

Wisconsin Government Accountability Board

For supreme court justices, appellate and circuit court judges

Judges' receipt of food, drink, favors, services, etc.

ITEMS SPECIFICALLY AUTHORIZED

Consistent with the statutes administered by the Government Accountability Board, **a supreme court justice or appellate or circuit court judge may accept and retain:**

FROM ANY ORGANIZATION (EVEN A LOBBYING ORGANIZATION):

a. **EXPENSES FOR TALKS AND PROGRAMS.**

Payment or reimbursement by a meeting's sponsor of expenses the judge incurs for presenting a talk or program about state issues (including meal and travel costs)¹ [§ 19.56(3)(a)];

b. **ITEMS AND SERVICES MADE AVAILABLE TO THE GENERAL PUBLIC ON THE SAME TERMS.**

Food, drink, transportation, lodging, items, and services at the same price, if any, charged others, when each of the following applies:

- (i) the admission, items, or services are available to anyone who wants them at the same price;
- (ii) the judge is not given a preference or advantage in obtaining the items; and
- (iii) there is no offer or notice of the event, item, or service directed to the judge that would confer an advantage to the judge. [§13.625(2), Wisconsin Statutes];

c. **FOOD AND DRINK THAT THE JUDGE PURCHASES AT AN EVENT INTENDED FOR AND CONDUCTIVE TO THE DISCUSSION OF STATE GOVERNMENTAL PROCESSES, PROPOSALS, OR ISSUES.**

Food and drink that a judge purchases at an event intended for and conducive to the discussion of state governmental processes, proposals, or issues if the judge pays the highest of (i) the price charged others; (ii) the food and drink's true value, or (iii) the sponsor's cost;²

d. **EXPENSES PROVIDED BY OR TO THE STATE.**

Food, drink, transportation, lodging, or payment or reimbursement of costs that the judge can clearly and convincingly demonstrate are provided by or on behalf of the state and primarily for the state's benefit, not for a private benefit³ [§ 19.56(3)(c)]; and

e. **INFORMATION.**

Informational materials of unexceptional value [§§ 13.625(6t) and 19.45(2)].

FROM ANY INDIVIDUAL OR ORGANIZATION OTHER THAN A LOBBYIST OR LOBBYING ORGANIZATION:

f. **ITEMS AND SERVICES UNRELATED TO PUBLIC POSITION.**

Food, drink, transportation, lodging, items, and services which the recipient can clearly demonstrate are received for a reason unrelated to the recipient's holding or having held *any* public position [§§ 19.45(3m) and 19.56(3)(b), *Wisconsin Statutes*];

g. **ITEMS AND SERVICES FOR WHICH THE RECIPIENT PAYS THE FULL COST.**

Food, drink, transportation, lodging, items, and services if the judge pays either (a) the price charged all others, if the event is open to the general public, or (b) the highest of (i) the price charged others; (ii) the item's or service's true value, or (iii) the furnisher's cost [§§ 19.45(3m) and 19.56(3)(b) *Wisconsin Statutes*];

h. **ITEMS, SERVICES, AND REIMBURSEMENTS FROM CAMPAIGN COMMITTEES.**

Services, items, and reimbursements from campaign committees as permitted and reported under campaign finance laws [§ 19.56(3)(d)].

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¹ In addition to expenses, a judge may also accept reasonable compensation for a talk from the organizer of an event, as long as the organizer is not a lobbyist or lobbying organization.

² Minutes, open session, Ethics Board, March 8, 1995.

³ Normally, the certification of the chief justice of the supreme court, the director of state courts, or the chief judge of a circuit, that the cost or item or service would otherwise be paid by the State of Wisconsin is all that is needed to meet the statute's requirement that a reimbursement or item or service be provided for the benefit of the state, not for private benefit.

This is a guide. For authoritative information consult Wisconsin Statutes.

Wisconsin Government Accountability Board

For supreme court justices, appellate and circuit court judges

Restraints on judges' receipt of food, drink, favors, services, etc.

STATUTORY RESTRAINTS

Except as noted on the other side of the page, ***a supreme court justice or appellate or circuit court judge should not accept:***

- 1. TRANSPORTATION, TRAVELING ACCOMMODATIONS, OR COMMUNICATION SERVICES.**
Discounted transportation or traveling accommodation for which the supplier would usually charge [§946.11; Art. 13, §11, Const.].
- 2. ITEMS OR SERVICES FROM LOBBYISTS.**
Food, drink, transportation, lodging, employment, or any other thing of pecuniary value from a lobbyist⁴, either directly or through an agent [§ 13.625(1)-(3)];
- 3. ITEMS OR SERVICES FROM ORGANIZATIONS THAT EMPLOY LOBBYISTS.**
Food, drink, transportation, lodging, employment, or any other thing of pecuniary value from an organization that employs a lobbyist unless also made available to the general public on like terms and conditions [§ 13.625(2)]; and
- 4. FOOD, DRINK, OR TRAVEL OFFERED FOR A REASON RELATED TO HOLDING ANY PUBLIC POSITION.**
Food, drink, transportation, or lodging except when offered for a reason unrelated to the recipient's holding or having held *any* public position and the recipient can demonstrate that clearly and convincingly [§§ 19.45(3m) and 19.56(3)(b)];
- 5. OTHER ITEMS OR SERVICES OFFERED BECAUSE OF STATE POSITION.**
Any item or service of more than nominal value offered because of the person's holding a state public office [§ 19.45(2), *Wisconsin Statutes*];⁵
- 6. REWARDS FOR OFFICIAL ACTION.**
Anything of value that could reasonably be considered as a reward for the judge's action or inaction [§ 19.45(3), *Wisconsin Statutes*];
- 7. ITEMS AND SERVICES THAT COULD INFLUENCE OFFICIAL ACTION.**
Anything of value that could reasonably be expected to influence the judge's vote, official actions or judgment [§ 19.45(3), *Wisconsin Statutes*].
- 8. PAYMENT FOR OFFICIATING AT A COURTHOUSE WEDDING.**
A payment, even if unsolicited, for officiating at a marriage at a courthouse, regardless of the hour at which the marriage is performed.⁶ [§19.45 (2)]

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⁴ Unless the lobbyist and recipient are married to each other, are engaged to be married, reside in the same household, or are close relatives [§ 13.625(6)].

⁵ For more detailed information about **attending conferences, seminars, and receptions**, see Government Accountability Board Guideline Eth 1222.

⁶ The Ethics Code provides no obstacle to a judge's accepting a gratuity for officiating at a marriage any place other than a courthouse, provided the payment does not exceed a reasonable amount that a member of the clergy might receive under like circumstances and provided the payment could not reasonably be expected to influence the judge's exercise of judicial duties. When a judge is offered a payment for officiating at a marriage at a courthouse, the judge should decline it or suggest that it be paid instead to a local charity.