

## Financial Disclosure Requirements for Federal Judges and Justices<sup>1</sup>

The [Ethics in Government Act of 1978](#) (EIGA) established financial disclosure reporting requirements for many high-level government officials and employees, including the justices of the US Supreme Court.

**What must be reported:** The EIGA requires, that covered employees file annual financial disclosure statements reporting:

- Income from any source (other than from current employment by the federal government) including honoraria; payments made to charity in lieu of honoraria; and any dividends, rents, interest, and capital gains that exceed \$200;
- Gifts and reimbursements — although filers do not have to report gifts received from relatives or food, lodging, or entertainment “received as personal hospitality of an individual”<sup>2</sup>
- Interests in property;
- Liabilities exceeding \$10,000 owed to any creditor other than a close family member (with certain exceptions such as mortgages for personal residences);
- Transactions that exceed \$1,000 in real property (other than a personal residence) and securities; and
- Qualified blind trusts.

Covered filers must also report certain financial transactions of their spouses and dependent children.

Additionally, under the [Stop Trading on Congressional Knowledge \(STOCK\) Act of 2012](#), certain filers must also submit periodic transaction reports (PTRs). Covered

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<sup>1</sup> Most of the information derives from the CRS article cited at the end of this paper.

<sup>2</sup> The term “personal hospitality” was revised in 2023 to specify that it means non-business hospitality at the host’s residence or personal property. Hospitality that judges and justices need **not** report includes only “food, lodging, or entertainment.” The exemption does not include “gifts ... such as transportation that substitutes for commercial transportation” (such as a host’s private plane).

individuals must file PTRs when they, their spouses, or their dependent children make sales or exchanges of securities that exceed \$1,000 within 45 days of the transaction.

**Report Submissions:** Financial disclosure reports are submitted annually to each individual’s designated agency ethics official. For federal courts, that body is the [Judicial Conference of the United States](#), although it can and has delegated its authority over these reports to a committee, the Committee on Financial Disclosure.

**Public Access:** The reports must be made available to the public (unless the covered individual qualifies as a [confidential filer](#)). This became much easier with the [Courthouse Ethics and Transparency Act](#), enacted in 2022, which requires online publication of financial disclosure reports of judicial officers, including Supreme Court justices. The new law directed the Administrative Office of the United States Courts (AO) to establish a “searchable internet database to enable public access to any report required to be filed” under the EIGA. The [AO launched](#) the public database on November 7, 2022, and the public [can now access](#) electronic versions of federal judges’ reports.

**Enforcement:** The EIGA provides that the attorney general may bring civil actions against individuals who knowingly and willfully falsify or fail to file, or report required information and may assess fines up to \$50,000. Individuals who fail to file or report information or who falsify information may also face criminal penalties including fines and imprisonment.

**Outstanding Issues:** In its new Code of Conduct, the Supreme Court indicates its compliance with current Judicial Conference regulations. In particular, Canon 4(H) declares the justices’ commitment to comply with financial disclosure laws, and the commentary accompanying the Code states that the Justices comply with the EIGA and *STOCK Act*. This is consistent with the justices’ [long-standing voluntary compliance](#) with certain judicial conference regulations. Yet, the new Code of Conduct does not itself include any enforcement mechanisms, meaning there is no process to address alleged violations of the Code.

#### Principles to Consider

LWVUS positions on the Congress and the Presidency, the other two branches of government, pay little attention to specific policy approaches; instead, they focus on principles. Those principles were designed for evaluating future policy proposals and ensure a durable foundation for advocacy. Principles that relate to financial disclosure include the following:

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| <ul style="list-style-type: none"><li>● Judicial independence</li><li>● Judicial accountability</li><li>● Judicial transparency</li></ul> | <ul style="list-style-type: none"><li>● Judicial ethics</li><li>● Legitimacy</li><li>● Impartiality/fairness</li></ul> |
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**Resources:**

- 2023 Congressional Research Reports: [Financial Disclosure and the Supreme Court](#)
- May 1, 2023, Russell Wheeler [Justice Thomas, gift reporting rules, and what a Supreme Court code of conduct would and wouldn't accomplish](#)