

Guide to Judiciary Policy

Vol. 2: Ethics and Judicial Conduct

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§ 1310 Judicial Conference Policy on Judges' Attendance at Privately Funded Educational Seminars

The Judicial Conference of the United States in September 2006 (JCUS-SEP 06, p. 24) adopted the following policy, effective Jan. 1, 2007, with technical amendments implemented in December 2023.

- (a) A nongovernmental source,¹ other than a state or local bar association, a subject-matter bar association, a judicial association, the Judicial Division of the American Bar Association, or the National Judicial College, that wishes to pay for or reimburse federal judges'² expenses (i.e., travel, food, lodging, or anything that would be considered a gift under the Judicial Conference Ethics Reform Act Gift Regulations)³ above the threshold at which judges must report reimbursements on their annual financial disclosure reports⁴ in connection with attending, as a speaker or participant, a program, a significant purpose of which is the education of United States federal or state judges, shall disclose to the Administrative Office of the U.S. Courts in writing the following information:

1 Private and public educational institutions are included in the reporting requirement.

2 This term includes Article III judges as well as fixed-term judges and judicial officers.

3 The term "expenses" is not intended to include seminar books and materials.

4 Currently, a judge must report any reimbursement exceeding the threshold figure in Guide, Vol. 2D, § 330.20 (Reimbursements). This figure is subject to change every three years according to the cost of living as determined by the Administrator of General Services. **See:** 5 U.S.C. § 7342(a)(5); 41 CFR 102-42; **see also** 5 U.S.C. § 13104(a)(2)(B).

- (1) the name of the program provider(s);
- (2) the name or title of the program;
- (3) the dates and location of the program;
- (4) the various presentation topics and the speakers expected respectively to address each topic; and
- (5) all the program provider's source(s) of support, financial or otherwise, as defined below.

The disclosures will be made on the judiciary's website (www.uscourts.gov) and be available to the public on uscourts.gov and to judges in InfoWeb. The disclosures will remain available to the public and to judges for three years from the date of filing.

- (b) A federal judge may not accept travel, food, lodging, reimbursement, or anything that would be considered a gift under the Judicial Conference Ethics Reform Act Gift Regulations from a nongovernmental source other than a state or local bar association, a subject-matter bar association, a judicial association, the Judicial Division of the American Bar Association, or the National Judicial College, in connection with attending, as a speaker or participant, a program, a significant purpose of which is the education of United States federal or state judges, unless the judge:
 - (1) determines from the judiciary's website that the program provider has made the disclosures required in paragraph (a); and
 - (2) within 30 days following the conclusion of the educational program, files a disclosure report via InfoWeb. This filing will be available to the public on the local court's website for three years from the date of filing.
- (c) This is a policy of the Judicial Conference. It is not intended to change the Code of Conduct for United States Judges (see in particular Advisory Opinion No. 67 and Advisory Opinion No. 116 of the Judicial Conference Committee on Codes of Conduct) or the annual financial disclosure reporting requirements for judges under the Ethics in Government Act, 5 U.S.C. §§ 13101-13111.

§ 1320 Definition of Source of Financial or Other Support

- (a) If the support, financial or otherwise, comes from the general revenues of the program provider(s), and/or from endowments or gifts not raised for the particular educational program or for the purpose of educating judges, then it is sufficient to identify the program provider(s) as the source of support.

- (b) If the support, financial or otherwise, comes in whole or in part from money, goods or services from others (e.g., corporations, nonprofit organizations, foundations, individual donors) specifically for the particular educational program, or for the education of judges generally, list every such donor. This policy is not intended to require the disclosure and reporting of monies derived from tuition, educational program registration fees, and other similar enrollment fees.

§ 1330 Judicial Branch Committee Statement of Purpose

- (a) The continuing education of judges is in the public interest. Judges need to enhance their understanding of law, science, history, economics, sociology, philosophy, and other disciplines to the same extent as lawyers and other professionals. In an age where rapid technological changes are revolutionizing virtually every aspect of American life, the law must keep pace with changes that society undergoes. Without such knowledge of the world around them, judges would be ill-prepared to make informed and fair decisions.
- (b) In view of the compelling need for and many benefits of continuing education, the Judicial Conference believes that neither it nor any other entity should seek to limit judges' access to knowledge or censor their right to increase that knowledge.
- (c) The Federal Judicial Center provides high quality educational programs to the judiciary, but it does not and likely never will have sufficient resources to meet the needs of every judge. Private funding of expenses for attendance at educational programs facilitates judges' participation in these activities.
- (d) Judicial attendance at privately funded educational programs poses certain concerns, however. Some observers believe that judges may be influenced inappropriately by those who sponsor or contribute (financially or otherwise) to these seminar programs and who might be litigants before those judges. That influence, it is argued, may be exerted through program content, contact between judges and those who litigate before them, and perquisites provided to program attendees.
- (e) To address these concerns, the Judicial Conference has adopted the above policy that provides for timely disclosure by educational program providers and judges who attend those programs. The required disclosure includes judges' attendance at the program, dates and location of the program, topics to be presented, speakers who will address each topic, funding source for the program, and sponsors of the programs.

- (f) The Conference's overarching objective in preparing this policy is greater transparency. The required disclosure by program providers will better enable judges to determine whether they should attend a program. The disclosure will also enable a party or an attorney or the public to check on a local court's website to determine whether a judge has recently attended an educational seminar covered by this policy. A party, an attorney, or the public may consult the judiciary's website (www.uscourts.gov) to access further details concerning the educational program. This transparency and accountability should strengthen public and congressional confidence in federal judicial ethics.
- (g) This new policy appropriately balances judges' educational needs and the desire of the public to be informed promptly when judges meet those needs by attending privately funded programs.