



COMMONWEALTH OF KENTUCKY
ETHICS COMMITTEE OF THE KENTUCKY JUDICIARY
STATE CAPITOL

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FRANKFORT, KENTUCKY 40601-3489

ANTHONY M. WILHOIT
COURT OF APPEALS

STEPHEN P. RYAN
DISTRICT COURT

DANIEL SCHNEIDER
CIRCUIT COURT

B. M. WESTBERRY, CHAIRMAN
ATTORNEY

UHEL O. BARRICKMAN
ATTORNEY

JUDICIAL ETHICS OPINION

JE-86

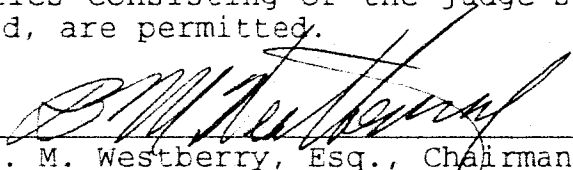
March 7, 1995

QUESTION: May a judge accept nominal Christmas gifts such as boxes of chocolates and poinsettias from persons whose interests are likely to come before him?

ANSWER: No. The Judicial Ethics Codes prohibits a judge from accepting even nominal Christmas gifts from persons whose interests are likely to come before him, and the prohibition extends to the judge's staff.

The question presented is whether a judge may accept nominal Christmas gifts such as boxes of candy and poinsettias from persons whose interests are likely to come before him. This question is governed by Canon 5, and the Code prohibits such gifts. Jeffrey M. Shaman, Steven Lubet and James J. Alfini, Judicial Conduct and Ethics § 8.13 (1990); E. Wayne Thode, Reporter's Notes to Code of Judicial Conduct 85 (1973); Canon 5C(4)(c). The prohibition extends to the judge's staff. Arizona Ethics Opinion 90-5 (March 27, 1990).

However, inter-office parties consisting of the judge's own staff, where gifts are exchanged, are permitted.


B. M. Westberry, Esq., Chairman
Judicial Ethics Committee