

*Arizona Supreme Court
Judicial Ethics Advisory Committee*

ADVISORY OPINION 93-05
(October 19, 1993)

Acceptance of Complimentary Legal Publications

Issue

May a judge accept complimentary legal publications, such as statute books and state court decisions, from publishers regardless of format?

Answer: Yes, provided the materials are for official use.

Facts

A private, for-profit publisher has offered to give judges a free subscription to a service which supplies, in CD-ROM format, the annotated Arizona Revised Statutes and decisions of the Supreme Court of Arizona and of the Arizona Court of Appeals.

Discussion

Canon 4D(5) provides as a general rule that a judge may not accept gifts. Among the exceptions to this rule are "books, tapes and other resource materials supplied by publishers on a complimentary basis for official use" Canon 4D(5)(a).

The reference to "books, tapes and other resource materials" encompasses publications generally. Law periodicals or legal materials in digitized or other encoded form, such as the CD-ROM format involved here, may be accepted from publishers. There is no reason to think that while receiving a legal publication on paper would be proper, getting the same material on a compact disc would be improper.

Canon 4D(5)(a) advises that the material must be for "official use," and that is so whether the judge accepts it as a personal gift or as a gift to the state or locality which employs the judge. *See* Opinion 92-09. The judge's ability to accept legal materials is also limited by the ban on gifts from someone whose interests are likely to come before the judge. Thus, the judge cannot accept a book from a publisher who is also a lawyer frequently appearing in the judge's court. *See* Opinion 92-04; Canon 4D(5)(h).

Applicable Code Sections

Arizona Code of Judicial Conduct, Canon 4, Sections D(5)(a) and D(5)(h) (1993).

Other References

Arizona Judicial Ethics Advisory Committee, Opinions [92-09](#) (June 5, 1992); [92-04](#) (Feb. 20, 1992).