



SUPREME COURT OF GEORGIA

Atlanta September 1, 2016

The Honorable Supreme Court met pursuant to adjournment.
The following order was passed:

The Court hereby approves the following amendments to the revised Georgia Code of Judicial Conduct that took effect on January 1, 2016, to clarify various provisions relating to extra-judicial activities and the annual reporting of compensation from extra-judicial activities and of gifts or similar benefits, and to make technical corrections to the Preamble and Terminology sections. These amendments shall take effect on September 22, 2016. A redline version of these amendments indicating the changes made is available on the Supreme Court website, www.gasupreme.us.

The amended Code of Judicial Conduct will read as follows:

...

Table of Contents

...

...

Canon 3 — JUDGES SHALL REGULATE THEIR EXTRA-JUDICIAL ACTIVITIES TO MINIMIZE THE RISK OF CONFLICT WITH THEIR JUDICIAL DUTIES

Rule 3.1 Participation in Extra-Judicial Activities 33

...

Rule 3.12 Receiving Extra-Judicial Compensation 40

...

PREAMBLE AND SCOPE

Preamble

...

[3] The Code of Judicial Conduct establishes standards for ethical conduct of judges and *judicial candidates*. It consists of broad statements called Canons, specific Rules as well as Commentary set forth under each Canon, a Preamble, a Scope, a Terminology section, and an Application section. The text of the Canons and the Rules, including the Terminology and the Application sections, is authoritative. The Commentary and the Preamble and Scope, by explanation and example, provide guidance with respect to the purpose and meaning of the

Canons and the Rules. Neither the Preamble and Scope nor the Commentary is intended as a statement of additional Rules. When the text uses "shall" or "shall not," it is intended to impose binding obligations the violation of which are grounds for disciplinary action. When "should" or "should not" is used, the text is intended as an advisory statement of what is or is not appropriate conduct, and the violation of which may be grounds for disciplinary action. When "may" is used, it denotes permissible discretion or, depending on the context, it refers to action that is not covered by specific proscriptions.

Paragraph [3] amended effective September 22, 2016.

...

TERMINOLOGY

The terms defined below are noted using *italic print* in the Rules, Preamble and Scope, Application and Terminology sections of this Code. In the Commentary, which is presented using *italic print*, these defined terms are noted by use of regular print. The Code's concluding Appendix to Citations of Terminology lists specific Canons, Rules, and Commentary where defined terms are used.

...

Introduction amended effective September 22, 2016.

APPLICATION

...

A. Part-time Judges

A part-time judge is a person selected to serve as a judge on a periodic or continuing basis, but is permitted by *law* to devote time to some other profession or occupation, including the private practice of *law*. Part-time judges:

- (1) are not required to comply with Rules 3.4 [extra-judicial appointments], 3.8 [*fiduciary* activities], 3.9 [arbitration and mediation], 3.10 [practice of law], and 3.15 (A) (1) [annual financial reporting of extra-judicial compensation].

...

Paragraph (1) amended effective September 22, 2016.

B. Judges Pro Tempore

A judge pro tempore is a person, usually a practicing attorney, who is not otherwise a part-time judge, who is appointed to serve during any calendar year for a specific case or trial calendar, and who thereby serves as a judge temporarily rather than on a periodic or continuing basis.

(1) While acting as such, a judge pro tempore is not required to comply with Rules 3.4 [extra-judicial appointments], 3.8 [*fiduciary* activities], 3.9 [arbitration and mediation], 3.10 [practice of law], 3.11 [financial activities], and 3.15 (A) (1) [annual financial reporting of extra-judicial compensation].

...

Paragraph (1) amended effective September 22, 2016.

...

CANONS, RULES, AND COMMENTARY

...

Canon 2

...

Rule 2.5 Performing Administrative Responsibilities

...

Commentary:

...

[3] Any remuneration received for performing a wedding shall be reported under Rule 3.15 as extra-judicial compensation.

Commentary [3] amended effective September 22, 2016.

...

Canon 3

...

Rule 3.1 Participation in Extra-Judicial Activities

(A) Judges shall not engage in extra-judicial activities that detract from the dignity of their office or interfere with the performance of their judicial duties.

...

(C) Judges may engage in extra-judicial activities, provided that doing so will not interfere with proper performance of judicial duties or cast doubt on their capacity to *impartially* decide any issue.

...

Title and sections (A) and (C) amended effective September 22, 2016.

...

Rule 3.7 Participation in *Law-Related, Educational, Religious, Charitable, Fraternal, or Civic Organizations and Activities*

...

Commentary:

[1] To the extent that time permits, and judicial independence and impartiality are not compromised, judges are encouraged to engage in appropriate law-related activities. As a judicial officer and person specially learned in the law, a judge is in a unique position to contribute to the improvement of the law, the legal system, and the administration of justice, including revision of substantive and procedural law and improvement of criminal and juvenile justice, either independently or through a bar association, judicial conference, or other organization dedicated to such improvements.

...

Commentary [1] amended effective September 22, 2016

...

Rule 3.11 Financial Activities and Business Dealings

...

Commentary:

...

[2] Canon 2 requires judges to disqualify themselves in any proceeding in which they have a more than de minimis financial interest; Canon 3 requires judges to refrain from financial activities that might interfere with the impartial performance of their judicial duties; Canon 3 also requires judges to report certain gifts or similar benefits as well as compensation they receive for activities involving personal services outside their judicial office. Judges have the rights of an ordinary citizen, including the right to privacy in their financial affairs, except to the extent that limitations thereon are required to safeguard the proper performance of their duties. Owning and receiving income from investments do not as such affect the performance of a judge's duties.

Commentary [2] amended effective September 22, 2016.

Rule 3.12 Receiving Extra-Judicial Compensation

Judges may receive compensation and reimbursement of expenses for the extra-judicial activities permitted by this Code, unless the source of such payments gives the appearance of influencing the performance of judicial duties or otherwise would appear to a reasonable person to undermine the judge's *independence, integrity, or impartiality*. Such compensation should not exceed a reasonable amount, nor should it exceed what a person who is not a judge would receive for the same activity.

Commentary:

When performing a wedding outside their normal office hours and outside the courthouse, judges may receive a reasonable tip, gratuity, or negotiated consideration. See OCGA § 19-3-49 and Rule 2.5. Any such remuneration shall be reported under Rule 3.15 as extra-judicial compensation.

Title, text, and Commentary amended effective September 22, 2016.

...

Rule 3.15 Reports and Procedures for Reporting

(A) Judges shall regularly file reports on the amount or value of:

(1) compensation received for extra-judicial activities involving personal services as permitted by Rules 3.1 (C), 3.2, 3.7, 3.8, 3.11, and 3.14 if the value of such compensation exceeds \$500 in the same calendar year; and

...

(B) When reporting as required by Rule 3.15 (A), judges shall report the date, source, amount, and nature of the activity for which they received any such compensation; and the date, source, value, and description of any such gift or similar benefit accepted.

(C) Judges are required to file an annual report under this Rule, even if the report states that no reportable extra-judicial compensation or gifts and similar benefits were received.

...

Sections (A)(1), (B) and (C) amended effective September 22, 2016.

...

APPENDIX: CITATIONS TO TERMINOLOGY

...

“Law” See Preamble; Terminology Section; Application Section; Rule 1.1; Rule 2.1; Rule 2.4; Rule 2.6; *Commentary [3]* for Rule 2.7; *Commentary [4]* for Rule 2.8; Rule 2.9 (A), (A) (2), and (A) (5); *Commentary [4]* for Rule 2.9; *Commentary [9] and [11]* for Rule 2.11; Rule 3.2; Rule 3.4; Rule 3.7 (A) (1), (A) (2), and (A) (3); *Commentary [1] and [3]* for Rule 3.7; Rule 3.10; Rule 3.13 (A) (1) and (D) (1) (a); *Commentary [1]* for Rule 4.2; Rule 4.5 (A) and (B); *Commentary* for Rule 4.6.

...

SUPREME COURT OF THE STATE OF GEORGIA
Clerk’s Office, Atlanta

I hereby certify that the above is a true extract from
the minutes of the Supreme Court of Georgia

Witness my signature and the seal of said court hereto
affixed the day and year last above written.

 Clerk