of the payor/donor, the date, the place and the nature of the quasi-judicial activity.
- (c) A judge shall file initial and annual disclosure statements with the Office of the Judicial Administrator of the Supreme Court of Louisiana if the judge derives directly, or through a legal entity of which he/she owns ten percent

or more, anything of economic value, when that value exceeds \$2,500, from a contract or subcontract which is related to a disaster or emergency declared by the governor, and when the judge knows or reasonably should know the contract or subcontract is or may be funded or reimbursed in whole or in part with federal funds.

Initial disclosure statements shall be due on or before March 1, 2006, or within 15 days after the judge or legal entity enters into such a contract or subcontract, whichever occurs later. Thereafter, annual disclosure statements are due on or before May 15th. Disclosure statements shall be subject to public inspection.

Disclosure statements shall contain the following information:

- (i) The name, business address and office held by the judge;
- (ii) If through a legal entity,
 - (1) the name and business address of the legal entity;
 - (2) the percentage of the judge's ownership interest in the legal entity;
 - (3) the position, if any, held by the judge in the legal entity;
- (iii) The nature of the contract or subcontract, including:
 - (1) the amount of the contract or subcontract;
 - (2) a description of the goods or services provided or to be provided pursuant to the contract or subcontract;
- (iv) The amount of income or value of anything of economic value to be derived or, if the actual amount is unknown at the time the statement is due, the amount reasonably expected to be derived by the judge from the contract or subcontract.

Any judge who is subject to the provisions of this subpart shall be required to file annual disclosure statements until a disclosure statement is filed after the completion of the contract or subcontract subject to disclosure, or until the judge vacates his/her judicial office, whichever occurs first. Annual

disclosure statements shall not be required for the receipt of things of economic value pursuant to contracts or subcontracts entered into prior to the judge taking office; however, if a judge receives or reasonably expects to receive a thing of economic value otherwise required to be disclosed by this subpart pursuant to the renewal of such a contract or subcontract occurring after the judge takes office, the judge shall file a disclosure statement no later than 15 days after such renewal.

(2) Gifts, Loans, Bequests, Benefits, Favors or Other Things of Value.

- (a) When public reporting is required by Canon 6B(4), a judge shall publicly report annually all gifts, loans, bequests, benefits, favors or other things of value accepted by the judge when the value of such items, alone or in the aggregate with other items received from the same source in the same calendar year, exceeds \$250.
- (b) The judge's report shall be filed in the Office of the Judicial Administrator of the Supreme Court of Louisiana on or before May 15th of each year, for the preceding calendar year, and the report shall be subject to public inspection. In the report the judge shall list the name of the payor/donor, the date, the place and the description of any gift, loan, bequest, benefit, favor or other thing of value accepted.

PART II.

This rule change shall become effective January 1, 2009 and shall remain in full force and effect thereafter, until amended or changed through further Order of this Court.

New Orleans, Louisiana, this _____, day of March, 2008.

FOR THE COURT:

Pascal F. Calogero, Jr., Chief Justice