

1 **TERMINOLOGY**

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

4 **“Abusive conduct”** – means the same as defined in Utah Code § 67-
5 26-102(1).

6 **“Aggregate,”** in relation to contributions for a candidate, means not only
7 contributions in cash or in kind made directly to a candidate’s committee,
8 but also all contributions made indirectly with the understanding that they
9 will be used to support the retention of a candidate. See Rule 2.11.

10 **“Appropriate authority”** means the presiding judge and the authority
11 having responsibility for initiation of disciplinary process in connection with
12 the violation to be reported. See Rules 2.14 and 2.15.

13 **“Contribution”** means both financial and in-kind contributions, such as
14 goods, professional or volunteer services, advertising, and other types of
15 assistance, which, if obtained by the recipient otherwise, would require a
16 financial expenditure. See Rules 2.11, 2.13, 3.7, 4.1, and 4.2.

17 **“De minimis,”** in the context of interests pertaining to disqualification of
18 a judge, means an insignificant interest that could not raise a reasonable
19 question regarding the judge’s impartiality. See Rule 2.11.

20 **“Directly solicit”** means a direct request made by a judge or a judicial
21 candidate for financial support or in-kind services, whether made by letter,
22 telephone, or any other means of communication. See Rule 4.2.

23 **“Domestic partners”** are persons who maintain a household and an
24 intimate relationship, who are not legally married. See Rules 2.11, 2.13,
25 3.13, and 3.14.

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

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

33 (2) an interest in securities held by an educational, religious, charitable,
34 fraternal, or civic organization in which the judge or the judge’s spouse,

35 domestic partner, parent, or child serves as a director, an officer, an
36 advisor, or other participant;

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

40 (4) an interest in the issuer of government securities held by the judge.
41 See Rules 1.3, 2.11, and 3.2.

42 “**Fiduciary**” includes relationships such as executor, administrator,
43 trustee, personal representative, holder of a power of attorney, or guardian.
44 See Rules 2.11, 3.2, and 3.8.

45 “**Harassment**” means verbal or physical conduct that denigrates or
46 shows hostility or aversion toward a person on bases such as race, sex,
47 gender, religion, national origin, ethnicity, disability, age, sexual orientation,
48 marital status, socioeconomic status, or political affiliation. See Rule 2.3.

49 “**Impartial,**” “**impartiality,**” and “**impartially**” mean absence of bias or
50 prejudice in favor of, or against, particular parties or classes of parties, as
51 well as presence of an objective and open mind in considering matters that
52 come before a judge. See Canons 1, 2, and 4, and Rules 1.2, 2.2, 2.10,
53 2.11, 2.13, 3.1, 3.12, 3.13, 4.1, and 4.2.

54 “**Impending matter**” is a matter that is imminent or expected to occur in
55 the near future. See Rules 2.9, 2.10, 3.13, and 4.1.

56 “**Impropriety**” includes conduct that violates the law, court rules, or
57 provisions of this Code, and conduct that undermines a judge’s
58 independence, integrity, or impartiality. See Canon 1 and Rule 1.2.

59 “**Independence**” means a judge’s freedom from influences or controls
60 other than those established by law. See Canons 1 and 4, and Rules 1.2,
61 3.1, 3.12, 3.13, 4.1 and 4.2.

62 “**Integrity**” means probity, fairness, honesty, uprightness, and
63 soundness of character. See Canon 1 and Rules 1.2, 3.1, 3.12, 3.13, 4.1,
64 and 4.2.

65 “**Judicial candidate**” means any person, ~~including a sitting judge,~~ who
66 is seeking selection for ~~or retention in~~ judicial office by ~~election or~~
67 appointment. A person becomes a candidate for judicial office as soon as
68 ~~he or she~~ the person makes a public announcement of candidacy, declares
69 or files as a candidate with the ~~election or~~ appointment authority, authorizes
70 or, where permitted, engages in solicitation or acceptance of contributions

71 or support, or is ~~nominated for election or appointment to office~~. See Rules
72 2.11 and 4.1.

73 **“Knowingly,” “knowledge,” “known,” and “knows”** mean actual
74 knowledge of the fact in question. A person’s knowledge may be inferred
75 from circumstances. See Rules 2.11, 2.13, 2.15, 2.16, 3.6, and 4.1.

76 **“Law”** encompasses, but is not necessarily limited to, court rules,
77 statutes, ordinances, constitutional provisions, and case law. See Rules
78 1.1, 2.1, 2.2, 2.6, 2.9, 3.1, 3.2, 3.4, 3.7, 3.9, 3.12, 3.13, 3.14, 4.2, and 4.3.

79 **“Member of the judge’s family”** means a spouse, domestic partner,
80 child, grandchild, parent, grandparent, or other relative or person with
81 whom the judge maintains a close familial relationship. See Rules 3.7, 3.8,
82 3.10, and 3.11.

83 **“Member of a judge’s family residing in the judge’s**
84 **household”** means any relative of a judge by blood or marriage, or a
85 person treated by a judge as a member of the judge’s family who resides in
86 the judge’s household. See Rules 2.11 and 3.13.

87 **“Nonpublic information”** means information that is not available to the
88 public. Nonpublic information may include, but is not limited to, information
89 that is sealed by statute, rule, or court order or communicated in camera,
90 and information offered in grand jury proceedings, presentencing reports,
91 dependency cases, or psychiatric reports. See Rule 3.5.

92 **“Pending matter”** is a matter that has commenced. A matter continues
93 to be pending through any appellate process until final disposition. See
94 Rules 2.9, 2.10, 3.13, and 4.1.

95 **“Political organization”** means a political party or other group
96 sponsored by or affiliated with a political party or candidate, the principal
97 purpose of which is to further the election or appointment of candidates for
98 political office. For purposes of this Code, the term does not include a
99 judicial candidate’s campaign committee created as authorized by Rule 4.2.
100 See Rule 4.1.

101 **“Third degree of relationship”** includes the following persons: great-
102 grandparent, grandparent, parent, uncle, aunt, brother, sister, child,
103 grandchild, great-grandchild, nephew, and niece. See Rule 2.11.