

California Judges Association  
**OPINION NO. 50**

(Issued: September 2000)

**ACCEPTANCE OF HONORS/AWARDS FROM  
SPECIALTY BARS AND OTHER GROUPS**

**I. Introduction**

This Opinion seeks to assist judges in assessing the propriety of accepting awards or honors bestowed by specialty bar organizations or other interest groups. The Judicial Ethics Committee has received numerous questions from judges expressing uncertainty about accepting such offers. This Opinion concludes that, with certain caveats, judges may accept awards made in recognition of a judge's contributions to the community.

**II. Applicable Authority**

Canons

Canon 2A: "A judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary."

Canon 4A: "A judge shall conduct all of the judge's extrajudicial activities so that they do not

- (1) cast reasonable doubt on the judge's capacity to act impartially;
- (2) demean the judicial office; or
- (3) interfere with the proper performance of judicial duties.

Canon 4C(3)(d)(iv): "[A] judge...shall not permit the use of the prestige of his or her judicial office for fund raising or membership solicitation but may be a speaker, guest of honor, or recipient of an award for public or charitable service provided the judge does not personally solicit funds...."

Canon 4D(6): "A judge shall not accept and shall discourage members of the judge's family residing in the judge's household from accepting a gift, bequest, favor, or loan from anyone except as hereinafter provided:

" . . . (a) any gift incidental to a public testimonial . . . ."

Canon 5: "Judges . . . . shall . . . avoid political activity that may create the appearance of political bias or impropriety."

Advisory Committee Commentary to Canon 4A:

"Complete separation of a judge from extrajudicial activities is neither possible nor wise; a judge should not become isolated from the community in which the judge lives."

Judicial Administration Standard Section 39 (in relevant part):

"Judicial participation in community outreach activities should be considered an *official judicial function* [emphasis added] to promote public understanding of and confidence in the administration of justice."

Applicable Sections from Rothman Handbook (Second Edition): Section 10.28

### III. Discussion

The driving principle of the Code of Judicial Ethics is the need to preserve the integrity of the judicial decision making process. The principle requires a judge to refrain from activities or associations that would cast doubt upon the judge's capacity to act impartially. On the other hand, judges are increasingly expected to be involved in community service activities. The Judicial Council has recently codified this expectation in Section 39 of the Judicial Administration Standards, which describes judicial participation in community outreach activities as an "official judicial function." The tension between the principle and the expectation gives rise to predictable judicial uncertainty about accepting awards or honors for community service when the donor is a specialty bar association or other organization that serves a particular interest.

There is no ethical prohibition against a judge accepting an award or special recognition for service to the community from a specialized bar organization or other interest group. Indeed, the Canons expressly permit a judge to be the "recipient of an award for public or charitable service." (Canon 4C(3)(d)(iv)). Judges are free to accept awards from trial lawyers associations, ethnic bar associations, community organizations and even, in the proper circumstance, prosecutorial agencies or police departments. When asked to accept such an award, the judge must consider carefully whether acceptance would cast doubt on the judge's impartiality, demean the judicial office or interfere with the judge's proper performance of duty. The judge must also be confident that acceptance of the award does not constitute improper political activity or improperly associate the judge with fund raising.

#### A. Acceptance of the Award Must Not Cast Doubt on the Judge's Impartiality

The test for the appearance of impropriety "is whether a person aware of the facts might reasonably entertain a doubt that the judge would be able to act with integrity, impartiality, and competence." Canon 2A (Commentary). It is the consensus of the Judicial Ethics Committee that acceptance by a judge of an award from a specialty bar or other special interest organization does not reasonably cast doubt on the judge's impartiality. The judge must assess the impact of accepting such an award on a case-by-case basis. For example, acceptance of the "Judge of the Year" award from the local police department might reasonably call the judge's impartiality into question, particularly if the judge's name is used as a draw to sell tickets to the function at which the award is to be presented. However, if the police department's award is given, with no preliminary fanfare, in appreciation for the judge's accessibility to law enforcement for search warrants and emergency restraining orders, a perception of bias would be less reasonable. Judges should be wary of displaying such awards in a way that may create an appearance of bias: for example, it would be unwise to place such an award in a position of honor in chambers (where it can be seen by counsel) unless the judge similarly displays an award from the opposing agency. In any event, a judge who accepts an award from an agency that regularly appears in judge's courtroom should make it clear that he/she is open to receiving awards from agencies or groups with opposing interests

#### Examples

1. Judge may attend a luncheon sponsored by the local Boys and Girls Club and accept an award for judge's work with children where judge's name is not listed in the invitation to the luncheon nor announced ahead of time.
2. Judge may be honored for judge's contributions to alternate dispute resolution at an awards dinner sponsored by the county bar association's alternative dispute resolution committee.
3. Judge should not accept an award from a for-profit mediation service because acceptance would reasonably be perceived as exploiting the judge's judicial position to advance the business interests of the service.
4. Female judge may be honored as a role model by an organization of professional women.

5. Judge may attend a dinner sponsored by the local prosecutors' bar association and accept an award for service to the community as long as judge's name is not used to sell tickets to the event.
6. Judge may accept an award for "dedicated service" from the local police department.

**B. Acceptance of the Award Must Not Demean the Judicial Office**

"Roasts" are a popular means of "honoring" the guest of honor at an event. In theory, a judge may be the object of such a roast, as the Canons permit a judge to be a guest of honor for public or charitable service. [4C(3)(D)(iv)] The "roast" concept, however, which relies on good-humored insult and other broad forms of humor, may place the judge in a position that would demean the judicial office. The judge should satisfy him- or herself that this is not the case before agreeing to be the object of a roast.

**C. Acceptance of the Award Must Not Interfere with the Performance of Judicial Duties**

To the extent possible, the judge must determine in advance if acceptance of an award would violate any ethical constraints. The judge may not simply agree to accept the award and worry later about whether its acceptance will be disqualifying because the judge has an affirmative duty to minimize the number of cases in which he or she is disqualified. (Canon 3B(1); Code of Civil Procedure Section 170.)

**D. Judge Must Avoid Making Political Endorsements**

A judge may accept awards or honors from political entities or groups, including the Governor. However, in accepting such an award, the judge should avoid any actions which would be viewed as endorsing a candidate for political office or a party.

**E. Fund Raising**

When agreeing to accept an award from a special interest group, a judge should take care that his/her name will not be identified in any way with fund raising for the organization. A judge may be honored at a fund raising event as long as the judge's name is not used to promote the fund raising event and the judge will not be involved in fund raising for the organization.

**F. Gifts**

Ordinarily, the acceptance of an award from a specialty bar or other interest group does not implicate the gift prohibitions of the Canons and the Code of Civil Procedure. The award will usually be a plaque or other item of modest value. The Canons expressly permit acceptance of any gift incidental to a public testimonial (Canon 4D(6)(a)) and personalized plaques and trophies with a value of less than that specified by Code of Civil Procedure § 170.9 are expressly permitted by the Code of Civil Procedure. (CCP Section 170.9(1)(6)). A judge should look with caution, however, at any proposed award that has significant monetary value.

#### **IV. Conclusion**

Judges may accept awards or honors for service to the community from specialty bars and other interest groups and indeed should be open to accepting such awards as part of the official judicial function of participating in community outreach activities. Generally, acceptance of awards from such groups does not compromise a judge's impartiality. The judge must ensure, however, that acceptance of such an award does not cast reasonable doubt on the judge's capacity to act impartially or demean the judicial office. Moreover, the judge should decline any award that would entangle the judge in political endorsements or fund raising.

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