

*Arizona Supreme Court
Judicial Ethics Advisory Committee*

ADVISORY OPINION 90-05
(March 27, 1990)

**Gifts to Judges and Staff from Counsel or
Other Professional Associates**

Issue

May a judge or the judge's staff accept "business gifts" from counsel or others with whom they have a professional relationship?

Answer: No. See discussion below.

Facts

This inquiry points out that each Christmas season, certain lawyers cause to be delivered to the courthouse, addressed to the judge or the judge's staff, cakes, candies, gift baskets, plants or similar presents. The estimated value of these gifts range in price from \$5.00 to \$30.00. They are regularly accompanied by a seasonal card with end-of-the-year thank you messages.

Discussion

We are of the opinion that Canon 5C(4) clearly prohibits the acceptance of gifts of the type specified in the question. Accordingly, no interpretation of that canon is necessary since it speaks for itself in plain English. Likewise, Canon 3B(2) obligates a judge to require his staff to comply with the standards laid down in Canon 5C(4). Failure of the judge and the judge's staff to meet the standards set forth in 5C(4) could give rise to situations where, at the very least, the appearance of impropriety could call into question the integrity and impartiality of the judiciary in violation of Canons 1 and 2.

The judicial branch, charged with the administration of justice, must guard against practice that might bring into question its fair and even-handed administration. The potential for abuse is poignantly illustrated when we consider the plight of litigants and attorneys who come to court empty-handed, only to find the judge and court personnel gratefully munching on treats furnished by opposing counsel. Also, consider a probation department plied with gifts and catering from those representing its charges, or a gift-giving lawyer whose convenience is automatically and routinely accommodated at calendar calls. All practices which call into question anything other than fair and impartial treatment of all consumers in the justice system must be scrupulously avoided at all phases. Anything less tends to partiality and corruption.

Applicable Code Sections

Arizona Code of Judicial Conduct, Canons 1, 2, 3B(2) and 5C(4) (1985).