

California Judges Association  
**OPINION NO. 6**

(Originally issued: March 1951)

**SPLITTING OF GRATUITY FOR SOLEMNIZING MARRIAGE**

**AUTHORITY:** Canon 4D(1)(a)

I. Background

The Judicial Ethics Committee has been asked whether it is a violation of the California Code of Judicial Ethics for a judge to compensate another person for directing couples to him or her for the purpose of having the judge perform marriage ceremonies for them.

II. Question

Is it a violation of the California Code of Judicial Ethics for a judge to split a gratuity with another person as a fee for that person directing a couple to him or her for the purpose of having the judge perform a marriage ceremony.

III. Answer

Yes.<sup>1</sup>

IV. Discussion

It would constitute a violation of the California Code of Judicial Ethics for a judge to compensate another person for directing couples to him or her for the purpose of having the judge perform marriage ceremonies for them. (See Canon 4D(1)(a).)

On the same general subject, see Opinion 5.

This opinion is advisory only. This committee acts on specific questions submitted, and its opinion is based on facts as set forth in the question.

COMMITTEE ON JUDICIAL ETHICS  
March 1951

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<sup>1</sup>Further, a judge should carefully note the provisions of Penal Code Section 94.5 which provides that every Judicial Officer of a court of this state who accepts any money or other thing of value for performing any marriage is guilty of a misdemeanor unless the fee is imposed by law or the marriage is performed on Saturday, Sunday or a legal holiday.