

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:

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

CANON 6

A Judge May Accept Reasonable Compensation and Expenses for Quasi-Judicial and Extra-Judicial Activities; A Judge May Not Accept Gifts, Loans, Bequests, Benefits, Favors or Other Things of Value Except Under Restricted Circumstances; A Judge Must Report Compensation, Gifts, Loans, Bequests, Benefits, Favors and Other Things in Some Circumstances

A. COMPENSATION AND EXPENSES FOR QUASI-JUDICIAL AND EXTRA-JUDICIAL ACTIVITIES

A judge may accept compensation and expenses for the quasi-judicial and extra-judicial activities permitted by this Code, subject to the following restrictions:

- (1) The acceptance of compensation and expenses would not cause a disinterested reasonable person to regard the payment as an attempt to influence the judge in his or her judicial duties and would not otherwise give rise to an appearance of impropriety. Compensation for quasi-judicial activities shall not exceed what a person who is not a judge would receive for the same activity.

- (2) 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 that might reasonably appear as designed to affect the judgment of the judge or influence the judge's official conduct, or would appear to a disinterested reasonable person to undermine the judge's independence, integrity, or impartiality.
- (2) If not in violation of Canon 6B(1), a judge may accept the following, and need not report 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;
 - (c) gifts, bequests, benefits, favors or other things of value given in connection with a special occasion such as a wedding, anniversary or birthday that are commensurate with the occasion and the relationship;
 - (d) ordinary social hospitality;
 - (e) 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;

- (f) rewards and prizes given to competitors or participants in random drawings, contests, or other events that are open to persons who are not judges;
 - (g) 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;
 - (h) books, magazines, journals, audiovisual materials, and other resource materials supplied by publishers on a complimentary basis for official use;
 - (i) gifts, awards or benefits associated with the business, profession, or other separate activity of a spouse, domestic partner, or immediate family member residing in the judge's household, but that do not benefit the judge or only incidentally benefit the judge; or
 - (j) complimentary admission to a political event if in compliance with this Code of Judicial Conduct, Canon 7.
- (3) If not in violation of Canon 6B(1), a judge may accept the following, but must report such acceptance, if the financial threshold set forth in Canon 6C(2)(a) is met:
- (a) gifts incidental to a public testimonial;
 - (b) invitations to the judge or to the judge and the judge's spouse, domestic partner 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 giving a speech at the event, or is a panel member for a discussion occurring at the event.
 - (d) gifts, loans, bequests, benefits, or other things of value, including ordinary social hospitality, if the source is a party or other person, including a lawyer, who has come before the judge within a reasonable period of time, or is likely to come before the judge, or whose interests have come before the judge within a reasonable period of time, or are likely to come before the judge.
- (4) 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, any 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.

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

- (a) When public reporting is required by Canon 6B(3), 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 \$350.
- (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.

(3) Value from Certain Types of Contracts.

- (a) 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 that 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.
- (b) Initial disclosure statements shall be due within 15 days after the judge or legal entity enters into such a contract or subcontract. Thereafter, annual disclosure statements are due on or before May 15th. Economic value received from contracts or subcontracts entered into prior to a judge's taking

office shall first be reported on the first annual disclosure statement due following the judge's election. Disclosure statements shall be subject to public inspection.

(c) Disclosure statements shall contain the following information:

(i) The name, business address and office held by the judge;

(ii) If through a legal entity, the name and business address of the legal entity; the percentage of the judge's ownership interest in the legal entity; and the position, if any, held by the judge in the legal entity;

(iii) The nature of the contract or subcontract, including: the amount of the contract or subcontract, a description of the goods or services provided or to be provided pursuant to the contract or subcontract and the names and addresses of the other parties to the contract or subcontract;

(iv) The amount of income or the 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.

(4) Transition Rule.

The reports required pursuant to Canon 6C that are due on or before May 15, 2013 for calendar year 2012 shall contain the information

required by the provisions of Canon 6 of the Code of Judicial
Conduct that were effective in calendar year 2012.

This rule shall become effective on January 1, 2013, and shall remain in full force and effect
thereafter, until amended or changed through future Orders of the Court.

New Orleans, Louisiana, this _____ day of November, 2012.

FOR THE COURT:

Catherine D. Kimball, Chief Justice