



Indiana Judicial Nominating Commission Indiana Commission on Judicial Qualifications

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ADVISORY OPINION

Code of Judicial Conduct
Canon 6

#4-91

The Indiana Commission on Judicial Qualifications issues the following advisory opinion concerning the Code of Judicial Conduct. The views of the Commission are not necessarily those of a majority of the Indiana Supreme Court, the ultimate arbiter of judicial disciplinary issues. Compliance with an opinion of the Commission will be considered by it to be a good faith effort to comply with the Code of Judicial Conduct. The Commission may withdraw any opinion.

ISSUE

The issue is whether a judge may accept a fee for performing a marriage ceremony and, if so, how the funds are to be reported on the judge's Statement of Economic Interest.

ANALYSIS

A judge has asked the Commission whether, in Indiana, a judge may accept a fee or honorarium for performing a marriage ceremony and, if so, whether the fees should be specifically listed or listed as a lump sum on the judge's Statement of Economic Interest,

Canon 6 of the Code of Judicial Conduct provides, "A judge may receive compensation and reimbursement of expenses for the quasi-judicial and extra-judicial activities permitted by this Code, if the source of such payments does not give the appearance of influencing the judge in his judicial duties or otherwise give the appearance of impropriety..." Further, the Canon provides, "Compensation should not exceed a reasonable amount..." and "A judge should report the date, place and nature of any activity for which he received compensation, and the name of the payor and the amount of compensation so received."

So long as a judge who performs marriage ceremonies conforms to the language of Canon 6 concerning avoiding appearances of impropriety or influence, he or she may accept a reasonable sum for performing the ceremonies. Although Canon 6 refers to reporting dates, places, and payors, the Commission members believe a judge who performs marriage ceremonies complies sufficiently with the rules of ethics if the compensation is reported as a yearly lump sum.

CONCLUSION

A judge may receive reasonable compensation for performing marriages and should report the compensation as a yearly lump sum on the judge's Statement of Economic Interest.