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CHAPTER 51
IOWA CODE OF
JUDICIAL CONDUCT
PREAMBLE

[1] An independent, fair and impartial judiciary is indispensable to our system of justice. The United States legal system is based upon the principle that an independent, impartial, and competent judiciary, composed of men and women of integrity, will interpret and apply the law that governs our society. Thus, the judiciary plays a central role in preserving the principles of justice and the rule of law. Inherent in all the rules contained in the Iowa Code of Judicial Conduct are the precepts that judges, individually and collectively, must respect and honor the judicial office as a public trust and strive to maintain and enhance confidence in the legal system.

[2] Judges should maintain the dignity of judicial office at all times, and avoid both impropriety and the appearance of impropriety in their professional and personal lives. They should aspire at all times to conduct that ensures the greatest possible public confidence in their independence, impartiality, integrity, and competence.

[3] The Iowa Code of Judicial Conduct establishes standards for the ethical conduct of judges and judicial candidates. It is not intended as an exhaustive guide for the conduct of judges and judicial candidates, who are governed in their judicial and personal conduct by general ethical standards as well as by the Code. The Code is intended, however, to provide guidance and assist judges in maintaining the highest standards of judicial and personal conduct, and to provide a basis for regulating their conduct through disciplinary agencies.

SCOPE

[1] The Iowa Code of Judicial Conduct consists of four Canons, numbered rules under each Canon, and comments that generally follow and explain each rule. Scope and terminology sections provide additional guidance in interpreting and applying the Code. An application section establishes when the various rules apply to a judge or judicial candidate.

[2] The Canons state overarching principles of judicial ethics that all judges must observe. Although a judge may be disciplined only for violating a rule, the Canons provide important guidance in interpreting the rules. Where a rule contains a permissive term, such as “may” or “should,” the conduct being addressed is committed to the personal and professional discretion of the judge or candidate in question, and no disciplinary action should be taken for action or inaction within the bounds of such discretion.

[3] The comments that accompany the rules serve two functions. First, they provide guidance regarding the purpose, meaning, and proper application of the rules. They contain explanatory material and, in some instances, provide examples of permitted or prohibited conduct. Comments neither add to nor subtract from the binding obligations set forth in the rules. Therefore, when a comment contains the term “must,” it does not mean that the comment itself is binding or enforceable; it signifies that the rule in question, properly understood, is obligatory as to the conduct at issue.

[4] Second, the comments identify aspirational goals for judges. To implement fully the principles of the Iowa Code of Judicial Conduct as articulated in the Canons, judges should strive to exceed the standards of conduct established by the rules, holding themselves to the highest ethical standards and seeking to achieve those aspirational goals, thereby enhancing the dignity of the judicial office.

[5] The rules of the Iowa Code of Judicial Conduct are rules of reason that should be applied consistent with constitutional requirements, statutes, other court rules, and decisional law, and with due regard for all relevant circumstances. The rules should not be interpreted to impinge upon the essential independence of judges in making judicial decisions.

[6] Although the black letter of the rules is binding and enforceable, it is not contemplated that every transgression will result in the imposition of discipline. Whether discipline should be imposed should be determined through a reasonable and reasoned application of the rules, and should depend upon factors such as the seriousness of the

1 transgression, the facts and circumstances that existed at the time of the
2 transgression, the extent of any pattern of improper activity, whether
3 there have been previous violations, and the effect of the improper
4 activity upon the judicial system or others.

5 [7] The Iowa Code of Judicial Conduct is not designed or intended as a
6 basis for civil or criminal liability. Neither is it intended to be the basis
7 for litigants to seek collateral remedies against each other or to obtain
8 tactical advantages in proceedings before a court.

9

1 **TERMINOLOGY**

2 **The first time any term listed below is used in a rule in its defined**
3 **sense, it is followed by an asterisk (*).**

4 **“Appropriate authority”** means the authority having responsibility for
5 initiation of disciplinary process in connection with the violation to be
6 reported. *See* rules 51:2.14 and 51:2.15.

7 **“Contribution”** means both financial and in-kind contributions, such as
8 goods, professional or volunteer services, advertising, and other types of
9 assistance, which, if obtained by the recipient otherwise, would require a
10 financial expenditure. *See* rules 51:3.7, 51:4.1, and 51:4.4.

11 **“De minimis,”** in the context of interests pertaining to disqualification of
12 a judge, means an insignificant interest that could not raise a reasonable
13 question regarding the judge’s impartiality. *See* rule 51:2.11.

14 **“Domestic partner”** means a person with whom another person
15 maintains a household and an intimate relationship, other than a person
16 to whom he or she is legally married. *See* rules 51:2.11, 51:2.13,
17 51:3.13, and 51:3.14.

18 **“Economic interest”** means ownership of more than a de minimis legal
19 or equitable interest. Except for situations in which the judge
20 participates in the management of such a legal or equitable interest, or
21 the interest could be substantially affected by the outcome of a
22 proceeding before a judge, it does not include:

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

25 (2) an interest in securities held by an educational, religious,
26 charitable, fraternal, or civic organization in which the judge or
27 the judge’s spouse, domestic partner, parent, or child serves as
28 a director, an officer, an advisor, or other participant;

29 (3) a deposit in a financial institution or deposits or proprietary
30 interests the judge may maintain as a member of a mutual
31 savings association or credit union, or similar proprietary
32 interests; or

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

35 *See* rules 51:1.3 and 51:2.11.

36 **“Fiduciary”** includes relationships such as executor, administrator,
37 trustee, or guardian. *See* rules 51:2.11, 51:3.2, and 51:3.8.

1 **“Impartial,” “impartiality,”** and **“impartially”** mean absence of bias or
2 prejudice in favor of, or against, particular parties or classes of parties,
3 as well as maintenance of an open mind in considering issues that may
4 come before a judge. See Canons 1, 2, and 4, and rules 51:1.2, 51:2.2,
5 51:2.10, 51:2.11, 51:2.13, 51:3.1, 51:3.12, 51:3.13, 51:4.1, and 51:4.2.

6 **“Impending matter”** is a matter that is imminent or expected to occur
7 in the near future. See rules 51:2.9, 51:2.10, 51:3.13, and 51:4.1.

8 **“Impropriety”** includes conduct that violates the law, court rules, or
9 provisions of the Iowa Code of Judicial Conduct, and conduct that
10 undermines a judge’s independence, integrity, or impartiality. See
11 Canon 1 and rule 51:1.2.

12 **“Independence”** means a judge’s freedom from influence or controls
13 other than those established by law. See Canons 1 and 4, and rules
14 51:1.2, 51:3.1, 51:3.12, 51:3.13, and 51:4.2.

15 **“Integrity”** means probity, fairness, honesty, uprightness, and
16 soundness of character. See Canon 1 and rule 51:1.2.

17 **“Judicial candidate”** means any person, including a sitting judge, who
18 is seeking selection for or retention in judicial office by election or
19 appointment. A person becomes a candidate for judicial office as soon as
20 he or she declares or files as a candidate with the election or
21 appointment authority, authorizes or, where permitted, engages in
22 solicitation or acceptance of contributions or support, or is nominated for
23 appointment to office. See rules 51:2.11, 51:4.1, 51:4.2, and 51:4.4.

24 **“Knowingly,” “knowledge,” “known,”** and **“knows”** mean actual
25 knowledge of the fact in question. A person’s knowledge may be inferred
26 from circumstances. See rules 51:2.11, 51:2.15, 51:2.16, 51:3.6, and
27 51:4.1.

28 **“Law”** encompasses court rules as well as statutes, constitutional
29 provisions, and decisional law. See rules 51:1.1, 51:2.1, 51:2.2, 51:2.6,
30 51:2.7, 51:2.9, 51:3.1, 51:3.4, 51:3.9, 51:3.12, 51:3.13, 51:3.14, 51:3.15,
31 51:4.1, 51:4.2, 51:4.4, and 51:4.5.

32 **“Member of the candidate’s family”** means a spouse, domestic
33 partner, child, grandchild, parent, grandparent, or other relative or
34 person with whom the candidate maintains a close familial relationship.

35 **“Member of the judge’s family”** means a spouse, domestic partner,
36 child, grandchild, parent, grandparent, or other relative or person with
37 whom the judge maintains a close familial relationship. See rules 51:3.7,
38 51:3.8, 51:3.10, and 51:3.11.

1 **“Member of a judge’s family residing in the judge’s household”**
2 means any relative of a judge by blood or marriage, or a person treated
3 by a judge as a member of the judge’s family, who resides in the judge’s
4 household. See rules 51:2.11 and 51:3.13.

5 **“Nonpublic information”** means information that is not available to the
6 public. Nonpublic information may include, but is not limited to,
7 information that is sealed by statute or court order or impounded or
8 communicated in camera, and information offered in grand jury
9 proceedings, presentencing reports, dependency cases, or psychiatric
10 reports. See rule 51:3.5.

11 **“Pending matter”** is a matter that has commenced. A matter continues
12 to be pending through any appellate process until final disposition. See
13 rules 51:2.9, 51:2.10, 51:3.13, and 51:4.1.

14 **“Personally solicit”** means a direct request made by a judge or a
15 judicial candidate for financial support or in-kind services, whether made
16 by letter, telephone, or any other means of communication. See rule
17 51:4.1.

18 **“Political organization”** means a political party or other group
19 sponsored by or affiliated with a political party or candidate, the
20 principal purpose of which is to further the election or appointment of
21 candidates for political office. For purposes of the Iowa Code of Judicial
22 Conduct, the term does not include a judicial candidate’s campaign
23 committee created as authorized by rule 51:4.4. See rules 51:4.1 and
24 51:4.2.

25 **“Restricted donor”** means

26 (1) a party or other person involved in a case pending before the
27 donee.

28 (2) a party or a person seeking to be a party to any sale,
29 purchase, lease or contract involving the judicial branch or
30 any of its offices, if the donee has authority to approve the
31 sale, purchase, lease or contract, or if the donee assists or
32 advises the person with authority to approve the sale,
33 purchase, lease or contract.

34 (3) a person who will be directly or substantially affected by the
35 performance or nonperformance of the donee’s official duties
36 in a way that is greater than the effect on the public
37 generally or on a substantial class of persons to which the
38 donor belongs as a member of a profession, occupation,
39 industry or region.

1 See rule 51:3.13.

2 **“Third degree of relationship”** includes the following persons: great-
3 grandparent, grandparent, parent, uncle, aunt, brother, sister, child,
4 grandchild, great-grandchild, nephew, and niece. See rule 51:2.11.

5

1 **Application**

2 The application section establishes when the various rules apply to
3 a judge or judicial candidate.

4 **I. Applicability of the Iowa Code of Judicial Conduct**

5 **(A) The provisions of the Iowa Code of Judicial Conduct**
6 **apply to all full-time and senior judges. Parts II through IV of**
7 **this section identify those provisions that apply to three**
8 **distinct categories of part-time judges. Canon 4 applies to**
9 **judicial candidates.**

10 **(B) A judge, within the meaning of the Iowa Code of Judicial**
11 **Conduct, is anyone who is authorized to perform judicial**
12 **functions, including an officer such as a magistrate, special**
13 **master, child support referee, probate referee, or judicial**
14 **hospitalization referee. Administrative law judges are not**
15 **judges within the meaning of the Code.**

16 **Comment**

17 [1] The rules in the Iowa Code of Judicial Conduct have been
18 formulated to address the ethical obligations of any person who serves a
19 judicial function, and are premised upon the supposition that a uniform
20 system of ethical principles should apply to all those authorized to
21 perform judicial functions.

22 [2] The determination of which category and, accordingly, which
23 specific rules apply to an individual judicial officer, depends upon the
24 facts of the particular judicial service.

25 [3] In Iowa, many districts have formed drug courts. Judges presiding
26 in drug courts may be authorized and even encouraged to communicate
27 directly with social workers, probation officers, and others outside the
28 context of their usual judicial role as independent decision makers on
29 issues of fact and law. When local rules specifically authorize conduct
30 not otherwise permitted under these rules, they take precedence over the
31 provisions set forth in the Iowa Code of Judicial Conduct. Nevertheless,
32 judges serving on drug courts and other “problem solving” courts shall
33 comply with this Code except to the extent local rules provide and permit
34 otherwise.

35 **II. Retired Justice or Judge Subject to Recall for Service under**
36 **Iowa Code Section 602.1612**

37 **A retired justice or judge subject to recall for service, who by law is**
38 **not permitted to practice law, is not required to comply:**

1 **(A) with rule 51:3.9 (Service as Arbitrator or Mediator),**
2 **except while serving as a judge; or**

3 **(B) at any time with rule 51:3.8 (Appointments to Fiduciary**
4 **Positions).**

5 **Comment**

6 [1] For the purposes of this section, as long as a retired judge is
7 subject to being recalled for service, the judge is considered to “perform
8 judicial functions.” This provision does not supersede the restrictions
9 applicable to retired judges participating in the senior judge program.

10 **III. Magistrate and Other Continuing Part-Time Judge**

11 **A judge who serves repeatedly on a part-time basis or under a**
12 **continuing appointment (“continuing part-time judge”),**

13 **(A) is not required to comply:**

14 **(1) with rules 51:2.10(A) and 51:2.10(B) (Judicial**
15 **Statements on Pending and Impending Cases), except**
16 **while serving as a judge; or**

17 **(2) at any time with rules 51:3.4 (Appointments to**
18 **Governmental Positions), 51:3.8 (Appointments to**
19 **Fiduciary Positions), 51:3.9 (Service as Arbitrator or**
20 **Mediator), 51:3.10 (Practice of Law), 51:3.11 (Financial,**
21 **Business, or Remunerative Activities), 51:3.14**
22 **(Reimbursement of Expenses and Waivers of Fees or**
23 **Charges), and 51:3.15 (Reporting Requirements); and**

24 **(B) except as provided paragraph (C), shall not practice law**
25 **in the court on which the judge serves and shall not act as a**
26 **lawyer in a proceeding in which the judge has served as a**
27 **judge or in any other proceeding related thereto.**

28 **(C) When it would not otherwise be prohibited by the Iowa**
29 **Rules of Professional Conduct, a magistrate may appear as**
30 **counsel for a client in a matter that is within the jurisdiction**
31 **of a magistrate so long as the matter is heard by a district**
32 **judge or a district associate judge. Partners or associates of a**
33 **magistrate may appear before a magistrate other than their**
34 **partner or associate.**

35 **Comment**

36 [1] When a person who has been a continuing part-time judge is no
37 longer a continuing part-time judge, that person may act as a lawyer in a

1 proceeding in which he or she has served as a judge or in any other
2 proceeding related thereto only with the informed consent of all parties,
3 and pursuant to Iowa Rule of Professional Conduct 32:1.12.

4 **IV. Special Master, Referee, and Other Pro Tempore Part-Time** 5 **Judge**

6 **A special master, referee, and other pro tempore part-time judge**
7 **who serves or expects to serve once or only sporadically on a part-**
8 **time basis under a separate appointment for each period of service**
9 **or for each case heard is not required to comply:**

10 (A) except while serving as a judge, with rules 51:1.2
11 (Promoting Confidence in the Judiciary), 51:2.4 (External
12 Influences on Judicial Conduct), 51:2.10 (Judicial Statements
13 on Pending and Impending Cases), or 51:3.2 (Appearances
14 before Governmental Bodies and Consultation with
15 Government Officials); or

16 (B) at any time with rules 51:3.4 (Appointments to
17 Governmental Positions), 51:3.6 (Affiliation with
18 Discriminatory Organizations), 51:3.7 (Participation in
19 Educational, Religious, Charitable, Fraternal, or Civic
20 Organizations and Activities), 51:3.8 (Appointments to
21 Fiduciary Positions), 51:3.9 (Service as Arbitrator or Mediator),
22 51:3.10 (Practice of Law), 51:3.11 (Financial, Business, or
23 Remunerative Activities), 51:3.13 (Acceptance of Gifts, Loans,
24 Bequests, Benefits, or Other Things of Value), 51:3.15
25 (Reporting Requirements), 51:4.1 (Political and Campaign
26 Activities of Judges and Judicial Candidates in General), and
27 51:4.5 (Activities of Judges Who Become Candidates for
28 Nonjudicial Office).

29 **V. Time for Compliance**

30 **A person to whom the Iowa Code of Judicial Conduct becomes**
31 **applicable shall comply immediately with its provisions, except that**
32 **those judges to whom rules 51:3.8 (Appointments to Fiduciary**
33 **Positions) and 51:3.11 (Financial, Business, or Remunerative**
34 **Activities) apply shall comply with those rules as soon as reasonably**
35 **possible, but in no event later than six months after the Code**
36 **becomes applicable to the judge.**

37 **Comment**

38 [1] If serving as a fiduciary when selected as judge, a new judge may,
39 notwithstanding the prohibitions in rule 51:3.8, continue to serve as
40 fiduciary, but only for that period of time necessary to avoid serious

1 adverse consequences to the beneficiaries of the fiduciary relationship
2 and in no event longer than six months. Similarly, if engaged at the time
3 of judicial selection in a business activity, a new judge may,
4 notwithstanding the prohibitions in rule 51:3.11, continue in that
5 activity for a reasonable period but in no event longer than six months.

6

1 **CANON 1**

2 **A Judge shall Uphold and Promote the Independence, Integrity, and**
3 **Impartiality of the Judiciary, and shall Avoid Impropriety and the**
4 **Appearance of Impropriety.**

5 **RULE 51:1.1**

6 ***Compliance with the Law***

7 **A judge shall comply with the law,* including the Iowa Code of**
8 **Judicial Conduct.**

9 **RULE 51:1.2**

10 ***Promoting Confidence in the Judiciary***

11 **A judge shall act at all times in a manner that promotes public**
12 **confidence in the independence,* integrity,* and impartiality* of the**
13 **judiciary, and shall avoid impropriety and the appearance of**
14 **impropriety.**

15 **Comment**

16 [1] Public confidence in the judiciary is eroded by improper conduct
17 and conduct that creates the appearance of impropriety. This principle
18 applies to both the professional and personal conduct of a judge.

19 [2] A judge should expect to be the subject of public scrutiny that
20 might be viewed as burdensome if applied to other citizens, and must
21 accept the restrictions imposed by the Iowa Code of Judicial Conduct.

22 [3] Conduct that compromises or appears to compromise the
23 independence, integrity, and impartiality of a judge undermines public
24 confidence in the judiciary. Because it is not practicable to list all such
25 conduct, the rule is necessarily cast in general terms.

26 [4] Judges should participate in activities that promote ethical
27 conduct among judges and lawyers, support professionalism within the
28 judiciary and the legal profession, and promote access to justice for all.

29 [5] Actual improprieties include violations of law, court rules or
30 provisions of the Iowa Code of Judicial Conduct. The test for appearance
31 of impropriety is whether the conduct would create in reasonable minds
32 a perception that the judge violated this Code or engaged in other
33 conduct that reflects adversely on the judge's honesty, impartiality,
34 temperament, or fitness to serve as a judge.

1 [6] A judge should initiate and participate in community outreach
2 activities for the purpose of promoting public understanding of and
3 confidence in the administration of justice. In conducting such
4 activities, the judge must act in a manner consistent with the Iowa Code
5 of Judicial Conduct.

6 **RULE 51:1.3**

7 ***Avoiding Abuse of the Prestige of Judicial Office***

8 **A judge shall not abuse the prestige of judicial office to advance the**
9 **personal or economic interests* of the judge or others, or allow**
10 **others to do so.**

11 **Comment**

12 [1] It is improper for a judge to use or attempt to use his or her
13 position to gain personal advantage or deferential treatment of any kind.
14 For example, it would be improper for a judge to allude to his or her
15 judicial status to gain favorable treatment in encounters with traffic
16 officials. Similarly, a judge must not use judicial letterhead to gain an
17 advantage in conducting his or her personal business.

18 [2] A judge may provide a reference or recommendation for an
19 individual based upon the judge's personal knowledge. The judge may
20 use official letterhead if the judge indicates that the reference is personal
21 and if there is no likelihood that the use of the letterhead would
22 reasonably be perceived as an attempt to exert pressure by reason of the
23 judicial office. Except as provided in comment 3 or as a member of a
24 nominating commission under Iowa Code chapter 46, a judge should not
25 provide a reference or recommendation for a person seeking appointment
26 to judicial office.

27 [3] Judges may participate in the process of judicial selection by
28 cooperating with appointing authorities and screening committees, and
29 by responding to specific inquiries from such entities concerning the
30 professional qualifications of a person being considered for judicial office.

31 [4] Special considerations arise when judges write or contribute to
32 publications of for-profit entities, whether related or unrelated to the law.
33 A judge should not permit anyone associated with the publication of
34 such materials to exploit the judge's office in a manner that violates this
35 rule or other applicable law. In contracts for publication of a judge's
36 writing, the judge should retain sufficient control over the advertising to
37 avoid such exploitation.

38

1 **CANON 2**

2 **A Judge shall Perform the Duties of Judicial Office Impartially,**
3 **Competently, and Diligently.**

4 **RULE 51:2.1**

5 ***Giving Precedence to the Duties of Judicial Office***

6 **The duties of judicial office, as prescribed by law,* shall take**
7 **precedence over all of a judge’s personal and extrajudicial activities.**

8 **Comment**

9 [1] To ensure that judges are available to fulfill their judicial duties,
10 judges must conduct their personal and extrajudicial activities to
11 minimize the risk of conflicts that would result in frequent
12 disqualification. See Canon 3.

13 [2] Although it is not a duty of judicial office unless prescribed by law,
14 judges are encouraged to participate in activities that promote public
15 understanding of and confidence in the justice system.

16 **RULE 51:2.2**

17 ***Impartiality and Fairness***

18 **A judge shall uphold and apply the law,* and shall perform all duties**
19 **of judicial office fairly and impartially.***

20 **Comment**

21 [1] To ensure impartiality and fairness to all parties, a judge must be
22 objective and open-minded.

23 [2] Although each judge comes to the bench with a unique
24 background and personal philosophy, a judge must interpret and apply
25 the law without regard to whether the judge approves or disapproves of
26 the law in question.

27 [3] When applying and interpreting the law, a judge sometimes may
28 make good-faith errors of fact or law. Errors of this kind do not violate
29 this rule.

30 [4] It is not a violation of this rule for a judge to make reasonable
31 accommodations to ensure self-represented litigants the opportunity to
32 have their matters fairly heard.

33

1 **RULE 51:2.3**

2 ***Bias, Prejudice, and Harassment***

3 **(A) A judge shall perform the duties of judicial office,**
4 **including administrative duties, without bias or prejudice.**

5 **(B) A judge shall not, in the performance of judicial duties,**
6 **by words or conduct manifest bias or prejudice, or engage in**
7 **harassment, including but not limited to bias, prejudice, or**
8 **harassment based upon race, sex, gender, religion, national**
9 **origin, ethnicity, disability, age, sexual orientation, marital**
10 **status, socioeconomic status, or political affiliation, and shall**
11 **not permit court staff, court officials, or others subject to the**
12 **judge's direction and control to do so.**

13 **(C) A judge shall require lawyers in proceedings before the**
14 **court to refrain from manifesting bias or prejudice, or**
15 **engaging in harassment, based upon attributes including but**
16 **not limited to race, sex, gender, religion, national origin,**
17 **ethnicity, disability, age, sexual orientation, marital status,**
18 **socioeconomic status, or political affiliation, against parties,**
19 **witnesses, lawyers, or others.**

20 **(D) The restrictions of paragraphs (B) and (C) do not preclude**
21 **judges or lawyers from making legitimate reference to the**
22 **listed factors, or similar factors, when they are relevant to an**
23 **issue in a proceeding.**

24 **Comment**

25 [1] A judge who manifests bias or prejudice in a proceeding impairs
26 the fairness of the proceeding and brings the judiciary into disrepute.

27 [2] Examples of manifestations of bias or prejudice include but are not
28 limited to epithets; slurs; demeaning nicknames; negative stereotyping;
29 attempted humor based upon stereotypes; threatening, intimidating, or
30 hostile acts; suggestions of connections between race, ethnicity, or
31 nationality and crime; and irrelevant references to personal
32 characteristics. Even facial expressions and body language can convey
33 to parties and lawyers in the proceeding, jurors, the media, and others
34 an appearance of bias or prejudice. A judge must avoid conduct that
35 may reasonably be perceived as prejudiced or biased.

36 [3] Harassment, as referred to in paragraphs (B) and (C), is verbal or
37 physical conduct that denigrates or shows hostility or aversion toward a
38 person on bases such as race, sex, gender, religion, national origin,

1 ethnicity, disability, age, sexual orientation, marital status,
2 socioeconomic status, or political affiliation.

3 [4] Sexual harassment includes but is not limited to sexual advances,
4 requests for sexual favors, and other verbal or physical conduct of a
5 sexual nature that is unwelcome.

6 **RULE 51:2.4**

7 ***External Influences on Judicial Conduct***

8 **(A) A judge shall not be swayed by public clamor or fear of**
9 **criticism.**

10 **(B) A judge shall not permit family, social, political,**
11 **financial, or other interests or relationships to influence the**
12 **judge's judicial conduct or judgment.**

13 **(C) A judge shall not convey or permit others to convey the**
14 **impression that any person or organization is in a position to**
15 **influence the judge.**

16 **Comment**

17 [1] An independent judiciary requires that judges decide cases
18 according to the law and facts, without regard to whether particular laws
19 or litigants are popular or unpopular with the public, the media,
20 government officials, or the judge's friends or family. Confidence in the
21 judiciary is eroded if judicial decision making is perceived to be subject
22 to inappropriate outside influences.

23 **RULE 51:2.5**

24 ***Competence, Diligence, and Cooperation***

25 **(A) A judge shall perform judicial and administrative duties**
26 **competently and diligently.**

27 **(B) A judge shall cooperate with other judges and court**
28 **officials in the administration of court business.**

29 **Comment**

30 [1] Competence in the performance of judicial duties requires the legal
31 knowledge, skill, thoroughness, and preparation reasonably necessary to
32 perform a judge's responsibilities of judicial office.

33

1 [2] A judge should seek the necessary docket time, court staff,
2 expertise, and resources to discharge all adjudicative and administrative
3 responsibilities.

4 [3] Prompt disposition of the court's business requires a judge to
5 devote adequate time to judicial duties, to be punctual in attending court
6 and expeditious in determining matters under submission, and to take
7 reasonable measures to ensure that court officials, litigants, and their
8 lawyers cooperate with the judge to that end.

9 [4] In disposing of matters promptly and efficiently, a judge must
10 demonstrate due regard for the rights of parties to be heard and to have
11 issues resolved without unnecessary cost or delay. A judge should
12 monitor and supervise cases in ways that reduce or eliminate dilatory
13 practices, avoidable delays, and unnecessary costs.

14 **RULE 51:2.6**

15 ***Ensuring the Right to Be Heard***

16 **(A) A judge shall accord to every person who has a legal**
17 **interest in a proceeding, or that person's lawyer, the right to**
18 **be heard according to law.***

19 **(B) A judge may encourage parties to a proceeding and their**
20 **lawyers to settle matters in dispute but shall not act in a**
21 **manner that coerces any party into settlement.**

22 **Comment**

23 [1] The right to be heard is an essential component of a fair and
24 impartial system of justice. Substantive rights of litigants can be
25 protected only if procedures protecting the right to be heard are
26 observed.

27 [2] The judge plays an important role in overseeing the settlement of
28 disputes, but should be careful that efforts to further settlement do not
29 undermine any party's right to be heard according to law. The judge
30 should keep in mind the effect that the judge's participation in
31 settlement discussions may have, not only on the judge's own views of
32 the case, but also on the perceptions of the lawyers and the parties if the
33 case remains with the judge after settlement efforts are unsuccessful.
34 Among the factors that a judge should consider when deciding upon an
35 appropriate settlement practice for a case are (1) whether the parties
36 have requested or voluntarily consented to a certain level of participation
37 by the judge in settlement discussions, (2) whether the parties and their
38 counsel are relatively sophisticated in legal matters, (3) whether the case
39 will be tried by the judge or a jury, (4) whether the parties participate

1 with their counsel in settlement discussions, (5) whether any parties are
2 unrepresented by counsel, and (6) whether the matter is civil or criminal.

3 [3] Judges must be mindful of the effect settlement discussions can
4 have, not only on their objectivity and impartiality, but also on the
5 appearance of their objectivity and impartiality. Despite a judge's best
6 efforts, there may be instances when information obtained during
7 settlement discussions could influence a judge's decision making during
8 trial, and, in such instances, the judge should consider whether
9 disqualification may be appropriate. See rule 51:2.11(A)(1).

10 **RULE 51:2.7**

11 ***Responsibility to Decide***

12 **A judge shall hear and decide matters assigned to the judge, except**
13 **when disqualification is required by rule 2.11 or other law.***

14 **Comment**

15 [1] Judges must be available to decide the matters that come before
16 the court. Although there are times when disqualification is necessary to
17 protect the rights of litigants and preserve public confidence in the
18 independence, integrity, and impartiality of the judiciary, judges must be
19 available to decide matters that come before the courts. Unwarranted
20 disqualification may bring public disfavor to the court and to the judge
21 personally. The dignity of the court, the judge's respect for fulfillment of
22 judicial duties, and a proper concern for the burdens that may be
23 imposed upon the judge's colleagues require that a judge not use
24 disqualification to avoid cases that present difficult, controversial, or
25 unpopular issues.

26 **RULE 51:2.8**

27 ***Decorum, Demeanor, and Communication with Jurors***

28 **(A) A judge shall require order and decorum in proceedings**
29 **before the court.**

30 **(B) A judge shall be patient, dignified, and courteous to**
31 **litigants, jurors, witnesses, lawyers, court staff, court officials,**
32 **and others with whom the judge deals in an official capacity,**
33 **and shall require similar conduct of lawyers, court staff, court**
34 **officials, and others subject to the judge's direction and**
35 **control.**

36 **(C) A judge shall not commend or criticize jurors for their**
37 **verdict other than in a court order or opinion in a proceeding,**

1 **but may express appreciation to jurors for their service to the**
2 **judicial system and the community.**

3 **Comment**

4 [1] The duty to hear all proceedings with patience and courtesy is not
5 inconsistent with the duty imposed in rule 51:2.5 to dispose promptly of
6 the business of the court. Judges can be efficient and businesslike while
7 being patient and deliberate.

8 [2] Commending or criticizing jurors for their verdict may imply a
9 judicial expectation in future cases and may impair a juror's ability to be
10 fair and impartial in a subsequent case.

11 [3] A judge who is not otherwise prohibited by law from doing so may
12 meet with jurors who choose to remain after trial but should be careful
13 not to discuss the merits of the case.

14 **RULE 51:2.9**

15 ***Ex Parte Communications***

16 **(A) A judge shall not initiate, permit, or consider ex parte**
17 **communications, or consider other communications made to**
18 **the judge outside the presence of the parties or their lawyers,**
19 **concerning a pending* or impending matter,* except as**
20 **follows:**

21 **(1) When circumstances require it, ex parte**
22 **communication for scheduling, administrative, or**
23 **emergency purposes, which does not address substantive**
24 **matters, is permitted, provided:**

25 **(a) the judge reasonably believes that no party**
26 **will gain a procedural, substantive, or tactical**
27 **advantage as a result of the ex parte**
28 **communication; and**

29 **(b) the judge makes provision promptly to notify**
30 **all other parties of the substance of the ex parte**
31 **communication, and gives the parties an**
32 **opportunity to respond.**

33 **(2) A judge may obtain the written advice of a**
34 **disinterested expert on the law applicable to a**
35 **proceeding before the judge, if the judge gives advance**
36 **notice to the parties of the person to be consulted and**
37 **the subject matter of the advice to be solicited, and**

1 **affords the parties a reasonable opportunity to object**
2 **and respond to the notice and to the advice received.**

3 **(3) A judge may consult with court staff and court**
4 **officials whose functions are to aid the judge in carrying**
5 **out the judge’s adjudicative responsibilities, or with**
6 **other judges, provided the judge makes reasonable**
7 **efforts to avoid receiving factual information that is not**
8 **part of the record, and does not abrogate the**
9 **responsibility personally to decide the matter.**

10 **(4) A judge may, with the consent of the parties,**
11 **confer separately with the parties and their lawyers in an**
12 **effort to settle matters pending before the judge.**

13 **(5) A judge may initiate, permit, or consider any ex**
14 **parte communication when expressly authorized by law***
15 **to do so.**

16 **(B) If a judge inadvertently receives an unauthorized ex**
17 **parte communication bearing upon the substance of a matter,**
18 **the judge shall make provision promptly to notify the parties**
19 **of the substance of the communication and provide the parties**
20 **with an opportunity to respond.**

21 **(C) A judge shall not investigate facts in a matter**
22 **independently, and shall consider only the evidence presented**
23 **and any facts that may properly be judicially noticed.**

24 **(D) A judge shall make reasonable efforts, including**
25 **providing appropriate supervision, to ensure that this rule is**
26 **not violated by court staff, court officials, and others subject**
27 **to the judge’s direction and control.**

28 **Comment**

29 [1] To the extent reasonably possible, all parties or their lawyers shall
30 be included in communications with a judge. See *e.g.* Iowa R. Civ. P.
31 1.1507.

32 [2] Whenever the presence of a party or notice to a party is required by
33 this rule, it is the party’s lawyer, or if the party is unrepresented, the
34 party, who is to be present or to whom notice is to be given.

35 [3] The proscription against communications concerning a proceeding
36 includes communications with lawyers, law teachers, and other persons
37 who are not participants in the proceeding, except to the limited extent
38 permitted by this rule.

1 [4] A judge may initiate, permit, or consider ex parte communications
2 expressly authorized by law, such as when serving on therapeutic or
3 problem-solving courts, mental health courts, or drug courts. In this
4 capacity, judges may assume a more interactive role with parties,
5 treatment providers, probation officers, social workers, and others.

6 [5] A judge may consult with other judges on pending matters, but
7 must avoid ex parte discussions of a case with judges who have
8 previously been disqualified from hearing the matter, and with judges
9 who have appellate jurisdiction over the matter.

10 [6] The prohibition against a judge investigating the facts in a matter
11 extends to information available in all mediums, including electronic.

12 [7] A judge may consult ethics advisory committees, outside counsel
13 or legal experts concerning the judge's compliance with the Iowa Code of
14 Judicial Conduct. Such consultations are not subject to the restrictions
15 of paragraph (A)(2).

16 **RULE 51:2.10**

17 ***Judicial Statements on Pending and Impending Cases***

18 **(A) A judge shall not make any public statement that might**
19 **reasonably be expected to affect the outcome or impair the**
20 **fairness of a matter pending* or impending* in any court, or**
21 **make any nonpublic statement that might substantially**
22 **interfere with a fair trial or hearing.**

23 **(B) A judge shall not, in connection with cases,**
24 **controversies, or issues that are likely to come before the**
25 **court, make pledges, promises, or commitments that are**
26 **inconsistent with the impartial* performance of the**
27 **adjudicative duties of judicial office.**

28 **(C) A judge shall require court staff, court officials, and**
29 **others subject to the judge's direction and control to refrain**
30 **from making statements that the judge would be prohibited**
31 **from making by paragraphs (A) and (B).**

32 **(D) Notwithstanding the restrictions in paragraph (A), a**
33 **judge may make public statements in the course of official**
34 **duties, may explain court procedures, and may comment on**
35 **any proceeding in which the judge is a litigant in a personal**
36 **capacity.**

37 **(E) Subject to the requirements of paragraph (A), a judge**
38 **may respond directly or through a third party to allegations in**

1 **the media or elsewhere concerning the judge’s conduct in a**
2 **matter.**

3 **Comment**

4 [1] This rule’s restrictions on judicial speech are essential to the
5 maintenance of the independence, integrity, and impartiality of the
6 judiciary.

7 [2] This rule does not prohibit a judge from commenting on
8 proceedings in which the judge is a litigant in a personal capacity. In
9 cases in which the judge is a litigant in an official capacity, such as a
10 writ of mandamus, the judge must not comment publicly.

11 [3] Depending upon the circumstances, the judge should consider
12 whether it may be preferable for a third party, rather than the judge, to
13 respond or issue statements in connection with allegations concerning
14 the judge’s conduct in a matter.

15 **RULE 51:2.11**

16 ***Disqualification***

17 **(A) A judge shall disqualify himself or herself in any**
18 **proceeding in which the judge’s impartiality* might reasonably**
19 **be questioned, including but not limited to the following**
20 **circumstances:**

21 **(1) The judge has a personal bias or prejudice**
22 **concerning a party or a party’s lawyer, or personal**
23 **knowledge* of facts that are in dispute in the**
24 **proceeding.**

25 **(2) The judge knows* that the judge, the judge’s**
26 **spouse or domestic partner,* or a person within the third**
27 **degree of relationship* to either of them, or the spouse**
28 **or domestic partner of such a person is:**

29 **(a) a party to the proceeding, or an officer,**
30 **director, general partner, managing member, or**
31 **trustee of a party;**

32 **(b) acting as a lawyer in the proceeding;**

33 **(c) a person who has more than a de minimis***
34 **interest that could be substantially affected by the**
35 **proceeding; or**

1 (d) likely to be a material witness in the
2 proceeding.

3 (3) The judge knows that he or she, individually or as
4 a fiduciary,* or the judge's spouse, domestic partner,
5 parent, or child, or any other member of the judge's
6 family residing in the judge's household,* has an
7 economic interest* in the subject matter in controversy
8 or in a party to the proceeding.

9 (4) The judge's participation in a matter or proceeding
10 would violate due process of law as a result of campaign
11 contributions.

12 (5) The judge, while a judge or a judicial candidate,*
13 has made a public statement, other than in a court
14 proceeding, judicial decision, or opinion, that commits
15 or appears to commit the judge to reach a particular
16 result or rule in a particular way in the proceeding or
17 controversy.

18 (6) The judge:

19 (a) served as a lawyer in the matter in
20 controversy, or was associated with a lawyer who
21 participated substantially as a lawyer in the matter
22 during such association;

23 (b) served in governmental employment, and in
24 such capacity participated personally and
25 substantially as a lawyer or public official
26 concerning the proceeding, or has publicly
27 expressed in such capacity an opinion concerning
28 the merits of the particular matter in controversy;

29 (c) was a material witness concerning the
30 matter; or

31 (d) previously presided as a judge over the
32 matter in another court.

33 (B) A judge shall keep informed about the judge's personal
34 and fiduciary economic interests, and make a reasonable effort
35 to keep informed about the personal economic interests of the
36 judge's spouse or domestic partner and minor children
37 residing in the judge's household.

1 **(C) A judge subject to disqualification under this rule, other**
2 **than for bias or prejudice under paragraph (A)(1), may disclose**
3 **on the record the basis of the judge’s disqualification and may**
4 **ask the parties and their lawyers to consider, outside the**
5 **presence of the judge and court personnel, whether to waive**
6 **disqualification. If, following the disclosure, the parties and**
7 **lawyers agree, without participation by the judge or court**
8 **personnel, that the judge should not be disqualified, the judge**
9 **may participate in the proceeding. The agreement shall be**
10 **incorporated into the record of the proceeding.**

11 **Comment**

12 [1] Under this rule, a judge is disqualified whenever the judge’s
13 impartiality might reasonably be questioned, regardless of whether any of
14 the specific provisions of paragraphs (A)(1) through (5) apply. The term
15 “recusal” is used interchangeably with the term “disqualification.”

16 [2] A judge’s obligation not to hear or decide matters in which
17 disqualification is required applies regardless of whether a motion to
18 disqualify is filed.

19 [3] The rule of necessity may override the rule of disqualification. For
20 example, a judge might be required to participate in judicial review of a
21 judicial salary statute, or might be the only judge available in a matter
22 requiring immediate judicial action, such as a hearing on probable cause
23 or a temporary restraining order. In matters that require immediate
24 action, the judge must disclose on the record the basis for possible
25 disqualification and make reasonable efforts to transfer the matter to
26 another judge as soon as practicable.

27 [4] The fact that a lawyer in a proceeding is affiliated with a law firm
28 with which a relative of the judge is affiliated does not itself disqualify the
29 judge. If, however, the judge’s impartiality might reasonably be
30 questioned under paragraph (A), or the relative is known by the judge to
31 have an interest in the law firm that could be substantially affected by
32 the proceeding under paragraph (A)(2)(c), the judge’s disqualification is
33 required.

34 [5] A judge should disclose on the record information that the judge
35 believes the parties or their lawyers might reasonably consider relevant
36 to a possible motion for disqualification, even if the judge believes there
37 is no basis for disqualification.

38 [6] “Economic interest,” as set forth in the terminology section, means
39 ownership of more than a de minimis legal or equitable interest. Except
40 for situations in which a judge participates in the management of such a

1 legal or equitable interest, or the interest could be substantially affected
2 by the outcome of a proceeding before a judge, it does not include:

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

5 (2) an interest in securities held by an educational, religious,
6 charitable, fraternal, or civic organization in which the judge or the
7 judge's spouse, domestic partner, parent, or child serves as a
8 director, officer, advisor, or other participant;

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

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

14 **RULE 51:2.12**

15 ***Supervisory Duties***

16 **(A) A judge shall require court staff, court officials, and**
17 **others subject to the judge's direction and control to act in a**
18 **manner consistent with the judge's obligations under the Iowa**
19 **Code of Judicial Conduct.**

20 **(B) A judge with supervisory authority for the performance**
21 **of other judges shall take reasonable measures to ensure that**
22 **those judges properly discharge their judicial responsibilities,**
23 **including the prompt disposition of matters before them.**

24 **Comment**

25 [1] A judge is responsible for his or her own conduct and for the
26 conduct of others, such as staff, when those persons are acting at the
27 judge's direction or control. A judge may not direct court personnel to
28 engage in conduct on the judge's behalf or as the judge's representative
29 when such conduct would violate the Iowa Code of Judicial Conduct if
30 undertaken by the judge.

31 [2] Public confidence in the judicial system depends upon timely
32 justice. To promote the efficient administration of justice, a judge with
33 supervisory authority must take the steps needed to ensure that judges
34 under his or her supervision administer their workloads promptly.

35

1 **RULE 51:2.13**

2 ***Administrative Appointments***

3 **(A) In making administrative appointments, a judge:**

4 **(1) shall exercise the power of appointment**
5 **impartially* and on the basis of merit; and**

6 **(2) shall avoid nepotism, favoritism, and unnecessary**
7 **appointments.**

8 **(B) A judge shall not approve compensation of appointees**
9 **beyond the fair value of services rendered.**

10 **Comment**

11 [1] Appointees of a judge may include assigned counsel, mediators,
12 officials such as district associate judges, magistrates, referees,
13 commissioners, special masters, receivers, and guardians, and personnel
14 such as clerks, secretaries, and court reporters. Consent by the parties
15 to an appointment or an award of compensation does not relieve the
16 judge of the obligation prescribed by paragraph (A).

17 [2] Unless otherwise defined by law, nepotism is the appointment or
18 hiring of any relative within the third degree of relationship of either the
19 judge or the judge's spouse or domestic partner, or the spouse or
20 domestic partner of such relative.

21 **RULE 51:2.14**

22 ***Disability and Impairment***

23 **A judge having a reasonable belief that the performance of a lawyer**
24 **or another judge is impaired by drugs or alcohol, or by a mental,**
25 **emotional, or physical condition, shall take appropriate action,**
26 **which may include a confidential referral to a lawyer or judicial**
27 **assistance program.**

28 **Comment**

29 [1] "Appropriate action" means action intended and reasonably likely
30 to help the judge or lawyer in question address the problem and prevent
31 harm to the justice system. Depending upon the circumstances,
32 appropriate action may include but is not limited to speaking directly to
33 the impaired person, notifying an individual with supervisory
34 responsibility over the impaired person, or making a referral to an
35 assistance program.

1 [2] Taking or initiating corrective action by way of referral to an
2 assistance program may satisfy a judge’s responsibility under this rule.
3 Assistance programs have many approaches for offering help to impaired
4 judges and lawyers, such as intervention, counseling, or referral to
5 appropriate health care professionals. Depending upon the gravity of the
6 conduct that has come to the judge’s attention, however, the judge may
7 be required to take other action, such as reporting the impaired judge or
8 lawyer to the appropriate authority, agency, or body. See rule 51:2.15.

9 **RULE 51:2.15**

10 ***Responding to Judicial and Lawyer Misconduct***

11 **(A) A judge having knowledge* that another judge has**
12 **committed a violation of the Iowa Code of Judicial Conduct**
13 **that raises a substantial question regarding the judge’s**
14 **honesty, trustworthiness, or fitness as a judge in other**
15 **respects shall inform the appropriate authority.***

16 **(B) A judge having knowledge that a lawyer has committed a**
17 **violation of the Iowa Rules of Professional Conduct that raises**
18 **a substantial question regarding the lawyer’s honesty,**
19 **trustworthiness, or fitness as a lawyer in other respects shall**
20 **inform the appropriate authority.**

21 **(C) A judge who receives information indicating a**
22 **substantial likelihood that another judge has committed a**
23 **violation of this Code shall take appropriate action.**

24 **(D) This rule does not require disclosure of information**
25 **gained by a judge while participating in an approved judges or**
26 **lawyers assistance program.**

27 **Comment**

28 [1] Taking action to address known misconduct is a judge’s obligation.
29 Paragraphs (A) and (B) impose an obligation on the judge to report to the
30 appropriate disciplinary authority the known misconduct of another
31 judge or a lawyer that raises a substantial question regarding the
32 honesty, trustworthiness, or fitness of that judge or lawyer. Ignoring or
33 denying known misconduct among one’s judicial colleagues or members
34 of the legal profession undermines a judge’s responsibility to participate
35 in efforts to ensure public respect for the justice system. This rule limits
36 the reporting obligation to those offenses that an independent judiciary
37 must vigorously endeavor to prevent.

38 [2] A judge who does not have actual knowledge that another judge or
39 a lawyer may have committed misconduct, but receives information

1 indicating a substantial likelihood of such misconduct, is required to
2 take appropriate action under paragraphs (C) and (D). Appropriate
3 action may include, but is not limited to, communicating directly with
4 the judge who may have violated this Code, communicating with a
5 supervising judge, or reporting the suspected violation to the appropriate
6 authority or other agency or body. Similarly, actions to be taken in
7 response to information indicating that a lawyer has committed a
8 violation of the Rules of Professional Conduct may include but are not
9 limited to communicating directly with the lawyer who may have
10 committed the violation, or reporting the suspected violation to the
11 appropriate authority or other agency or body.

12 [3] Information about a judge's misconduct or fitness may be received
13 by a judge in the course that judge's participation in an approved judges
14 assistance program. In that circumstance, providing for an exception to
15 reporting requirements of paragraphs (A) and (B) of this rule encourages
16 judges to seek treatment through such a program. Conversely, without
17 such an exception, judges may hesitate to seek assistance from these
18 programs, which may then result in additional harm to their professional
19 careers and additional injury to the welfare of the public. These rules do
20 not otherwise address the confidentiality of information received by a
21 judge participating in an approved judges assistance program; such an
22 obligation, however, may be imposed by the rules of the program or other
23 law.

24 **RULE 51:2.16**

25 ***Cooperation with Disciplinary Authorities***

26 **(A) A judge shall cooperate and be candid and honest with**
27 **judicial and lawyer disciplinary agencies.**

28 **(B) A judge shall not retaliate, directly or indirectly, against**
29 **a person known* or suspected to have assisted or cooperated**
30 **with an investigation of a judge or a lawyer.**

31 **Comment**

32 [1] Cooperation with investigations and proceedings of judicial and
33 lawyer discipline agencies, as required in paragraph (A), instills
34 confidence in judges' commitment to the integrity of the judicial system
35 and the protection of the public.

36

1 **CANON 3**

2 **A Judge shall Conduct the Judge’s Personal and Extrajudicial**
3 **Activities to Minimize the Risk of Conflict with the Obligations of**
4 **Judicial Office.**

5 **RULE 51:3.1**

6 ***Extrajudicial Activities in General***

7 **A judge may engage in extrajudicial activities, except as prohibited**
8 **by law* or the Iowa Code of Judicial Conduct. However, when**
9 **engaging in extrajudicial activities, a judge shall not:**

10 **(A) participate in activities that will interfere with the**
11 **proper performance of the judge’s judicial duties;**

12 **(B) participate in activities that will lead to frequent**
13 **disqualification of the judge;**

14 **(C) participate in activities that would appear to a**
15 **reasonable person to undermine the judge’s independence,***
16 **integrity,* or impartiality;***

17 **(D) engage in conduct that would appear to a reasonable**
18 **person to be coercive; or**

19 **(E) make use of court premises, staff, stationery, equipment,**
20 **or other resources, except for incidental use for activities that**
21 **concern the law, the legal system, or the administration of**
22 **justice, or unless such additional use is permitted by law.**

23 **Comment**

24 [1] To the extent that time permits, and judicial independence and
25 impartiality are not compromised, judges are encouraged to engage in
26 appropriate extrajudicial activities. Judges are uniquely qualified to
27 engage in extrajudicial activities that concern the law, the legal system,
28 and the administration of justice, such as by speaking, writing, teaching,
29 or participating in scholarly research projects. In addition, judges are
30 permitted and encouraged to engage in educational, religious, charitable,
31 fraternal or civic extrajudicial activities not conducted for profit, even
32 when the activities do not involve the law. See rule 51:3.7.

33 [2] Participation in both law-related and other extrajudicial activities
34 helps integrate judges into their communities, and furthers public
35 understanding of and respect for courts and the judicial system.

1 [3] Discriminatory actions and expressions of bias or prejudice by a
2 judge, even outside the judge’s official or judicial actions, are likely to
3 appear to a reasonable person to call into question the judge’s integrity
4 and impartiality. Examples include jokes or other remarks that demean
5 individuals based upon their race, sex, gender, religion, national origin,
6 ethnicity, disability, age, sexual orientation, or socioeconomic status.
7 For the same reason, a judge’s extrajudicial activities must not be
8 conducted in connection or affiliation with an organization that practices
9 invidious discrimination. See rule 51:3.6.

10 [4] While engaged in permitted extrajudicial activities, judges must not
11 coerce others or take action that would reasonably be perceived as
12 coercive. For example, depending upon the circumstances, a judge’s
13 solicitation of contributions or memberships for an organization, even as
14 permitted by rule 51:3.7(A), might create the risk that the person
15 solicited would feel obligated to respond favorably, or would do so to
16 curry favor with the judge.

17 **RULE 51:3.2**

18 ***Appearances before Governmental Bodies and Consultation with***
19 ***Government Officials***

20 **A judge shall not appear voluntarily at a public hearing before, or**
21 **otherwise consult with, an executive or a legislative body or official,**
22 **except:**

23 **(A) in connection with matters concerning the law, the legal**
24 **system, or the administration of justice;**

25 **(B) in connection with matters about which the judge**
26 **acquired knowledge or expertise in the course of the judge’s**
27 **judicial duties; or**

28 **(C) when the judge is acting pro se in a matter involving the**
29 **judge’s legal or economic interests, or when the judge is acting**
30 **in a fiduciary* capacity.**

31 **Comment**

32 [1] Judges possess special expertise in matters of law, the legal
33 system, and the administration of justice, and may properly share that
34 expertise with governmental bodies and executive or legislative branch
35 officials.

36 [2] In appearing before governmental bodies or consulting with
37 government officials, judges must be mindful that they remain subject to
38 other provisions of the Iowa Code of Judicial Conduct, such as rule 1.3,

1 prohibiting judges from using the prestige of office to advance their own
2 or others' interests, rule 51:2.10, governing public comment on pending
3 and impending matters, and rule 51:3.1(C), prohibiting judges from
4 engaging in extrajudicial activities that would appear to a reasonable
5 person to undermine the judge's independence, integrity, or impartiality.

6 [3] In general, it would be an unnecessary and unfair burden to
7 prohibit judges from appearing before governmental bodies or consulting
8 with government officials on matters that are likely to affect them as
9 private citizens, such as zoning proposals affecting their real property. In
10 engaging in such activities, however, judges must not refer to their
11 judicial positions, and must otherwise exercise caution to avoid using the
12 prestige of judicial office.

13 **RULE 51:3.3**

14 ***Testifying as a Character Witness***

15 **A judge shall not testify as a character witness in a judicial,**
16 **administrative, or other adjudicatory proceeding or otherwise vouch**
17 **for the character of a person in a legal proceeding, except when duly**
18 **subpoenaed.**

19 **Comment**

20 [1] A judge who, without being subpoenaed, testifies as a character
21 witness abuses the prestige of judicial office to advance the interests of
22 another. See rule 51:1.3. Except in unusual circumstances where the
23 demands of justice require, a judge should discourage a party from
24 requiring the judge to testify as a character witness.

25 **RULE 51:3.4**

26 ***Appointments to Governmental Positions***

27 **A judge shall not accept appointment to a governmental committee,**
28 **board, commission, or other governmental position, unless it is one**
29 **that concerns the law, the legal system, or the administration of**
30 **justice.**

31 **Comment**

32 [1] Rule 3.4 implicitly acknowledges the value of judges accepting
33 appointments to entities that concern the law, the legal system, or the
34 administration of justice. Even in such instances, however, a judge
35 should assess the appropriateness of accepting an appointment, paying
36 particular attention to the subject matter of the appointment and the
37 availability and allocation of judicial resources, including the judge's time

1 commitments, and giving due regard to the requirements of the
2 independence and impartiality of the judiciary.

3 [2] A judge may represent his or her country, state, or locality on
4 ceremonial occasions or in connection with historical, educational, or
5 cultural activities. Such representation does not constitute acceptance
6 of a government position.

7 **RULE 51:3.5**

8 ***Use of Nonpublic Information***

9 **A judge shall not intentionally disclose or use nonpublic**
10 **information* acquired in a judicial capacity for any purpose**
11 **unrelated to the judge's judicial duties.**

12 **Comment**

13 [1] In the course of performing judicial duties, a judge may acquire
14 information of commercial or other value that is unavailable to the
15 public. The judge must not reveal or use such information for personal
16 gain or for any purpose unrelated to his or her judicial duties.

17 [2] This rule is not intended, however, to affect a judge's ability to act
18 on information as necessary to protect the health or safety of any
19 individual if consistent with other provisions of the Iowa Code of Judicial
20 Conduct.

21 **RULE 51:3.6**

22 ***Affiliation with Discriminatory Organizations***

23 **(A) A judge shall not hold membership in any organization**
24 **that practices invidious discrimination on the basis of race,**
25 **sex, gender, religion, national origin, ethnicity, or sexual**
26 **orientation. A judge's membership in a religious organization**
27 **as a lawful exercise of the freedom of religion is not**
28 **prohibited.**

29 **(B) A judge shall not use the benefits or facilities of an**
30 **organization if the judge knows* or should know that the**
31 **organization practices invidious discrimination on one or**
32 **more of the bases identified in paragraph (A). A judge's**
33 **attendance at an event in a facility of an organization that the**
34 **judge is not permitted to join is not a violation of this rule**
35 **when the judge's attendance is an isolated event that could**
36 **not reasonably be perceived as an endorsement of the**
37 **organization's practices.**

1 **Comment**

2 [1] A judge’s public manifestation of approval of invidious
3 discrimination on any basis gives rise to the appearance of impropriety
4 and diminishes public confidence in the integrity and impartiality of the
5 judiciary. A judge’s membership in an organization that practices
6 invidious discrimination creates the perception that the judge’s
7 impartiality is impaired.

8 [2] An organization is generally said to discriminate invidiously if it
9 arbitrarily excludes from membership on the basis of race, sex, gender,
10 religion, national origin, ethnicity, or sexual orientation persons who
11 would otherwise be eligible for admission. Whether an organization
12 practices invidious discrimination is a complex question to which judges
13 should be attentive. The answer cannot be determined from a mere
14 examination of an organization’s current membership rolls, but rather,
15 depends upon how the organization selects members, as well as other
16 relevant factors, such as whether the organization is dedicated to the
17 preservation of religious, ethnic, or cultural values of legitimate common
18 interest to its members, or whether it is an intimate, purely private
19 organization whose membership limitations could not constitutionally be
20 prohibited.

21 [3] When a judge learns that an organization to which the judge
22 belongs engages in invidious discrimination, the judge must resign
23 immediately from the organization.

24 [4] This rule does not apply to national or state military service.

25 **RULE 51:3.7**

26 ***Participation in Educational, Religious, Charitable, Fraternal, or***
27 ***Civic Organizations and Activities***

28 **(A) Subject to the requirements of rule 51:3.1, a judge may**
29 **participate in activities sponsored by organizations or**
30 **governmental entities concerned with the law, the legal**
31 **system, or the administration of justice, and those sponsored**
32 **by or on behalf of educational, religious, charitable, fraternal,**
33 **or civic organizations not conducted for profit, including but**
34 **not limited to the following activities:**

35 **(1) assisting such an organization or entity in**
36 **planning related to fund-raising, and participating in the**
37 **management and investment of the organization’s or**
38 **entity’s funds;**

39

1 **(2) soliciting* contributions* for such an organization**
2 **or entity, but only from members of the judge’s family,***
3 **or from judges over whom the judge does not exercise**
4 **supervisory or appellate authority;**

5 **(3) appearing or speaking at, receiving an award or**
6 **other recognition at, being featured on the program of,**
7 **and permitting his or her title to be used in connection**
8 **with an event of such an organization or entity, but if**
9 **the event serves a fund-raising purpose, the judge may**
10 **participate only if the event concerns the law, the legal**
11 **system, or the administration of justice;**

12 **(4) making recommendations to such a public or**
13 **private fund-granting organization or entity in**
14 **connection with its programs and activities, but only if**
15 **the organization or entity is concerned with the law, the**
16 **legal system, or the administration of justice; and**

17 **(5) serving as an officer, director, trustee, or nonlegal**
18 **advisor of such an organization or entity, unless it is**
19 **likely that the organization or entity:**

20 **(a) will be engaged in proceedings that would**
21 **ordinarily come before the judge; or**

22 **(b) will frequently be engaged in adversary**
23 **proceedings in the court of which the judge is a**
24 **member, or in any court subject to the appellate**
25 **jurisdiction of the court of which the judge is a**
26 **member.**

27 **(B) A judge may encourage lawyers to provide pro bono**
28 **publico legal services.**

29 **(C) Subject to the requirements of rule 51:3.1, a judge may:**

30 **(1) provide leadership in identifying and addressing**
31 **issues involving equal access to the justice system;**
32 **developing public education programs; engaging in**
33 **activities to promote the fair administration of justice**
34 **and convening, participating or assisting in advisory**
35 **committees and community collaborations devoted to**
36 **the improvement of the law, the legal system, the**
37 **provision of services, or the administration of justice.**

38

1 **(2) endorse projects and programs directly related to**
2 **the law, the legal system, the administration of justice**
3 **and the provision of services to those coming before the**
4 **courts.**

5 **(3) participate in programs concerning the law or**
6 **which promote the administration of justice.**

7 **Comment**

8 [1] The activities permitted by paragraph (A) generally include those
9 sponsored by or undertaken on behalf of public or private not-for-profit
10 educational institutions, and other not-for-profit organizations, including
11 law-related, charitable, and other organizations.

12 [2] Even for law-related organizations, a judge should consider
13 whether the membership and purposes of the organization, or the nature
14 of the judge’s participation in or association with the organization, would
15 conflict with the judge’s obligation to refrain from activities that reflect
16 adversely upon a judge’s independence, integrity, and impartiality.

17 [3] Mere attendance at an event, whether or not the event serves a
18 fund-raising purpose, does not constitute a violation of paragraph (A)(4).
19 It is also generally permissible for a judge to serve as an usher or a food
20 server or preparer, or to perform similar functions, at fund-raising events
21 sponsored by educational, religious, charitable, fraternal, or civic
22 organizations. Such activities are not solicitation and do not present an
23 element of coercion or abuse the prestige of judicial office.

24 [4] In addition to appointing lawyers to serve as counsel for indigent
25 parties in individual cases, a judge may promote broader access to
26 justice by encouraging lawyers to participate in pro bono publico legal
27 services, if in doing so the judge does not employ coercion, or abuse the
28 prestige of judicial office. Such encouragement may take many forms,
29 including providing lists of available programs, training lawyers to do pro
30 bono publico legal work, and participating in events recognizing lawyers
31 who have done pro bono publico work.

32 **RULE 51:3.8**

33 ***Appointments to Fiduciary Positions***

34 **(A) A judge shall not accept appointment to serve in a**
35 **fiduciary* position, such as executor, administrator, trustee,**
36 **guardian, attorney in fact, or other personal representative,**
37 **except for the estate, trust, or person of a member of the**
38 **judge’s family,* and then only if such service will not interfere**
39 **with the proper performance of judicial duties.**

1 **(B) A judge shall not serve in a fiduciary position if the judge**
2 **as fiduciary will likely be engaged in proceedings that would**
3 **ordinarily come before the judge, or if the estate, trust, or**
4 **ward becomes involved in adversary proceedings in the court**
5 **on which the judge serves, or one under its appellate**
6 **jurisdiction.**

7 **(C) A judge acting in a fiduciary capacity shall be subject to**
8 **the same restrictions on engaging in financial activities that**
9 **apply to a judge personally.**

10 **(D) If a person who is serving in a fiduciary position**
11 **becomes a judge, he or she must comply with this rule as soon**
12 **as reasonably practicable, but in no event later than six**
13 **months after becoming a judge.**

14 **Comment**

15 [1] A judge should recognize that other restrictions imposed by the
16 Iowa Code of Judicial Conduct may conflict with a judge’s obligations as
17 a fiduciary; in such circumstances, a judge should resign as fiduciary.
18 For example, serving as a fiduciary might require frequent
19 disqualification of a judge under rule 51:2.11 because a judge is deemed
20 to have an economic interest in shares of stock held by a trust if the
21 amount of stock held is more than de minimis.

22 **RULE 51:3.9**

23 ***Service as Arbitrator or Mediator***

24 **A judge shall not act as an arbitrator or a mediator or perform other**
25 **judicial functions apart from the judge’s official duties unless**
26 **expressly authorized by law.***

27 **Comment**

28 [1] This rule does not prohibit a judge from participating in
29 arbitration, mediation, or settlement conferences performed as part of
30 assigned judicial duties. Rendering dispute resolution services apart
31 from those duties, whether or not for economic gain, is prohibited unless
32 it is expressly authorized by law.

33 **RULE 51:3.10**

34 ***Practice of Law***

35 **A judge shall not practice law. A judge may act pro se and may,**
36 **without compensation, give legal advice to and draft or review**

1 **documents for a member of the judge’s family,* but is prohibited**
2 **from serving as the family member’s lawyer in any forum.**

3 **Comment**

4 [1] A judge may act pro se in all legal matters, including matters
5 involving litigation and matters involving appearances before or other
6 dealings with governmental bodies. A judge must not use the prestige of
7 office to advance the judge’s personal or family interests. See rule
8 51:1.3.

9 [2] This rule does not prohibit the practice of law pursuant to military
10 service.

11 **RULE 51:3.11**

12 ***Financial, Business, or Remunerative Activities***

13 **(A) A judge may hold and manage investments of the judge**
14 **and members of the judge’s family.***

15 **(B) A judge shall not serve as an officer, director, manager,**
16 **general partner, advisor, or employee of any business entity**
17 **except that a judge may manage or participate in:**

18 **(1) a business closely held by the judge or members of**
19 **the judge’s family; or**

20 **(2) a business entity primarily engaged in investment**
21 **of the financial resources of the judge or members of the**
22 **judge’s family.**

23 **(C) A judge shall not engage in financial activities permitted**
24 **under paragraphs (A) and (B) if they will:**

25 **(1) interfere with the proper performance of judicial**
26 **duties;**

27 **(2) lead to frequent disqualification of the judge;**

28 **(3) involve the judge in frequent transactions or**
29 **continuing business relationships with lawyers or other**
30 **persons likely to come before the court on which the**
31 **judge serves; or**

32 **(4) result in violation of other provisions of this Code.**

33 **Comment**

1 [1] Judges are generally permitted to engage in financial activities,
2 including managing real estate and other investments for themselves or
3 for members of their families. Participation in these activities, like
4 participation in other extrajudicial activities, is subject to the
5 requirements of the Iowa Code of Judicial Conduct. For example, it
6 would be improper for a judge to spend so much time on business
7 activities that it interferes with the performance of judicial duties. See
8 rule 51:2.1. Similarly, it would be improper for a judge to use his or her
9 official title or appear in judicial robes in business advertising, or to
10 conduct his or her business or financial affairs in such a way that
11 disqualification is frequently required. See rules 51:1.3 and 51:2.11.

12 [2] As soon as practicable without serious financial detriment, the
13 judge must divest himself or herself of investments and other financial
14 interests that might require frequent disqualification or otherwise violate
15 this rule.

16 **RULE 51:3.12**

17 ***Compensation for Extrajudicial Activities***

18 **A judge may accept reasonable compensation for extrajudicial**
19 **activities permitted by the Iowa Code of Judicial Conduct or other**
20 **law* unless such acceptance would appear to a reasonable person to**
21 **undermine the judge's independence,* integrity,* or impartiality.***

22 **Comment**

23 [1] A judge is permitted to accept honoraria as allowed by Iowa Court
24 Rule 22.23, stipends, fees, wages, salaries, royalties, or other
25 compensation for speaking, teaching, writing, and other extrajudicial
26 activities, provided the compensation is reasonable and commensurate
27 with the task performed. The judge should be mindful, however, that
28 judicial duties must take precedence over other activities. See rule
29 51:2.1.

30 **RULE 51:3.13**

31 ***Acceptance of Gifts, Loans, Bequests, Benefits, or Other Things of***
32 ***Value***

33 **(A) A judge, a judge's spouse, a judge's domestic partner, or**
34 **a judge's minor child shall not accept or solicit any gift, loan,**
35 **bequest, benefit, or other thing of value, if acceptance is**
36 **prohibited by law or would appear to a reasonable person to**
37 **undermine the judge's independence,* integrity,* or**
38 **impartiality.***

1 **(B) Unless prohibited by paragraph (A), a judge, a judge's**
2 **spouse, a judge's domestic partner, or a judge's minor child**
3 **may accept only the following gifts, loans, bequests, benefits,**
4 **or other things of value if they are from a restricted donor:***

5 **(1) items with little intrinsic value, such as plaques,**
6 **certificates, trophies, and greeting cards;**

7 **(2) commercial or financial opportunities and benefits,**
8 **including special pricing and discounts, and loans from**
9 **lending institutions in their regular course of business, if**
10 **the same opportunities and benefits or loans are made**
11 **available on the same terms to similarly situated persons**
12 **who are not judges;**

13 **(3) books, magazines, journals, audiovisual materials,**
14 **and other resource materials supplied by publishers on a**
15 **complimentary basis for official use;**

16 **(4) anything received from a person related within the**
17 **fourth degree of kinship or marriage, unless the donor is**
18 **acting as an agent or intermediary for another person**
19 **not so related;**

20 **(5) an inheritance or bequest;**

21 **(6) nonmonetary items with a value of \$3 or less that**
22 **are received from any one donor during one calendar**
23 **day;**

24 **(7) items or services solicited or given to a state,**
25 **national or regional organization in which the state of**
26 **Iowa or a political subdivision of the state is a member;**

27 **(8) items or services received as part of a regularly**
28 **scheduled event that is part of a conference, seminar or**
29 **other meeting that is sponsored and directed by any**
30 **state, national or regional organization in which the**
31 **judicial branch is a member;**

32 **(9) funeral flowers or memorials to a church or non-**
33 **profit organization; or**

34 **(10) gifts which are given to an official or employee for**
35 **the official's or the employee's wedding or twenty-fifth or**
36 **fiftieth wedding anniversary.**

1 **(C) Unless prohibited by paragraph (A), a judge, a judge’s**
2 **spouse, a judge’s domestic partner, or a judge’s minor child**
3 **may receive the following gifts, loans, bequests, benefits, or**
4 **other things of value from a donor other than a restricted**
5 **donor:**

6 **(1) gifts, loans, bequests, benefits, or other things of**
7 **value from friends, relatives, or other persons, including**
8 **lawyers, whose appearance or interest in a proceeding**
9 **pending* or impending* before the judge would in any**
10 **event require disqualification of the judge under rule**
11 **51:2.11;**

12 **(2) ordinary social hospitality;**

13 **(3) rewards and prizes given to competitors or**
14 **participants in random drawings, contests, or other**
15 **events that are open to persons who are not judges;**

16 **(4) scholarships, fellowships, and similar benefits or**
17 **awards, if they are available to similarly situated persons**
18 **who are not judges, based upon the same terms and**
19 **criteria;**

20 **(5) gifts, awards, or benefits associated with the**
21 **business, profession, or other separate activity of a**
22 **spouse, a domestic partner,* or other family member of a**
23 **judge residing in the judge’s household,* but that**
24 **incidentally benefit the judge;**

25 **(6) gifts incident to a public testimonial;**

26 **(7) invitations to the judge and the judge’s spouse,**
27 **domestic partner, or guest to attend without charge:**

28 **(a) an event associated with a bar-related**
29 **function or other activity relating to the law, the**
30 **legal system, or the administration of justice; or**

31 **(b) an event associated with any of the judge’s**
32 **educational, religious, charitable, fraternal or civic**
33 **activities permitted by the Iowa Code of Judicial**
34 **Conduct, if the same invitation is offered to**
35 **nonjudges who are engaged in similar ways in the**
36 **activity as is the judge;**

1 **(8) contributions to the campaign committee of a**
2 **judge, a judge’s spouse, or a judge’s domestic partner;**
3 **and**

4 **(9) anything that can be given by a restricted donor***
5 **under paragraph (B).**

6 **Comment**

7 [1] Whenever a judge accepts a gift or other thing of value without
8 paying fair market value, there is a risk that the benefit might be viewed
9 as intended to influence the judge’s decision in a case. Rule 51:3.13
10 imposes restrictions upon the acceptance of such benefits, according to
11 the magnitude of the risk. Paragraph (B) identifies the only gifts, loans,
12 bequests, benefits, or other things of value a judge, a judge’s spouse, a
13 judge’s domestic partner, or a judge’s minor child may accept from a
14 restricted donor. Paragraph (C) identifies gifts, loans, bequests, benefits,
15 or other things of value that a judge, a judge’s spouse, a judge’s domestic
16 partner, or a judge’s minor child may accept from a donor other than a
17 restricted donor. Rule 51:3.13 substantially complies with the gift law
18 provisions of chapter 68B of the Iowa Code.

19 [2] Gift-giving between friends and relatives is a common occurrence,
20 and ordinarily does not create an appearance of impropriety or cause
21 reasonable persons to believe that the judge’s independence, integrity, or
22 impartiality has been compromised. In addition, when the appearance of
23 friends or relatives in a case would require the judge’s disqualification
24 under rule 51:2.11, there would be no opportunity for a gift to influence
25 the judge’s decision making. Paragraph (C)(1) places no restrictions
26 upon the ability of a judge to accept gifts or other things of value from
27 friends or relatives under these circumstances.

28 [3] Businesses and financial institutions frequently make available
29 special pricing, discounts, and other benefits, either in connection with a
30 temporary promotion or for preferred customers, based upon longevity of
31 the relationship, volume of business transacted, and other factors. A
32 judge may freely accept such benefits if they are available to the general
33 public, or if the judge qualifies for the special price or discount according
34 to the same criteria as are applied to persons who are not judges. As an
35 example, loans provided at generally prevailing interest rates are not
36 gifts, but a judge could not accept a loan from a financial institution at
37 below-market interest rates unless the same rate was being made
38 available to the general public for a certain period of time or only to
39 borrowers with specified qualifications that the judge also possesses.

40 [4] Rule 51:3.13 applies to acceptance of gifts or other things of value
41 by a judge’s spouse, a judge’s domestic partner, or a judge’s minor. If a

1 gift or other benefit is given to the judge's spouse, domestic partner, or
2 minor child, it may be viewed as an attempt to influence the judge
3 indirectly. A judge should remind family members of the restrictions
4 imposed upon judges, and urge them to take these restrictions into
5 account when making decisions about accepting such gifts or benefits.

6 [5] Rule 51:3.13 does not apply to contributions to a judge's retention
7 election. Such contributions are governed by other rules of the Iowa
8 Code of Judicial Conduct, including rules 51:4.3 and 51:4.4.

9 **RULE 51:3.14**

10 ***Reimbursement of Expenses and Waivers of Fees or Charges***

11 **(A) Unless otherwise prohibited by rules 51:3.1 and**
12 **51:3.13(A) or other law,* a judge may accept reimbursement of**
13 **necessary and reasonable expenses for travel, food, lodging, or**
14 **other incidental expenses, or a waiver or partial waiver of fees**
15 **or charges for registration, tuition, and similar items, from**
16 **sources other than the judge's employing entity, if the**
17 **expenses or charges are associated with the judge's**
18 **participation in extrajudicial activities permitted by the Iowa**
19 **Code of Judicial Conduct.**

20 **(B) Reimbursement of expenses for necessary travel, food,**
21 **lodging, or other incidental expenses shall be limited to the**
22 **actual costs reasonably incurred by the judge and, when**
23 **appropriate to the occasion, by the judge's spouse, domestic**
24 **partner, or guest.**

25 **Comment**

26 [1] Educational, civic, religious, fraternal, and charitable organizations
27 often sponsor meetings, seminars, symposia, dinners, awards
28 ceremonies, and similar events. Judges are encouraged to attend
29 educational programs, as both teachers and participants, in law-related
30 and academic disciplines, in furtherance of their duty to remain
31 competent in the law. Participation in a variety of other extrajudicial
32 activity is also permitted and encouraged by the Iowa Code of Judicial
33 Conduct.

34 [2] Not infrequently, sponsoring organizations invite certain judges to
35 attend seminars or other events on a fee-waived or partial-fee-waived
36 basis, and sometimes include reimbursement for necessary travel, food,
37 lodging, or other incidental expenses. A judge's decision whether to
38 accept reimbursement of expenses or a waiver or partial waiver of fees or
39 charges in connection with these or other extrajudicial activities must be
40 based upon an assessment of all the circumstances. The judge must

1 undertake a reasonable inquiry to obtain the information necessary to
2 make an informed judgment about whether acceptance would be
3 consistent with the requirements of this Code.

4 [3] A judge must determine whether acceptance of reimbursement or
5 fee waivers would appear to a reasonable person to materially impair the
6 judge's independence, integrity, or impartiality. The factors that a judge
7 should consider when deciding whether to accept reimbursement or a fee
8 waiver for attendance at a particular activity include:

9 (a) whether the sponsor is an accredited educational institution
10 or bar association rather than a trade association or a for-profit
11 entity;

12 (b) whether the funding comes largely from numerous
13 contributors rather than from a single entity and is earmarked for
14 programs with specific content;

15 (c) whether the content is related or unrelated to the subject
16 matter of litigation pending or impending before the judge, or to
17 matters that are likely to come before the judge;

18 (d) whether the activity is primarily educational rather than
19 recreational, and whether the costs of the event are reasonable and
20 comparable to those associated with similar events sponsored by
21 the judiciary, bar associations, or similar groups;

22 (e) whether information concerning the activity and its funding
23 sources is available upon inquiry;

24 (f) whether the sponsor or source of funding is generally
25 associated with particular parties or interests currently appearing
26 or likely to appear in the judge's court, thus possibly requiring
27 disqualification or recusal of the judge under rule 51:2.11;

28 (g) whether differing viewpoints are presented; and

29 (h) whether a broad range of judicial and nonjudicial
30 participants are invited, whether a large number of participants
31 are invited, and whether the program is designed specifically for
32 judges.

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CANON 4

A Judge or Candidate for Judicial Office Shall not Engage in Political or Campaign Activity that is Inconsistent with the Independence, Integrity, or Impartiality of the Judiciary.

RULE 51:4.1

Political and Campaign Activities of Judges and Judicial Candidates in General

(A) Except as permitted by law,* or by Rules 51:4.2, 51:4.3, and 51:4.4, a judge or a judicial candidate* shall not:

(1) act as a leader in, or hold an office in, a political organization;*

(2) make speeches on behalf of a political organization;

(3) publicly endorse or oppose a candidate for any public office;

(4) solicit funds for, pay an assessment to, or make a contribution* to a political organization or a candidate for public office;

(5) attend or purchase tickets for dinners or other events sponsored by a political organization or a candidate for public office;

(6) publicly identify himself or herself as a candidate of a political organization;

(7) seek, accept, or use endorsements from a political organization;

(8) personally solicit* or accept campaign contributions other than through a campaign committee authorized by rule 51:4.4;

(9) use or permit the use of campaign contributions for the private benefit of the judge, the judicial candidate, or others;

(10) use court staff, facilities, or other court resources in a campaign for judicial office;

1 **(11) knowingly,* or with reckless disregard for the**
2 **truth, make any false or misleading statement;**

3 **(12) make any statement that would reasonably be**
4 **expected to affect the outcome or impair the fairness of**
5 **a matter pending* or impending* in any court; or**

6 **(13) in connection with cases, controversies, or issues**
7 **that are likely to come before the court, make pledges,**
8 **promises, or commitments that are inconsistent with**
9 **the impartial* performance of the adjudicative duties of**
10 **judicial office.**

11 **(B) A judge or judicial candidate shall take reasonable**
12 **measures to ensure that other persons do not undertake, on**
13 **behalf of the judge or judicial candidate, any activities**
14 **prohibited under paragraph (A).**

15 **Comment**

16 General Considerations

17 [1] Even when subject to a retention election, a judge plays a role
18 different from that of a legislator or executive branch official. Rather
19 than making decisions based upon the expressed views or preferences of
20 the electorate, a judge makes decisions based upon the law and the facts
21 of every case. Therefore, in furtherance of this interest, judges and
22 judicial candidates must, to the greatest extent possible, be free and
23 appear to be free from political influence and political pressure. This
24 Canon imposes narrowly tailored restrictions upon the political and
25 campaign activities of all judges and judicial candidates.

26 [2] When a person becomes a judicial candidate, this Canon becomes
27 applicable to his or her conduct.

28 Participation in Political Activities

29 [3] Public confidence in the independence and impartiality of the
30 judiciary is eroded if judges or judicial candidates are perceived to be
31 subject to political influence. Although judges and judicial candidates
32 may register to vote as members of a political party, they are prohibited
33 by paragraph (A)(1) from assuming leadership roles in political
34 organizations.

35 [4] Paragraphs (A)(2) and (A)(3) prohibit judges and judicial candidates
36 from making speeches on behalf of political organizations or publicly
37 endorsing or opposing candidates for public office, respectively, to
38 prevent them from abusing the prestige of judicial office to advance the

1 interests of others. See rule 51:1.3. These rules do not prohibit judicial
2 candidates from campaigning on their own behalf. See rule 51:4.2(B)(2).

3 [5] Although members of the families of judges and judicial candidates
4 are free to engage in their own political activity, including running for
5 public office, there is no “family exception” to the prohibition in
6 paragraph (A)(3) against a judge or judicial candidate publicly endorsing
7 candidates for public office. A judge or judicial candidate must not
8 become involved in, or publicly associated with, a family member’s
9 political activity or campaign for public office. To avoid public
10 misunderstanding, judges and judicial candidates should take, and
11 should urge members of their families to take, reasonable steps to avoid
12 any implication that they endorse any family member’s candidacy or
13 other political activity.

14 [6] Judges and judicial candidates retain the right to participate in the
15 political process as voters in both primary and general elections. For
16 purposes of this Canon, participation in a caucus-type election
17 procedure does constitute public support for or endorsement of a
18 political organization or candidate, and is prohibited by paragraphs (A)(2)
19 or (A)(3).

20 Statements and Comments Made during a Campaign for Judicial Office

21 [7] Judicial candidates must be scrupulously fair and accurate in all
22 statements made by them and by their campaign committees. Paragraph
23 (A)(11) obligates judicial candidates and their committees to refrain from
24 making statements that are false or misleading, or that omit facts
25 necessary to make the communication considered as a whole not
26 materially misleading.

27 [8] Judicial candidates are sometimes the subject of false, misleading,
28 or unfair allegations made by third parties or the media. For example,
29 false or misleading statements might be made regarding the identity,
30 present position, experience, qualifications, or judicial rulings of a
31 judicial candidate. In other situations, false or misleading allegations
32 may be made that bear upon a judicial candidate’s integrity or fitness for
33 judicial office. As long as the judicial candidate does not violate
34 paragraphs (A)(11), (A)(12), or (A)(13), the judicial candidate may make a
35 factually accurate public response.

36 [9] Subject to paragraph (A)(12), a judicial candidate is permitted to
37 respond directly to false, misleading, or unfair allegations made against
38 him or her during a campaign, although it is preferable for someone else
39 to respond if the allegations relate to a pending case.

40 [10] Paragraph (A)(12) prohibits judicial candidates from making
41 comments that might impair the fairness of pending or impending

1 judicial proceedings. This provision does not restrict arguments or
2 statements to the court or jury by a lawyer who is a judicial candidate, or
3 rulings, statements, or instructions by a judge that may appropriately
4 affect the outcome of a matter.

5 Pledges, Promises, or Commitments Inconsistent with Impartial 6 Performance of the Adjudicative Duties of Judicial Office

7 [11] The role of a judge is different from that of a legislator or executive
8 branch official, even when the judge is subject to a retention election.
9 Campaigns for retention must be conducted differently from campaigns
10 for other offices. The narrowly drafted restrictions upon political and
11 campaign activities of judicial candidates provided in Canon 4 allow
12 candidates to conduct campaigns that provide voters with sufficient
13 information to permit them to make informed electoral choices.

14 [12] Paragraph (A)(13) makes applicable to both judges and judicial
15 candidates the prohibition that applies to judges in rule 51:2.10(B),
16 relating to pledges, promises, or commitments that are inconsistent with
17 the impartial performance of the adjudicative duties of judicial office.

18 [13] The making of a pledge, promise, or commitment is not dependent
19 upon, or limited to, the use of any specific words or phrases; instead, the
20 totality of the statement must be examined to determine if a reasonable
21 person would believe that the candidate for judicial office has specifically
22 undertaken to reach a particular result. Pledges, promises, or
23 commitments must be contrasted with statements or announcements of
24 personal views on legal, political, or other issues, which are not
25 prohibited. When making such statements, a judge should acknowledge
26 the overarching judicial obligation to apply and uphold the law, without
27 regard to his or her personal views.

28 [14] A judicial candidate may make campaign promises related to
29 judicial organization, administration, and court management, such as a
30 promise to dispose of a backlog of cases, start court sessions on time, or
31 avoid favoritism in appointments and hiring. A judicial candidate may
32 also pledge to take action outside the courtroom, such as working toward
33 an improved jury selection system, or advocating for more funds to
34 improve the physical plant and amenities of the courthouse.

35 [15] Judicial candidates may receive questionnaires or requests for
36 interviews from the media and from issue advocacy or other community
37 organizations that seek to learn their views on disputed or controversial
38 legal or political issues. Paragraph (A)(13) does not specifically address
39 judicial responses to such inquiries. Depending upon the wording and
40 format of such questionnaires, judicial candidates' responses might be
41 viewed as pledges, promises, or commitments to perform the adjudicative

1 duties of office other than in an impartial way. To avoid violating
2 paragraph (A)(13), therefore, judicial candidates who respond to media
3 and other inquiries should also give assurances that they will keep an
4 open mind and will carry out their adjudicative duties faithfully and
5 impartially if retained. Judicial candidates who do not respond may
6 state their reasons for not responding, such as the danger that
7 answering might be perceived by a reasonable person as undermining a
8 retained judge's independence or impartiality, or that it might lead to
9 frequent disqualification. See rule 51:2.11.

10 **RULE 51:4.2**

11 ***Political and Campaign Activities of Judicial Candidates in Public***
12 ***Elections***

13 **(A) A judicial candidate* in a retention election shall:**

14 **(1) act at all times in a manner consistent with the**
15 **independence,* integrity,* and impartiality* of the**
16 **judiciary;**

17 **(2) comply with all applicable election, election**
18 **campaign, and election campaign fund-raising laws and**
19 **regulations of this jurisdiction;**

20 **(3) review and approve the content of all campaign**
21 **statements and materials produced by the candidate or**
22 **his or her campaign committee, as authorized by rule**
23 **51:4.4, before their dissemination; and**

24 **(4) take reasonable measures to ensure that other**
25 **persons do not undertake on behalf of the judicial**
26 **candidate activities, other than those described in rule**
27 **51:4.4, that the candidate is prohibited from doing by**
28 **rule 51:4.1.**

29 **(B) A judicial candidate in a retention election may, unless**
30 **prohibited by law*:**

31 **(1) establish a campaign committee pursuant to the**
32 **provisions of rule 51:4.4;**

33 **(2) speak on behalf of his or her candidacy through**
34 **any medium, including but not limited to**
35 **advertisements, websites, or other campaign literature;**

1 **(3) seek, accept, or use endorsements from any person**
2 **or organization other than a partisan political**
3 **organization.**

4 **(C) Surplus contributions held by the committee after the**
5 **election shall be contributed without public attribution to**
6 **IOLTA.**

7 **(D) Committees must not permit the use of campaign**
8 **contributions for the private benefit of the judge or member of**
9 **the judge’s family.**

10 **Comment**

11 [1] Paragraph (B) permits judicial candidates in public elections to
12 engage in some political and campaign activities otherwise prohibited by
13 rule 51:4.1.

14 [2] Despite paragraph (B), judicial candidates for public election
15 remain subject to many of the provisions of rule 51:4.1. For example, a
16 candidate continues to be prohibited from soliciting funds for a political
17 organization, knowingly making false or misleading statements during a
18 campaign, or making certain promises, pledges, or commitments related
19 to future adjudicative duties. See rule 51:4.1(A), paragraphs (4), (11),
20 and (13).

21 [3] In retention elections, paragraph (B)(3) prohibits a candidate from
22 seeking, accepting, or using nominations or endorsements from a
23 partisan political organization.

24 **RULE 51:4.3**

25 ***Activities of Candidates for Appointive Judicial Office***

26 **A candidate for appointment to judicial office may:**

27 **(A) communicate with the appointing or confirming**
28 **authority, including any selection, screening, or nominating**
29 **commission or similar agency; and**

30 **(B) seek endorsements for the appointment from any person**
31 **or organization other than a partisan political organization.**

32 **Comment**

33 [1] When seeking support or endorsement, or when communicating
34 directly with an appointing or confirming authority, a candidate for
35 appointive judicial office must not make any pledges, promises, or

1 commitments that are inconsistent with the impartial performance of the
2 adjudicative duties of the office. See rule 51:4.1(A)(13).

3 **RULE 51:4.4**

4 ***Campaign Committees***

5 **(A) A judicial candidate* subject to a retention election may**
6 **establish a campaign committee to manage and conduct a**
7 **campaign for the candidate, subject to the provisions of the**
8 **Iowa Code of Judicial Conduct. The candidate is responsible**
9 **for ensuring that his or her campaign committee complies**
10 **with applicable provisions of this Code and other applicable**
11 **law.***

12 **(B) A judicial candidate subject to a retention election shall**
13 **direct his or her campaign committee:**

14 **(1) to solicit and accept only such campaign**
15 **contributions* as are permissible by law; and**

16 **(2) to comply with all applicable statutory**
17 **requirements for disclosure and divestiture of campaign**
18 **contributions.**

19 **Comment**

20 [1] Judicial candidates are prohibited from personally soliciting
21 campaign contributions or personally accepting campaign contributions.
22 See rule 51:4.1(A)(8). This rule recognizes that in Iowa, judicial
23 candidates must raise campaign funds to support their candidacies, and
24 permits candidates, other than candidates for appointive judicial office,
25 to establish campaign committees to solicit and accept reasonable
26 financial contributions or in-kind contributions.

27 [2] Campaign committees may solicit and accept campaign
28 contributions, manage the expenditure of campaign funds, and generally
29 conduct campaigns. Candidates are responsible for compliance with the
30 requirements of election law and other applicable law, and for the
31 activities of their campaign committees.

32 [3] At the start of a campaign, the candidate must instruct the
33 campaign committee to solicit or accept only such contributions as are in
34 conformity with Iowa election laws. Although lawyers and others who
35 might appear before a successful candidate for judicial office are
36 permitted to make campaign contributions, the candidate should
37 instruct his or her campaign committee to be especially cautious in
38 connection with such contributions, so they do not create grounds for

1 disqualification if the candidate is retained in his or her judicial office.
2 See rule 51:2.11.

3 **RULE 51:4.5**

4 ***Activities of Judges Who Become Candidates for Nonjudicial Office***

5 **(A) Upon becoming a candidate for a nonjudicial elective**
6 **office, a judge shall resign from judicial office, unless**
7 **permitted by law* to continue to hold judicial office.**

8 **(B) Upon becoming a candidate for a nonjudicial appointive**
9 **office, a judge is not required to resign from judicial office,**
10 **provided that the judge complies with the other provisions of**
11 **this Code.**

12 **Comment**

13 [1] In campaigns for nonjudicial elective public office, candidates may
14 make pledges, promises, or commitments related to positions they would
15 take and ways they would act if elected to office. Although appropriate in
16 nonjudicial campaigns, this manner of campaigning is inconsistent with
17 the role of a judge, who must remain fair and impartial to all who come
18 before him or her. The potential for misuse of the judicial office, and the
19 political promises that the judge would be compelled to make in the
20 course of campaigning for nonjudicial elective office, together dictate that
21 a judge who wishes to run for such an office must resign upon becoming
22 a candidate.

23 [2] The “resign to run” rule set forth in paragraph (A) ensures that a
24 judge cannot use the judicial office to promote his or her candidacy, and
25 prevents post-campaign retaliation from the judge in the event the judge
26 is defeated in the election. When a judge is seeking appointive
27 nonjudicial office, however, the dangers are not sufficient to warrant
28 imposing the “resign to run” rule.

29