

FEES AND HONORARIUMS; JUDGES

A judge may accept reasonable fee for officiating at a wedding elsewhere than at the courthouse and usually need not report the fee to the Ethics Board. Fees received in connection with marriages at the courthouse should be turned over to appropriate account.
Eth. Bd. 146

1 September 1978

Facts

This opinion is based upon these understandings:

- a. You are a circuit judge and are a state public official.
- b. When you perform wedding ceremonies in your chambers or in the courtroom during working hours you accept no fee for that service. The clerks are instructed that they should never advise that a fee is necessary for such a service, and they are instructed that if an inquiry is made they are to say that there is no fee for performing a marriage during the normal operating hours of the court. If people do not inquire about this, nothing is said to them and no fee is paid. Occasionally -- in fewer than 10% of the ceremonies at which you officiate -- someone will offer you a gratuity.
- c. Sometimes you officiate at marriage ceremonies on Saturdays at your home. In some cases as many as 15 or 20 guests may attend. In this case, you have charged a fee of \$15.
- d. Sometimes you officiate at a marriage ceremony at a hall or private residence, usually on a Saturday but sometimes during the evening or on Sunday. In these cases, you have charged a fee of \$20.

Question

The Ethics Board understands your question to be:

Is the manner in which you have treated fees offered or requested in connection with your officiating at a marriage ceremony consistent with Wisconsin's Code of Ethics for Public Officials?

Advice

Although we interpret only Wisconsin's Code of Ethics for Public Officials (Subchapter III, Chapter 19, Stats.), the State of Wisconsin Ethics Board advises you:

- a. Your practice of not soliciting a fee for officiating at a marriage at the courthouse is a good one which you should continue. Moreover, we think it advisable for you to refuse to accept even unsolicited gratuities for officiating at a marriage at the courthouse regardless

of the hour at which the marriage is performed. When, occasionally, an unsolicited gratuity is offered to you in connection with your officiating at a marriage at the courthouse, we think it advisable for you to turn it over to the account from which most of the Court's costs are met in order to defray the costs associated with your officiating at the marriage ceremony.

- b. Your acceptance of a gratuity for officiating at a marriage at your home or any place other than at the courthouse is consistent with Wisconsin's Code of Ethics for Public Officials provided the gratuity does not exceed a reasonable amount which a member of the clergy might receive under like circumstances and the payment could not reasonably be expected to influence you in the exercise of your judicial duties. The fees you have charged are reasonable.
- c. A judge's solemnization of a marriage does not involve a published work or meeting or presentation of a talk which must be reported to the Ethics Board if in connection therewith the judge receives compensation or reimbursement of his or her expenses.