

2.1 Subd. 5. **Executive secretary appointment; salary.** (a) The board shall appoint
2.2 the executive secretary.

2.3 (b) The salary of the executive secretary of the board ~~is 85 percent of the maximum~~
2.4 ~~salary provided for an administrative law judge under section 15A.083, subdivision 6a~~
2.5 shall be established by the board.

2.6 **EFFECTIVE DATE.** This section is effective July 1, 2011.

2.7 Sec. 2. Minnesota Statutes 2010, section 490A.02, is amended to read:

2.8 **490A.02 JUDICIAL STANDARDS BOARD; POWERS.**

2.9 Subdivision 1. **Judicial disqualification.** A judge is disqualified from acting as a
2.10 judge, without a loss of salary, while there is pending an indictment or any information
2.11 charging the judge with a crime that is punishable as a felony under either Minnesota law
2.12 or federal law, or while ~~there is pending a recommendation to the Supreme Court by the~~
2.13 ~~Board on Judicial Standards~~ for is formally considering the judge's removal or retirement.

2.14 Subd. 2. **Judicial suspension.** ~~On receipt of a recommendation of The Board on~~
2.15 ~~Judicial Standards or on its own motion, the Supreme Court~~ may suspend a judge from
2.16 office without salary when the judge pleads guilty to or no contest to or is found guilty of
2.17 a crime that is punishable as a felony under either Minnesota law or federal law or any
2.18 other crime ~~that involves moral turpitude~~. If the conviction is reversed, the suspension
2.19 terminates and the judge must be paid a salary for the period of suspension. If the judge is
2.20 suspended and the conviction becomes final, ~~the Supreme Court~~ the Board on Judicial
2.21 Standards shall remove the judge from office.

2.22 Subd. 3. **Judicial disability.** ~~On receipt of a recommendation of The Board on~~
2.23 ~~Judicial Standards, the Supreme Court~~ may retire a judge for a disability that the court
2.24 determines seriously interferes with the performance of the judge's duties and is or is
2.25 likely to become permanent, ~~and~~ censure or remove a judge for an action or inaction that
2.26 may constitute persistent failure to perform the judge's duties, incompetence in performing
2.27 the judge's duties, habitual intemperance, or conduct prejudicial to the administration of
2.28 justice that brings the judicial office into disrepute; or both.

2.29 Subd. 4. **Authority to reopen matters.** The board is specifically empowered to
2.30 reopen any matter wherein any information or evidence was previously precluded by a
2.31 statute of limitations or by a previously existing provision of time limitation or for any
2.32 other reason.

2.33 Subd. 5. **Retirement status.** (a) A judge who is retired by the ~~Supreme Court~~ board
2.34 must be considered to have retired voluntarily.

3.1 (b) This section and section 490A.01 must not affect the right of a judge who
3.2 is suspended, retired, or removed hereunder from qualifying for any pension or other
3.3 retirement benefits to which the judge would otherwise be entitled by law to receive.

3.4 Subd. 6. **Eligibility for judicial office; practice law.** A judge removed by the
3.5 ~~Supreme Court~~ board is ineligible for any future service in a judicial office. The question
3.6 of the right of a removed judge to practice law in this state must be referred to the proper
3.7 authority for review.

3.8 Subd. 7. ~~Supreme Court Rules Code.~~ The ~~Supreme Court~~ shall make rules to
3.9 implement this section board shall implement the code under sections 490A.05 to 490A.10.

3.10 Subd. 8. **Meetings.** All meetings of the board shall be public.

3.11 **EFFECTIVE DATE.** This section is effective July 1, 2011.

3.12 Sec. 3. **[490A.04] CODE OF JUDICIAL CONDUCT.**

3.13 Subdivision 1. **Definitions.** For the purposes of sections 490A.05 to 490A.10, the
3.14 terms in this section have the meanings given them.

3.15 Subd. 2. **Appropriate authority.** "Appropriate authority" means the authority
3.16 having responsibility for initiation of disciplinary process in connection with the violation
3.17 to be reported.

3.18 Subd. 3. **Contribution.** "Contribution" means money, a negotiable instrument,
3.19 or a donation in kind that is given to a political committee, political fund, principal
3.20 campaign committee, or party unit as defined in section 10A.01. Contribution includes
3.21 a loan or advance of credit to a political committee, political fund, principal campaign
3.22 committee, or party unit, if the loan or advance of credit is: (1) forgiven; or (2) repaid by
3.23 an individual or association other than the political committee, political fund, principal
3.24 campaign committee, or party unit to which the loan or advance of credit was made. If
3.25 an advance of credit or a loan is forgiven or repaid as provided in this paragraph, it is a
3.26 contribution in the year in which the loan or advance of credit was made. Contribution
3.27 does not include services provided without compensation by an individual volunteering
3.28 personal time on behalf of a candidate, ballot question, political committee, political fund,
3.29 principal campaign committee, or party unit, or the publishing or broadcasting of news
3.30 items or editorial comments by the news media.

3.31 Subd. 4. **De minimis.** "De minimis," in the context of interests pertaining to
3.32 disqualification of a judge, means an insignificant interest that could not raise a reasonable
3.33 question regarding the judge's impartiality.

3.34 Subd. 5. **Economic interest.** "Economic interest" means ownership of more
3.35 than a de minimis legal or equitable interest. Except for situations in which the judge

4.1 participates in the management of such a legal or equitable interest, or the interest could be
4.2 substantially affected by the outcome of a proceeding before a judge, it does not include:

4.3 (1) an interest in the individual holdings within a mutual or common investment
4.4 fund;

4.5 (2) an interest in securities held by an educational, religious, charitable, fraternal, or
4.6 civic organization in which the judge or the judge's spouse, parent, child, a person with
4.7 whom the judge has an intimate relationship, or a member of the judge's household serves
4.8 as a director, an officer, an advisor, or other participant;

4.9 (3) a deposit in a financial institution, deposits or proprietary interests the judge
4.10 may maintain as a member of a mutual savings association or credit union, or similar
4.11 proprietary interests; or

4.12 (4) an interest in the issuer of government securities held by the judge.

4.13 Subd. 6. **Fiduciary.** "Fiduciary" includes relationships such as executor,
4.14 administrator, trustee, or guardian.

4.15 Subd. 7. **Impartial, impartiality, and impartially.** "Impartial," "impartiality," and
4.16 "impartially" mean absence of bias or prejudice in favor of, or against, particular parties
4.17 or classes of parties, as well as maintenance of an open mind in considering issues that
4.18 may come before a judge.

4.19 Subd. 8. **Independence.** "Independence" means a judge's freedom from influence or
4.20 controls other than those established by law.

4.21 Subd. 9. **Integrity.** "Integrity" means probity, fairness, honesty, uprightness, and
4.22 soundness of character.

4.23 Subd. 10. **Intimate relationship.** "Intimate relationship" means a continuing
4.24 relationship involving sexual relations as defined in Minnesota Rules of Professional
4.25 Conduct, Rule 1.8(j)(1).

4.26 Subd. 11. **Judicial candidate.** "Judicial candidate" means any person, including
4.27 a sitting judge, who is seeking selection for judicial office by election or appointment.
4.28 A person becomes a candidate for judicial office as soon as he or she makes a public
4.29 announcement of candidacy, declares or files as a candidate with the election or
4.30 appointment authority, authorizes or, where permitted, engages in solicitation or
4.31 acceptance of contributions or support, or is nominated for election or appointment
4.32 to office.

4.33 Subd. 12. **Knowledge, known, and knows.** "Knowledge," "known," and "knows"
4.34 mean actual knowledge of the fact in question. A person's knowledge may be inferred
4.35 from circumstances.

5.1 Subd. 13. **Law.** "Law" encompasses court rules as well as statutes, constitutional
5.2 provisions, and decisional law.

5.3 Subd. 14. **Matter pending.** "Matter pending" is a matter that has commenced. A
5.4 matter continues to be pending through any appellate process until final disposition.

5.5 Subd. 15. **Member of the judge's family.** "Member of the judge's family" means a
5.6 spouse, child, grandchild, parent, grandparent, or other relative or person with whom the
5.7 judge maintains a close familial relationship.

5.8 Subd. 16. **Nonpublic information.** "Nonpublic information" means information
5.9 that is not available to the public. Nonpublic information may include, but is not limited
5.10 to, information that is sealed by statute or court order or impounded or communicated
5.11 in camera, and information offered in grand jury proceedings, presentencing reports,
5.12 dependency cases, or psychiatric reports.

5.13 Subd. 17. **Personally solicit.** "Personally solicit" means a direct request made by a
5.14 judge or a judicial candidate for financial support or in-kind services, whether made by
5.15 letter, telephone, or any other means of communication.

5.16 Subd. 18. **Public election.** "Public election" includes primary and general elections.

5.17 Subd. 19. **Third degree of relationship.** "Third degree of relationship" includes
5.18 the following persons: great-grandparent, grandparent, parent, uncle, aunt, brother, sister,
5.19 child, grandchild, great-grandchild, nephew, and niece.

5.20 Sec. 4. **[490A.05] RULE 1 OF THE CODE OF JUDICIAL CONDUCT.**

5.21 Subdivision 1. **Canon.** A judge shall uphold and promote the independence,
5.22 integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance
5.23 of impropriety.

5.24 Subd. 2. **Compliance with law.** A judge shall comply with the law, including the
5.25 Code of Judicial Conduct.

5.26 Subd. 3. **Promoting confidence in judiciary.** A judge shall act at all times in a
5.27 manner that promotes public confidence in the independence, integrity, and impartiality of
5.28 the judiciary, and shall avoid impropriety and the appearance of impropriety.

5.29 Subd. 4. **Avoiding abuse of prestige of judicial office.** A judge shall not abuse the
5.30 prestige of judicial office to advance the personal or economic interests of the judge or
5.31 others, or allow others to do so.

5.32 Sec. 5. **[490A.06] RULE 2 OF THE CODE OF JUDICIAL CONDUCT.**

5.33 Subdivision 1. **Canon.** A judge shall perform the duties of judicial office impartially,
5.34 competently, and diligently.

6.1 Subd. 2. **Giving precedence to duties of judicial office.** The duties of judicial
6.2 office, as prescribed by law, shall take precedence over all of a judge's personal and
6.3 extrajudicial activities.

6.4 Subd. 3. **Impartiality and fairness.** A judge shall uphold and apply the law, and
6.5 shall perform all duties of judicial office fairly and impartially.

6.6 Subd. 4. **Bias, prejudice, and harassment.** (a) A judge shall perform the duties of
6.7 judicial office, including administrative duties, without bias or prejudice.

6.8 (b) A judge shall not, in the performance of judicial duties, by words or conduct
6.9 manifest bias or prejudice, or engage in harassment, including but not limited to bias,
6.10 prejudice, or harassment based upon race, sex, gender, religion, national origin, ethnicity,
6.11 disability, age, sexual orientation, marital status, socioeconomic status, or political
6.12 affiliation, and shall not permit court staff, court officials, or others subject to the judge's
6.13 direction and control to do so.

6.14 (c) A judge shall require lawyers in proceedings before the court to refrain from
6.15 manifesting bias or prejudice, or engaging in harassment, against parties, witnesses,
6.16 lawyers, or others based upon attributes including but not limited to race, sex, gender,
6.17 religion, national origin, ethnicity, disability, age, sexual orientation, marital status,
6.18 socioeconomic status, or political affiliation.

6.19 (d) The restrictions of paragraphs (b) and (c) do not preclude judges or lawyers
6.20 from making legitimate reference to the listed factors, or similar factors, when they are
6.21 relevant to an issue in a proceeding.

6.22 Subd. 5. **External influences on judicial conduct.** (a) A judge shall not be swayed
6.23 by public clamor or fear of criticism.

6.24 (b) A judge shall not permit family, social, political, financial, or other interests or
6.25 relationships to influence the judge's judicial conduct or judgment.

6.26 (c) A judge shall not convey or permit others to convey the impression that any
6.27 person or organization is in a position to influence the judge.

6.28 Subd. 6. **Competence, diligence, and cooperation.** (a) A judge shall perform
6.29 judicial and administrative duties competently and diligently.

6.30 (b) A judge shall cooperate with other judges and court officials in the administration
6.31 of court business.

6.32 Subd. 7. **Ensuring right to be heard.** (a) A judge shall accord to every person
6.33 who has a legal interest in a proceeding, or that person's lawyer, the right to be heard
6.34 according to law.

6.35 (b) A judge may encourage parties to a proceeding and the parties' lawyers to settle
6.36 matters in dispute but shall not act in a manner that coerces any party into settlement.

7.1 Subd. 8. **Responsibility to decide.** A judge shall hear and decide matters assigned
7.2 to the judge, except when disqualification is required by subdivision 12 or other law.

7.3 Subd. 9. **Decorum, demeanor, and communication with jurors.** (a) A judge shall
7.4 require order and decorum in proceedings before the court.

7.5 (b) A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses,
7.6 lawyers, court staff, court officials, and others with whom the judge deals in an official
7.7 capacity, and shall require similar conduct of lawyers, court staff, court officials, and
7.8 others subject to the judge's direction and control.

7.9 (c) A judge shall not commend or criticize jurors for the jurors' verdict other than in
7.10 a court order or opinion in a proceeding.

7.11 Subd. 10. **Ex parte communications.** (a) A judge shall not initiate, permit, or
7.12 consider ex parte communications, or consider other communications made to the
7.13 judge outside the presence of the parties or the parties' lawyers, concerning a pending
7.14 or impending matter, except as follows:

7.15 (1) when circumstances require it, ex parte communication for scheduling,
7.16 administrative, or emergency purposes, that does not address substantive matters, is
7.17 permitted, provided:

7.18 (i) the judge reasonably believes that no party will gain a procedural, substantial, or
7.19 tactical advantage as a result of the ex parte communication; and

7.20 (ii) the judge makes provision promptly to notify all other parties of the substance of
7.21 the ex parte communication, and gives the parties an opportunity to respond;

7.22 (2) a judge may obtain the written advice of a disinterested expert on the law
7.23 applicable to a proceeding before the judge if the judge gives advance notice to the parties
7.24 of the person to be consulted and the subject matter of the advice to be solicited, and
7.25 affords the parties a reasonable opportunity to object and respond to the notice and to
7.26 the advice received;

7.27 (3) a judge may consult with court staff and court officials whose functions are to aid
7.28 the judge in carrying out the judge's adjudicative responsibilities, or with other judges,
7.29 provided the judge makes reasonable efforts to avoid receiving factual information that
7.30 is not part of the record, and does not abrogate the responsibility personally to decide
7.31 the matter;

7.32 (4) a judge may, with the consent of the parties, confer separately with the parties
7.33 and their lawyers in an effort to settle matters pending before the judge; and

7.34 (5) a judge may initiate, permit, or consider any ex parte communication when
7.35 expressly authorized by law to do so.

8.1 (b) If a judge inadvertently receives an unauthorized ex parte communication
8.2 bearing upon the substance of a matter, the communication should be noted as received
8.3 and returned to the sender without review by the judge. If a judge inadvertently reviews
8.4 an unauthorized ex parte communication bearing upon the substance of a matter, the judge
8.5 shall make provision to notify the parties promptly of the substance of the communication
8.6 and provide the parties with an opportunity to respond.

8.7 (c) A judge shall not investigate facts in a matter independently, and shall consider
8.8 only the evidence presented and any facts that may properly be judicially noticed.

8.9 (d) A judge shall make reasonable efforts, including providing appropriate
8.10 supervision, to ensure that this subdivision is not violated by court staff, court officials,
8.11 and others subject to the judge's direction and control.

8.12 Subd. 11. **Judicial statements on pending cases.** (a) A judge shall not make any
8.13 public statement that might reasonably be expected to affect the outcome or impair the
8.14 fairness of a matter pending in any Minnesota court, or make any nonpublic statement that
8.15 might substantially interfere with a fair trial or hearing then pending in a Minnesota court.

8.16 (b) A judge shall require court staff, court officials, and others subject to the judge's
8.17 direction and control to refrain from making statements that the judge would be prohibited
8.18 from making under paragraph (a).

8.19 (c) Notwithstanding the restrictions in paragraph (a), a judge may make public
8.20 statements in the course of official duties, may explain court procedures, and may
8.21 comment on any proceeding in which the judge is a litigant in a personal capacity.

8.22 (d) Subject to the requirements of paragraph (a), a judge may respond directly or
8.23 through a third party to allegations in the media or elsewhere concerning the judge's
8.24 conduct in a matter.

8.25 Subd. 12. **Disqualification.** (a) A judge shall disqualify the judge's self in any
8.26 proceeding in which the judge's impartiality might reasonably be questioned, including
8.27 but not limited to the following circumstances:

8.28 (1) the judge has a personal bias or prejudice concerning a party or a party's lawyer,
8.29 or personal knowledge of facts that are in dispute in the proceeding;

8.30 (2) the judge knows that the judge, the judge's spouse, a person with whom the
8.31 judge has an intimate relationship, a member of the judge's household, or a person within
8.32 the third degree of relationship to any of them, or the spouse or person in an intimate
8.33 relationship with such a person is:

8.34 (i) a party to the proceeding, or an officer, director, general partner, managing
8.35 member, or trustee of a party;

8.36 (ii) acting as a lawyer in the proceeding;

9.1 (iii) a person who has more than a de minimis interest that could be substantially
9.2 affected by the proceeding; or

9.3 (iv) likely to be a material witness in the proceeding;

9.4 (3) the judge knows that the judge, individually or as a fiduciary, or the judge's
9.5 spouse, parent, child, or any other member of the judge's family residing in the judge's
9.6 household, a person with whom the judge has an intimate relationship, or any other
9.7 member of the judge's household, has an economic interest in the subject matter in
9.8 controversy or in a party to the proceeding;

9.9 (4) the judge, while a judge or a judicial candidate, has made a public statement,
9.10 other than in a court proceeding, judicial decision, or opinion, that commits or appears to
9.11 commit the judge to reach a particular result or rule in a particular way in the proceeding
9.12 or controversy; and

9.13 (5) the judge:

9.14 (i) served as a lawyer in the matter in controversy, or was associated with a lawyer
9.15 who participated substantially as a lawyer in the matter during the association;

9.16 (ii) served in governmental employment, and in that capacity participated personally
9.17 and substantially as a lawyer or public official concerning the proceeding, or has publicly
9.18 expressed in that capacity an opinion concerning the merits of the particular matter
9.19 in controversy;

9.20 (iii) was a material witness concerning the matter; or

9.21 (iv) previously presided as a judge over the matter in another court.

9.22 (b) A judge shall keep informed about the judge's personal and fiduciary economic
9.23 interests, and make a reasonable effort to keep informed about the personal economic
9.24 interests of the judge's spouse, a person with whom the judge has an intimate relationship,
9.25 and any member of the judge's household.

9.26 (c) A judge subject to disqualification under this subdivision, other than for bias or
9.27 prejudice under paragraph (a), clause (1), may disclose on the record the basis of the
9.28 judge's disqualification and may ask the parties and their lawyers to consider, outside the
9.29 presence of the judge and court personnel, whether to waive disqualification. If, following
9.30 the disclosure, the parties and lawyers agree, without participation by the judge or court
9.31 personnel, that the judge should not be disqualified, the judge may participate in the
9.32 proceeding. The agreement shall be incorporated into the record of the proceeding.

9.33 Subd. 13. **Supervisory duties.** (a) A judge shall require court staff, court officials,
9.34 and others subject to the judge's direction and control to act in a manner consistent with
9.35 the judge's obligations under sections 490A.05 to 490A.10.

10.1 (b) A judge with supervisory authority for the performance of other judges shall
10.2 take reasonable measures to ensure that those judges properly discharge their judicial
10.3 responsibilities, including the prompt disposition of matters before them.

10.4 Subd. 14. **Administrative appointments.** (a) In making administrative
10.5 appointments, a judge:

10.6 (1) shall exercise the power of appointment impartially and on the basis of merit; and

10.7 (2) shall avoid nepotism, favoritism, and unnecessary appointments.

10.8 (b) A judge shall not approve compensation of appointees beyond the fair value of
10.9 services rendered.

10.10 Subd. 15. **Disability and impairment.** A judge having a reasonable belief that the
10.11 performance of a lawyer or another judge is impaired by drugs or alcohol, or by a mental,
10.12 emotional, or physical condition, shall take appropriate action, which may include a
10.13 confidential referral to a lawyer or judicial assistance program.

10.14 Subd. 16. **Responding to judicial and lawyer misconduct.** (a) A judge having
10.15 knowledge that another judge has committed a violation of sections 490A.05 to 490A.10
10.16 that raises a substantial question regarding the judge's honesty, trustworthiness, or fitness
10.17 as a judge in other respects shall inform the appropriate authority.

10.18 (b) A judge having knowledge that a lawyer has committed a violation of the
10.19 Minnesota Rules of Professional Conduct that raises a substantial question regarding the
10.20 lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects shall inform
10.21 the appropriate authority.

10.22 (c) A judge who receives credible information indicating a substantial likelihood
10.23 that another judge has committed a violation of sections 490A.05 to 490A.10 shall take
10.24 appropriate action.

10.25 (d) A judge who receives credible information indicating a substantial likelihood
10.26 that a lawyer has committed a violation of the Minnesota Rules of Professional Conduct
10.27 shall take appropriate action.

10.28 Subd. 17. **Cooperation with disciplinary authorities.** (a) A judge shall cooperate
10.29 and be candid and honest with judicial and lawyer disciplinary agencies.

10.30 (b) A judge shall not retaliate, directly or indirectly, against a person known or
10.31 suspected to have assisted or cooperated with an investigation of a judge or a lawyer.

10.32 Sec. 6. **[490A.07] RULE 3 OF THE CODE OF JUDICIAL CONDUCT.**

10.33 Subdivision 1. **Canon.** A judge shall conduct the judge's personal and extrajudicial
10.34 activities to minimize the risk of conflict with the obligations of judicial office.

11.1 Subd. 2. **Extrajudicial activities in general.** A judge may engage in extrajudicial
11.2 activities, except as prohibited by sections 490A.05 to 490A.10 or other law. However,
11.3 when engaging in extrajudicial activities, a judge shall not:

11.4 (1) participate in activities that will interfere with the proper performance of the
11.5 judge's judicial duties;

11.6 (2) participate in activities that will lead to frequent disqualification of the judge;

11.7 (3) participate in activities that would appear to a reasonable person to undermine
11.8 the judge's independence, integrity, or impartiality.

11.9 (4) engage in conduct that would appear to a reasonable person to be coercive; or

11.10 (5) make use of court premises, staff, stationery, equipment, or other resources,
11.11 except for incidental use for activities that concern the law, the legal system, or the
11.12 administration of justice, unless additional use is permitted by law or judicial branch
11.13 policy.

11.14 Subd. 3. **Appearances before governmental bodies; consultation with**
11.15 **government officials.** A judge shall not appear voluntarily at a public hearing before, or
11.16 otherwise consult with, an executive or a legislative body or official, except:

11.17 (1) in connection with matters concerning the law, the legal system, or the
11.18 administration of justice;

11.19 (2) in connection with matters about which the judge acquired knowledge or
11.20 expertise in the course of the judge's judicial duties; or

11.21 (3) when the judge is acting pro se in a matter involving the judge's legal or
11.22 economic interests, or when the judge is acting in a fiduciary capacity.

11.23 Subd. 4. **Testifying as character witness.** A judge shall not testify as a character
11.24 witness in a judicial, administrative, or other adjudicatory proceeding or otherwise vouch
11.25 for the character of a person in a legal proceeding, except when duly summoned.

11.26 Subd. 5. **Appointments to governmental positions.** A judge shall not accept
11.27 appointment to a governmental committee, board, commission, or other governmental
11.28 position, unless it is one that concerns the law, the legal system, or the administration
11.29 of justice.

11.30 Subd. 6. **Use of nonpublic information.** A judge shall not intentionally disclose
11.31 or use nonpublic information acquired in a judicial capacity for any purpose unrelated to
11.32 the judge's judicial duties.

11.33 Subd. 7. **Affiliation with discriminatory organizations.** (a) A judge shall not
11.34 knowingly hold membership in any organization that practices unlawful discrimination.

11.35 (b) A judge shall not use the benefits or facilities of an organization if the judge
11.36 knows or should know that the organization practices unlawful discrimination. A judge's

12.1 attendance at an event in a facility of an organization that the judge is not permitted to join
12.2 is not a violation of this section when the judge's attendance is an isolated event that could
12.3 not reasonably be perceived as an endorsement of the organization's practices.

12.4 **Subd. 8. Participation in educational, religious, charitable, fraternal, or**
12.5 **civic organizations and activities.** (a) Subject to the requirements of subdivision
12.6 2, a judge may participate in activities sponsored by organizations or governmental
12.7 entities concerned with the law, the legal system, or the administration of justice, and
12.8 those sponsored by or on behalf of educational, religious, charitable, fraternal, or civic
12.9 organizations not conducted for profit, including but not limited to the following activities:

12.10 (1) assisting the organization or entity in planning related to fund-raising, and
12.11 participating in the management and investment of the organization's or entity's funds;

12.12 (2) soliciting funds and services for the organization or entity, but only from members
12.13 of the judge's family, from a person with whom the judge has an intimate relationship, or
12.14 from judges over whom the judge does not exercise supervisory or appellate authority.

12.15 (3) soliciting membership for the organization or entity, if there are no dues or fees
12.16 required for membership;

12.17 (4) appearing or speaking at, receiving an award or other recognition at, being
12.18 featured on the program of, and permitting the judge's title to be used in connection with
12.19 an event of the organization or entity, unless the event serves a fund-raising purpose;

12.20 (5) making recommendations to the organization or entity of which the judge is a
12.21 member or director concerning its fund-granting programs and activities; and

12.22 (6) serving as an officer, director, trustee, or nonlegal advisor of the organization
12.23 or entity, unless it is likely that the organization or entity:

12.24 (i) will be engaged in proceedings that would ordinarily come before the judge; or

12.25 (ii) will frequently be engaged in adversary proceedings in the court of which
12.26 the judge is a member, or in any court subject to the appellate jurisdiction of the court
12.27 of which the judge is a member.

12.28 (b) A judge may encourage lawyers to provide pro bono publico legal services.

12.29 **Subd. 9. Appointments to fiduciary positions.** (a) A judge shall not accept
12.30 appointment to serve in a fiduciary position, such as executor, administrator, trustee,
12.31 guardian, attorney in fact, or other personal representative, except for the estate, trust, or
12.32 person of a member of the judge's family, a person with whom the judge has an intimate
12.33 relationship, or a member of the judge's household, and then only if the service will not
12.34 interfere with the proper performance of judicial duties.

12.35 (b) A judge shall not serve in a fiduciary position if the judge as fiduciary will likely
12.36 be engaged in proceedings that would ordinarily come before the judge, or if the estate,

13.1 trust, or ward becomes involved in adversary proceedings in the court on which the judge
13.2 serves, or one under its appellate jurisdiction.

13.3 (c) A judge acting in a fiduciary capacity shall be subject to the same restrictions on
13.4 engaging in financial activities that apply to a judge personally.

13.5 (d) If a person who is serving in a fiduciary position becomes a judge, the person
13.6 must comply with this rule as soon as reasonably practicable, but in no event later than
13.7 one year after becoming a judge.

13.8 Subd. 10. **Service as arbitrator or mediator.** A judge shall not act as an arbitrator
13.9 or a mediator or otherwise perform judicial functions in a private capacity unless expressly
13.10 authorized by law. A retired judge may act as mediator or arbitrator if:

13.11 (1) the judge does not act as an arbitrator or mediator during the period of any
13.12 judicial assignment;

13.13 (2) the judge is disqualified from mediation and arbitration in matters in which the
13.14 judge served as judge, and is disqualified as judge from matters in which the judge acted
13.15 as mediator or arbitrator, unless all parties to the proceeding consent after consultation
13.16 with the parties' attorneys; and

13.17 (3) acting as arbitrator or mediator does not reflect adversely on the judge's
13.18 impartiality.

13.19 Subd. 11. **Practice of law.** A judge shall not practice law. A judge may act pro se
13.20 and may, without compensation, give legal advice to and draft or review documents for a
13.21 member of the judge's family, a person with whom the judge has an intimate relationship,
13.22 or a member of the judge's household, but is prohibited from serving as the lawyer for
13.23 any of these persons in any forum.

13.24 Subd. 12. **Financial, business, or remunerative activities.** (a) A judge may hold
13.25 and manage investments of the judge and members of the judge's family and of persons
13.26 with whom the judge has an intimate relationship or who are members of the judge's
13.27 household.

13.28 (b) A judge shall not serve as an officer, director, manager, general partner, advisor,
13.29 or employee of any business entity except that a judge may manage or participate in:

13.30 (1) a business closely held by the judge or members of the judge's family or by
13.31 a person with whom the judge has an intimate relationship or who is a member of the
13.32 judge's household; or

13.33 (2) a business entity primarily engaged in investment of the financial resources of
13.34 the judge, members of the judge's family, or a person with whom the judge has an intimate
13.35 relationship or who is a member of the judge's household.

14.1 (c) A judge shall not engage in financial activities permitted under paragraphs (a)
14.2 and (b) if they will:

14.3 (1) interfere with the proper performance of judicial duties;

14.4 (2) lead to frequent disqualification of the judge;

14.5 (3) involve the judge in frequent transactions or continuing business relationships
14.6 with lawyers or other persons likely to come before the court on which the judge serves; or

14.7 (4) result in violation of sections 490A.05 to 490A.10.

14.8 Subd. 13. **Compensation for extrajudicial activities.** A judge may accept
14.9 reasonable compensation for extrajudicial activities permitted by sections 490A.05 to
14.10 490A.10 or other law unless the acceptance would appear to a reasonable person to
14.11 undermine the judge's independence, integrity, or impartiality.

14.12 Subd. 14. **Acceptance and reporting of gifts, loans, bequests, benefits, or other**
14.13 **things of value.** (a) A judge shall not accept any gifts, loans, bequests, benefits, or other
14.14 things of value from lawyers, law firms, or employees or agents of lawyers or law firms.
14.15 In addition, these may not be accepted from any person or entity who has recently or may
14.16 be expected to come before the judge's court if it would appear to a reasonable person to
14.17 undermine the judge's independence, integrity, or impartiality.

14.18 (b) Unless otherwise prohibited by law, or by paragraph (a), a judge may accept the
14.19 following without publicly reporting the acceptance:

14.20 (1) items with little intrinsic value, such as plaques, certificates, trophies, and
14.21 greeting cards;

14.22 (2) gifts, loans, bequests, benefits, or other things of value from friends, relatives, or
14.23 other persons, including lawyers, whose appearance or interest in a proceeding pending or
14.24 impending before the judge would in any event require disqualification of the judge under
14.25 section 490A.06, subdivision 12;

14.26 (3) ordinary social hospitality;

14.27 (4) commercial or financial opportunities and benefits, including special pricing and
14.28 discounts, and loans from lending institutions in the regular course of business, if the same
14.29 opportunities and benefits or loans are made available on the same terms to similarly
14.30 situated persons who are not judges;

14.31 (5) rewards and prizes given to competitors or participants in random drawings,
14.32 contests, or other events that are open to persons who are not judges;

14.33 (6) scholarships, fellowships, and similar benefits or awards, if they are available to
14.34 similarly situated persons who are not judges, based upon the same terms and criteria;

14.35 (7) books, magazines, journals, audiovisual materials and other resource materials
14.36 supplied by publishers on a complimentary basis for official use;

15.1 (8) gifts, awards, or benefits associated with the business, profession or other
15.2 separate activity of a spouse, a person with whom the judge has an intimate relationship,
15.3 or a member of the judge's household, but that incidentally benefit the judge;

15.4 (9) gifts incident to a public testimonial;

15.5 (10) an invitation to the judge and the judge's spouse, a person in an intimate
15.6 relationship with the judge, a member of the judge's household, or a guest to attend
15.7 without charge:

15.8 (i) an event associated with a bar-related function or other activity relating to the
15.9 law, the legal system, or the administration of justice; or

15.10 (ii) an event associated with any of the judge's educational, religious, charitable,
15.11 fraternal, or civic activities permitted under subdivision 7, if the same invitation is offered
15.12 to nonjudges who are engaged in similar ways in the activity as is the judge; or

15.13 (11) any other gift, loan, bequest, benefit, or other thing of value with a value
15.14 not exceeding \$5 per year, if the source is not a party or other person who, directly or
15.15 indirectly, has come or is likely to come before the judge, or whose interests have come or
15.16 are likely to come before the judge.

15.17 **Subd. 15. Reimbursement of expenses and waivers of fees or charges.** (a) Unless
15.18 otherwise prohibited by subdivisions 2 and 14, paragraph (a), or other law, a judge may
15.19 accept reimbursement of necessary and reasonable expenses for travel, food, lodging, or
15.20 other incidental expenses, or a waiver or partial waiver of fees or charges for registration,
15.21 tuition, and similar items, from sources other than the judge's employing entity, if the
15.22 expenses or charges are associated with the judge's participation in extrajudicial activities
15.23 permitted by this section.

15.24 (b) Reimbursement of expenses for necessary travel, food, lodging, or other
15.25 incidental expenses shall be limited to the actual costs reasonably incurred by the judge
15.26 and, when appropriate to the occasion, by the judge's spouse, person with whom the
15.27 judge has an intimate relationship, or guest.

15.28 **Subd. 16. Use of state property.** A judge shall not use state time, supplies, or
15.29 state-owned or leased property for the judge's private interests or for any other use not
15.30 in the interest of the state. The Board on Judicial Standards may establish guidelines on
15.31 the use of judicial facilities for weddings, which would include a rental fee to be paid to
15.32 the state treasurer.

15.33 **Subd. 17. Reporting requirements.** (a) A judge shall publicly report the source
15.34 and amount of value of compensation received for extrajudicial activities as permitted
15.35 by subdivision 13.

16.1 (b) When public reporting is required by paragraph (a), a judge shall report the date,
16.2 place, and nature of the activity for which the judge received any compensation; and the
16.3 description of any gift, loan, bequest, benefit, or other thing of value accepted.

16.4 (c) The public report required by paragraph (a) shall be made annually.

16.5 (d) Reports made in compliance with this subdivision shall be filed annually on or
16.6 before the first day of May as public documents in the office of the Board on Judicial
16.7 Standards.

16.8 (e) Income from investments, including real or personal property, pension plans,
16.9 deferred compensation plans, and other lawful sources where the judge does not render
16.10 current or future service in exchange for the income is not extrajudicial compensation to
16.11 the judge.

16.12 Sec. 7. **[490A.08] RULE 4 OF THE CODE OF JUDICIAL CONDUCT.**

16.13 Subdivision 1. **Canon.** A judge or candidate for judicial office shall not engage
16.14 in political or campaign activity that is inconsistent with the independence, integrity,
16.15 or impartiality of the judiciary.

16.16 Subd. 2. **Political and campaign activities of judges and judicial candidates in**
16.17 **general.** (a) Except as permitted by subdivisions 3, 4, and 5, or other law, a judge or a
16.18 judicial candidate shall not:

16.19 (1) use or permit the use of campaign contributions for the private benefit of the
16.20 judge, the candidate, or others;

16.21 (2) use court staff, facilities, or other court resources in a campaign for public
16.22 office; or

16.23 (3) make any statement that would reasonably be expected to affect the outcome or
16.24 impair the fairness of a matter pending in a Minnesota court.

16.25 (b) A judge or judicial candidate shall take reasonable measures to ensure that other
16.26 persons do not undertake, on behalf of the judge or judicial candidate, any activities
16.27 prohibited under paragraph (a), except as permitted by subdivision 5.

16.28 Subd. 3. **Political and campaign activities of judicial candidates in public**
16.29 **elections.** (a) A judicial candidate in a public election shall:

16.30 (1) act at all times in a manner consistent with the independence, integrity, and
16.31 impartiality of the judiciary;

16.32 (2) comply with all applicable election, election campaign, and election campaign
16.33 fund-raising laws and rules of the state;

17.1 (3) review and approve the content of all campaign statements and materials
17.2 produced by the candidate or the candidate's campaign committee, as authorized by
17.3 subdivision 5, before the dissemination of the statements and materials; and

17.4 (4) take reasonable measures to ensure that other persons do not undertake on behalf
17.5 of the candidate activities, other than those described in subdivision 5, that the candidate is
17.6 prohibited from doing by subdivision 2.

17.7 (b) A candidate for elective judicial office may:

17.8 (1) establish a campaign committee pursuant to subdivision 5;

17.9 (2) speak on behalf of the candidacy through any medium, including but not limited
17.10 to advertisements, Web sites, or other campaign literature; and

17.11 (3)(i) solicit campaign contributions, but not from any attorneys, or others who are
17.12 likely to come before the candidate's court;

17.13 (ii) sign letters, for distribution by the candidate's campaign committee, soliciting
17.14 campaign contributions, if the letters direct contributions to be sent to the address of the
17.15 candidate's campaign committee and not that of the candidate; and

17.16 (iii) personally solicit campaign contributions from judges over whom the judge
17.17 does not exercise supervisory or appellate authority.

17.18 Subd. 4. **Activities of candidates for appointive judicial office.** A candidate for
17.19 appointment to judicial office may:

17.20 (1) communicate with the appointing or confirming authority, including any
17.21 selection, screening, or nominating commission or similar agency; and

17.22 (2) seek support for the appointment from organizations and from individuals to the
17.23 extent requested, required, or permitted by the appointing authority or the nominating
17.24 commission.

17.25 Subd. 5. **Campaign committees.** (a) A judicial candidate subject to public election
17.26 may establish a campaign committee to manage and conduct a campaign for the candidate,
17.27 subject to sections 490A.05 to 490A.10. The candidate is responsible for ensuring that
17.28 the campaign committee complies with applicable provisions of sections 490A.05 to
17.29 490A.10 and other applicable law.

17.30 (b) A judicial candidate subject to public election shall direct the campaign
17.31 committee to comply with all applicable statutory requirements for disclosure and
17.32 divestiture of campaign contributions.

17.33 Subd. 6. **Activities of judges who become candidates for nonjudicial office.** (a)
17.34 Upon becoming a candidate for a nonjudicial elective office, a judge shall resign from
17.35 judicial office, unless permitted by other law to continue to hold judicial office.

18.1 (b) Upon becoming a candidate for nonjudicial appointive office, a judge is not
18.2 required to resign from judicial office provided the judge complies with sections 490A.05
18.3 to 490A.10.

18.4 **Sec. 8. [490A.09] APPLICABILITY OF CODE OF JUDICIAL CONDUCT.**

18.5 Subdivision 1. **Generally.** (a) The provisions of the code apply to all full-time
18.6 judges. Subdivisions 2 to 4 identify those provisions that apply to four distinct categories
18.7 of part-time judges. The four categories of judicial service in other than a full-time
18.8 capacity are necessarily defined in general terms because of the widely varying forms of
18.9 judicial service. Section 490A.08 applies to judicial candidates.

18.10 (b) A judge, within the meaning of sections 490A.05 to 490A.10, is anyone who
18.11 is employed by the judicial branch of state government to perform judicial functions,
18.12 including an officer such as a magistrate under section 484.702, court commissioner under
18.13 section 489.01, referee, or judicial officer under section 487.08.

18.14 (c) These rules shall also apply to judges of the Tax Court under section 271.01,
18.15 subdivision 1, the Workers' Compensation Court of Appeals under section 175A.01,
18.16 subdivision 4, and the Office of Administrative Hearings under section 14.48, subdivisions
18.17 2 and 3, paragraph (d).

18.18 Subd. 2. **Retired and part-time judges.** (a) A retired judge subject to recall for
18.19 service, who by law is not permitted to practice law, is not required to comply:

18.20 (1) with section 490A.07, subdivision 10, service as arbitrator or mediator, except
18.21 while serving as a judge; or

18.22 (2) at any time with section 490A.07, subdivision 9, appointments to fiduciary
18.23 positions.

18.24 (b) A judge who serves repeatedly on a part-time basis under a continuing
18.25 appointment:

18.26 (1) is not required to comply:

18.27 (i) with section 490A.06, subdivision 11, paragraphs (a) and (b), judicial statements
18.28 on pending cases, except while serving as a judge; or

18.29 (ii) at any time with sections 490A.07, subdivisions 5, appointments to governmental
18.30 positions; 9, appointments to fiduciary positions; 10, service as arbitrator or mediator; 11,
18.31 practice of law; 12, financial, business, or remunerative activities; 15, reimbursement
18.32 of expenses and waivers of fees or charges; 17, reporting requirements; 490A.08,
18.33 subdivisions 2, political and campaign activities of judges and judicial candidates in
18.34 general; 3, political and campaign activities of judicial candidates in public elections; 4,

19.1 activities of candidates for appointive judicial office; 5, campaign committees; and 6,
19.2 activities of judges who become candidates for nonjudicial office; and

19.3 (2) shall not practice law in the district court of the county in which the judge serves,
19.4 or, if the court is divided into divisions, in the division of the court on which the judge
19.5 serves, or in any court subject to the appellate jurisdiction of the court on which the judge
19.6 serves, and shall not act as a lawyer in a proceeding in which the judge has served as a
19.7 judge or in any other proceeding related thereto.

19.8 Subd. 3. **Periodic part-time judge.** A periodic part-time judge who serves or
19.9 expects to serve repeatedly on a part-time basis, but under a separate appointment for each
19.10 limited period of service or for each matter:

19.11 (1) is not required to comply:

19.12 (i) with section 490A.06, subdivision 11, judicial statements on pending and
19.13 impending cases, except while serving as a judge; or

19.14 (ii) at any time with sections 490A.07, subdivisions 5, appointments to governmental
19.15 positions; 8, participation in educational, religious, charitable, fraternal, or civic
19.16 organizations and activities; 9, appointments to fiduciary positions; 10, service as arbitrator
19.17 or mediator; 11, practice of law; 12, financial, business, or remunerative activities; 14,
19.18 acceptance and reporting of gifts, loans, bequests, benefits, or other things of value; and
19.19 17, reporting requirements; and 490A.08, subdivisions 2, political and campaign activities
19.20 of judges and judicial candidates in general; and 6, activities of judges who become
19.21 candidates for nonjudicial office; and

19.22 (2) shall not practice law in the district court of the county in which the judge serves,
19.23 or, if the court is divided into divisions, in the division of the court on which the judge
19.24 serves, or in any court subject to the appellate jurisdiction of the court on which the judge
19.25 serves, and shall not act as a lawyer in a proceeding in which the judge has served as a
19.26 judge or in any other proceeding related thereto.

19.27 Subd. 4. **Pro tempore part-time judge.** A pro tempore part-time judge who
19.28 serves or expects to serve once or only sporadically on a part-time basis under a separate
19.29 appointment for each period of service or for each case heard is not required to comply:

19.30 (1) except while serving as a judge, with sections 490A.05, subdivision 3, promoting
19.31 confidence in judiciary; 490A.06, subdivisions 5, external influences on judicial conduct;
19.32 and 11, judicial statements on pending cases; and 490A.07, subdivision 3, appearances
19.33 before governmental bodies and consultation with government officials; or

19.34 (2) at any time with sections 490A.07, subdivisions 5, appointments to governmental
19.35 positions; 7, affiliation with discriminatory organizations; 8, participation in educational,
19.36 religious, charitable, fraternal, or civic organizations and activities; 9, appointments

20.1 to fiduciary positions; 10, service as arbitrator or mediator; 11, practice of law; 12,
20.2 financial, business, or remunerative activities; 14, acceptance and reporting of gifts, loans,
20.3 bequests, benefits, or other things of value; and 17, reporting requirements; and 490A.08,
20.4 subdivisions 2, political and campaign activities of judges and judicial candidates in
20.5 general; and 6, activities of judges who become candidates for nonjudicial office.

20.6 Sec. 9. **[490A.10] TIME FOR COMPLIANCE.**

20.7 A person to whom sections 490A.05 to 490A.09 become applicable shall comply
20.8 immediately with these sections, except that those judges to whom section 490A.07,
20.9 subdivisions 9, appointments to fiduciary positions; and 12, financial, business, or
20.10 remunerative activities, apply shall comply with these subdivisions as soon as reasonably
20.11 possible, but in no event later than one year after sections 490A.05 to 490A.09 become
20.12 applicable to the judge.