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SCRU-14-0000891

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

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In the Matter of the

HAWAI‘I REVISED CODE OF JUDICIAL CONDUCT

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ORDER AMENDING HAWAI‘I REVISED CODE OF JUDICIAL CONDUCT

(By: Recktenwald, C.J., McKenna, Eddins, Ginoza, and Devens, JJ.)

It is hereby ordered that Rules 3.13, 3.14 and 3.15 of the Hawai‘i Revised Code of Judicial Conduct attached as Exhibit B to the Rules of the Supreme Court of the State of Hawai‘i are amended effective January 1, 2026 as follows (deleted language is bracketed and stricken; amendments are underscored):

**Rule 3.13. ACCEPTANCE AND REPORTING OF GIFTS,  
LOANS, BEQUESTS, BENEFITS, OR OTHER  
THINGS OF VALUE**

(a) A judge shall not accept any gifts, loans, bequests, benefits, or other things of value, if acceptance is prohibited by law\* or would appear to a reasonable person to materially impair the judge’s independence,\* integrity,\* impartiality,\* temperament, or fitness to fulfill the duties of judicial office.

*Code Comparison*

*The Hawai‘i Revised Code of Judicial Conduct  
modifies ABA Model Code Rule 3.13 by (1)  
substituting “materially impair” for “undermine”*

*and (2) adding “temperament, or fitness to fulfill the duties of judicial office.”*

(b) Unless otherwise prohibited by law\* or by Rule 3.13(a), a judge may accept the following without publicly reporting such acceptance:

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

(2) gifts, loans, bequests, benefits, or other things of value from friends, relatives, or other persons, including lawyers, whose appearance or interest in a proceeding pending\* or impending\* before the judge would in any event require disqualification or recusal of the judge under Rule 2.11;

(3) ordinary social hospitality;

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

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

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

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

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

(9) gifts incident to a public testimonial; or

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

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

(B) an event associated with any of the judge’s educational, religious, charitable, fraternal or civic activities permitted by this Code, if the same invitation is offered to nonjudges who are engaged in similar ways in the activity as is the judge.

*Code Comparison*

*The Hawai‘i Revised Code of Judicial Conduct modifies ABA Model Code Rule 3.13(B) by adding paragraphs (9) and (10) from ABA Model Code Rule 3.13(C).*

(c) Unless otherwise prohibited by law\* or by Rule 3.13(a), a judge may accept the following items and must report such acceptance to the extent required by Rule 3.15:

(1) gifts, loans, bequests, benefits, or other things of value, if the source is a party or other person, including a lawyer, who has come or is likely to come before the judge, or whose interests have come or are likely to come before the judge; and

(2) gifts, loans, bequests, benefits, [~~favours, loans,~~] or other things [~~types~~] of value exceeding \$200.00, if the donor is not a party or other person who has come or is likely to come or whose interests have come or are likely to come before the judge.

*Code Comparison*

*The Hawai'i Revised Code of Judicial Conduct modifies ABA Model Code Rule 3.13(C) by recategorizing public testimonial gifts and event invitations as nonreportable gifts under Rule 3.13(b) and adding paragraph (2).*

**COMMENT:**

[1] *Whenever a judge accepts a gift or other thing of value without paying fair market value, there is a risk that the benefit might be viewed as intended to influence the judge's decision in a case. Rule 3.13 imposes restrictions upon the acceptance of such benefits, according to the magnitude of the risk. Rule 3.13(b) identifies circumstances in which the risk that the acceptance would appear to materially impair the judge's independence, integrity, impartiality, temperament, or fitness to fulfill the duties of judicial office is low and explicitly provides that such items need not be publicly reported. As the value of the benefit or the likelihood that the source of the benefit will appear before the judge increases, the judge is either prohibited under Rule 3.13(a) from accepting the gift or required under Rule 3.13(c) to publicly report it.*

[2] *Gift-giving between friends and relatives is a common occurrence and ordinarily does not create an appearance of impropriety or cause reasonable persons to believe that the judge's independence, integrity, impartiality, temperament, or fitness to fulfill the duties of judicial office has been compromised. In addition, when the appearance of friends or relatives in a case would require the judge's disqualification or recusal under Rule 2.11, there would be no opportunity for a gift to influence the judge's decision making. Rule 3.13(b)(2) places no restrictions upon the ability of a judge to accept gifts or other things of value from friends or relatives under these circumstances and does not require public reporting.*

[3] *Businesses and financial institutions frequently make available special pricing, discounts, and other benefits, either in connection with a temporary promotion or for preferred customers, based upon longevity of the relationship, volume of business transacted, and other factors. A judge may freely accept such benefits if they are*

*available to the general public, or if the judge qualifies for the special price or discount according to the same criteria as are applied to persons who are not judges. As an example, loans provided at generally prevailing interest rates are not gifts, but a judge could not accept a loan from a financial institution at below-market interest rates unless the same rate was being made available to the general public for a certain period of time or only to borrowers with specified qualifications that the judge also possesses.*

*[4] Rule 3.13 applies only to acceptance of gifts or other things of value by a judge. Nonetheless, if a gift or other benefit is given to the judge's spouse, domestic partner, or member of the judge's family residing in the judge's household, it may be viewed as an attempt to evade Rule 3.13 and influence the judge indirectly. Where the gift or benefit is being made primarily to such other persons, and the judge is merely an incidental beneficiary, this concern is reduced. A judge should, however, remind family and household members of the restrictions imposed upon judges and urge them to take these restrictions into account when making decisions about accepting such gifts or benefits.*

*[5] RESERVED.*

**Rule 3.14. REIMBURSEMENT OF EXPENSES AND  
WAIVERS OF FEES OR CHARGES**

**(a)** Unless otherwise prohibited by Rules 3.1 and 3.13(a) or other law,\* a judge may accept reimbursement of necessary and reasonable expenses for travel, food, lodging, or other incidental expenses, or a waiver or partial waiver of fees or charges for registration, tuition, and similar items from sources other than the judge's employing entity, if the expenses or charges are associated with the judge's participation in extrajudicial activities permitted by this Code.

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

**(c)** ~~[RESERVED.]~~ A judge who accepts reimbursement of expenses or waivers or partial waivers of fees or charges on behalf of the judge or the judge's spouse, domestic partner, or guest shall publicly report such acceptance as required by Rule 3.15.

**COMMENT:**

*[1] Educational, civic, religious, fraternal, and charitable organizations often sponsor meetings, seminars, symposia, dinners, awards ceremonies, and similar events. Judges are encouraged to attend educational programs, as both teachers and participants, in law-related and academic disciplines in furtherance of their duty to remain*

*competent in the law. Participation in a variety of other extrajudicial activity is also permitted and encouraged by this Code.*

*[2] Not infrequently, sponsoring organizations invite certain judges to attend seminars or other events on a fee-waived or partial-fee-waived basis and sometimes include reimbursement for necessary travel, food, lodging, or other incidental expenses. A judge's decision whether to accept reimbursement of expenses or a waiver or partial waiver of fees or charges in connection with these or other extrajudicial activities must be based upon an assessment of all the circumstances. The judge must undertake a reasonable inquiry to obtain the information necessary to make an informed judgment about whether acceptance would be consistent with the requirements of this Code.*

*[3] A judge must assure ~~himself or herself~~ that acceptance of reimbursement or fee waivers would not appear to a reasonable person to materially impair the judge's independence, integrity, impartiality, temperament, or fitness to fulfill the duties of judicial office. The factors that a judge should consider when deciding whether to accept reimbursement or a fee waiver for attendance at a particular activity include:*

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

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

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

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

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

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

*(g) whether differing viewpoints are presented;  
and*

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

**Rule 3.15. REPORTING REQUIREMENTS**

- (a) A judge shall publicly report the amount or value of:
- (1) compensation of \$1000 or more received for extrajudicial activities as permitted by Rule 3.12; and
  - (2) gifts and other things of value as permitted by Rule 3.13(c).
  - (3) ~~[RESERVED.]~~ reimbursement of expenses and waiver of fees or charges permitted by Rule 3.14(a), unless the amount of reimbursement or waiver, alone or in the aggregate with other reimbursements or waivers received from the same source in the same calendar year, does not exceed \$200.00.
- (b) When public reporting is required by Rule 3.15(a), a judge shall report the date, place, and nature of the activity for which the judge received any compensation and the description of any gift, loan, bequest, benefit, or other thing of value accepted; and the source of reimbursement of expenses or waiver or partial waiver of fees or charges.
- (c) The public report required by Rule 3.15(a) shall be made annually.
- (d) Reports made in compliance with this Rule shall be filed as public documents in the supreme court clerk's office.

*Code Comparison*

*The Hawai'i Revised Code of Judicial Conduct  
modifies ABA Model Code Rule 3.15 by  
harmonizing its provisions with the Hawai'i  
financial disclosure rule.*

A copy of this order shall be filed in SCRU-11-0000068, In the Matter of the Rules of the Supreme Court of the State of Hawai'i.

DATED: Honolulu, Hawai'i, March 12, 2025.

/s/ Mark E. Recktenwald

/s/ Sabrina S. McKenna

/s/ Todd W. Eddins

/s/ Lisa M. Ginoza

/s/ Vladimir P. Devens

