Anti-Corruption Helpdesk Answer

Lobbying of the judiciary: Risks and mitigation measures

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While various public and private actors engage in activities with the aim of influencing decisions made by the judiciary in favour of a specific cause or outcome, these can become distortive if marked by a lack of equal access, transparency or an imbalance of resources. This is seen especially in activities occurring outside of judicial proceedings and not covered by procedural law, such as the provision of career benefits and hospitality perks for judges and exerting influence over appointment processes. Promising mitigation approaches highlighted in the literature include extending lobbying regulation to the judiciary, clarifying conflict of interest and recusal rules, ensuring transparent appointments and strengthening disclosure regimes.

Caveat: this overview focuses on lobbying strategies targeting judicial actors from outside the judicial branch. It does not address "judicial lobbying" in the sense of judges lobbying other branches of government (see: Anderson 2016), nor does it examine lobbying by lawyers directed at the executive or legislative branches.

Query

Please provide an overview that indicates the risks of unregulated lobbying in the justice system, together with possible standards and best practices to mitigate these risks.

Main points

- Judicial lobbying is done to influence decisions made by the judiciary in favour of a specific cause or outcome. These activities can become distortive if marked by a lack of equal access, transparency or an imbalance of resources.
- Various formal channels exist through which public and private actors can have their interests represented, including the submission of amicus curiae. However, it is contested whether such activities qualify as lobbying when carried out in accordance with procedural law.
- Lobbying is more clearly observable outside of judicial proceedings in, for example, the provision of career benefits and hospitality perks for judges and campaigns to exert influence over appointment processes.
- These can result in direct influence over judges and create subtle expectations of reciprocity which still compromise impartiality.
- Lobbying of the judiciary tends to be less clearly regulated than lobbying of the legislature, leaving integrity gaps across jurisdictions. Nevertheless, wider principles on judicial integrity upheld in international standards provide a strong starting point.
- Promising mitigation strategies include lobbyist registries, transparent amicus brief rules, merit-based appointment processes, asset declarations and cooling-off periods for judges.

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Introduction

This Helpdesk Answer provides an overview of the risks of lobbying in the justice system, with a focus on efforts to influence judges, and measures that have been employed to mitigate these risks.

While lobbying is most often discussed in the context of efforts to influence legislative and executive actors, there is growing recognition that it can also be applied to judicial actors. Indeed, while courts are nominally expected to embody impartiality and independence, the weight of their decisions on matters of public policy makes them attractive targets for influence (OECD 2021: 31).

In its Recommendation of the Council on Transparency and Integrity in Lobbying and Influence, the OECD (2025) defines lobbying and influence activities as:

"actions, conducted directly or through any other natural or legal person, targeted at public officials carrying out the decision-making process, its stakeholders, the media or a wider audience, and aimed at promoting the interests of lobbying and influence actors with reference to public decision-making and electoral processes."

It further elaborates that "public decision-making" constitutes the:

"development, implementation, evaluation or modification of any public policy or of any public programme, at all levels of government (for example, federal, national, regional or local) and branches of government (executive, legislative and judicial[1])" (OECD 2025).

This definition suggests then that lobbying can constitute actions aimed at promoting the interests of lobbying and influence actors with reference to public decision-making by the judicial branch of government. However, the recommendation does not spell out which actions would and would not constitute lobbying in this sense.

[1] The recommendation states it does not cover the "provision of legal advice and representation by lawyers or any other professionals when advising clients about administrative or judicial proceedings" (OECD 2025). On the one hand, the intended purpose of this exception appears to be to protect lawyer-client confidentiality. However, on the other hand, as described in this Helpdesk Answer, actors that attempt to lobby judicial actors do often rely on legal and other professional firms, raising some questions regarding this omission.

As reflected in the literature described below, this is a particularly complex question in the context of the judicial affairs where there are both de jure and de facto actions undertaken to influence judges, occurring at varying levels of magnitude. On one end of the spectrum, there are formal channels by which non-litigant parties can have their views heard by judicial actors, such as through the submission of amicus curiae briefs (see Box 1). On the other end, in contexts of judicial capture, these actors may lack any functional independence and be completely beholden to the executive's influence (David-Barrett 2021, 15) or even organised criminal groups (Center for the Study of Democracy 2010). While these can have an overlap with lobbying, they are arguably distinct phenomena that should not be conflated.

Furthermore, lobbying does not always entail distortive or disproportionate levels of influence. It can provide valuable expertise, facilitate dialogue between stakeholders and institutions, and ensure that decision-making benefits from diverse perspectives. Lobbying may become distortive, however, if carried out without observance of key principes such as transparency, integrity and equality of access (OECD 2021; Transparency International n.d.). Such unregulated lobbying can lead to the misallocation of public resources, reduced productivity and the reinforcement of structural inequalities (OECD 2021, 20). In contrast, formal channels are grounded by procedural law and should observe such principles (although there may be gaps in practice).

Considering the above, this Helpdesk Answer primarily focuses informal channels of influence where key principles are not upheld, while recognising that within the literature some voices take a wider lens of what constitutes the lobbying of judicial actors.

Box 1: Amicus curiae

The amicus curiae (Latin for “friend of the court”) allows for parties not directly involved in the case, with the court’s permission, to submit a brief offering legal, social or policy arguments intended to assist the judges in their decision-making. The practice originated in Roman and British common law, where a bystander or local lawyer would assist authorities by correcting legal reasoning (Whitehouse 2021). Civil law jurisdictions, although less common, have since adopted amicus procedures (Farber 2024).

Amicus curiae have been justified on the basis they broaden participation in judicial decision-making and provide expertise that litigants may lack (OSCE 2022). However, some authors argue that unless well regulated, amicus curiae can be exploited (Whitehouse 2021; Farber 2024). In the US, Stein and Bunting (2024) analysed a dataset of business law appeals across five states, finding roughly 67 per cent of amicus briefs were filed by lobbying organisations and only about 10 per cent by individuals (Stein & Bunting 2024). They also found that in cases where lobbying

groups submitted an amicus brief, judges decided in favour of the positions advanced by these groups 55.9 per cent of the time, compared with 49.5 per cent when briefs came from nonlobbying actors (Stein & Bunting 2024, 32), although these results do not necessarily entail there was a correlation.

At the European level, according to Article 40 of the Statute of the Court, the Court of Justice of the European Union (CJEU) permits formal intervention only for parties with a direct interest, excluding most civil society actors when they are not strictly party to proceedings. As a result, NGOs and academics submit informal amicus-style briefs – sometimes called "shadow briefs" – that, according to the Good Lobby (2025), could still be circulated among judges.

Different observers have made recommendations to improve amicus curiae mechanisms. For example, Farber (2024) argues that mandatory disclosure of financial and institutional ties, transparency regarding authorship and strict page or word limits should be introduced to prevent amici from being used as "shadow counsel". Stein & Bunting (2024) recommend the introduction of state subsidies to counterbalance structural inequalities and finance the participation of actors who would not normally have the resources to submit amicus curiae as well as to promote greater informed judicial discretion, requiring judges to provide reasons when admitting or rejecting amicus curiae.

Lobbying of judicial actors

Why lobby the judiciary?

Several authors have observed that judges increasingly exert significant influence over public policy and the broader governance processes (Aguiar Nogueira 2020). Hirschl describes a judicialisation of politics where judges increasingly play a role in deciding the outcomes which traditionally may have been reserved for the executive or legislative realms, such as the validity of laws or election processes (Hirschl 2011).

Scholars have linked this process to two main drivers: first, the fragmentation of political power, which weakens the capacity of legislatures to act and leads citizens to turn to the courts for solutions; and second, the perception of courts as trusted guardians to safeguard fundamental freedoms and values against potential political abuse (Aguiar Nogueira 2020).

In the past, this may have been more associated with common law jurisdictions where judges establish binding precedent and possess a broader margin for interpreting the law, which renders them active shapers of policy and law more generally (Cross 1999). In contrast, in civil law systems, the judicial function has traditionally been to apply written codes and statutes, with less discretion to "make policy" through judgements. However this is shifting as, in some civil law jurisdictions, a trend has been observed where supreme courts are increasingly deciding "cases impacting public policy making" (Ghavanini et al. 2023).

This preeminent role in shaping public policy has turned the judiciary into an object of lobbying groups in much the same way as the legislative or executive branches. Despite this growing influence, lobbying in the judicial branch remains largely unregulated, creating potential risks for impartiality and accountability (Zinnbauer 2022a, 2).

Who are the actors doing the lobbying?

A wide range of public and private actors attempt to influence judicial decision-making for a variety of causes (Collins, 2015). These include:

- Private-sector actors (corporations and trade associations) seek favourable interpretations of commercial law, liability rules and regulatory standards that directly affect profitability and market power.
- Interest groups, professional associations, and labour unions aim to shape the legal environment in line with occupational, sectoral or political priorities, often defending professional prerogatives or advancing labour protections.
- Civil society organisations (CSOs) and NGOs incorporate judicial channels into their advocacy strategies, particularly to safeguard rights, promote accountability or pursue causes that face resistance in legislative or executive arenas.
- Thinktanks, academic institutions and advocacy networks influence judicial reasoning indirectly by shaping legal doctrines, interpretive frameworks and policy debates through research, training and the dissemination of ideas.
- Political parties engage most visibly in contexts where judges are elected or appointed through political channels, ensuring the bench reflects broader partisan or ideological agendas.
- Religious organisations and churches mobilise to ensure judicial outcomes align with moral, doctrinal or cultural values, especially in areas such as family law, education or human rights.

While these actors may engage in lobbying activities, they might also use the services of legal firms or lawyers who may possess the necessary connections and expertise to have the ear of judges (Zinnbauer 2022a).

In addition to their different interests, what often distinguishes these actors is the resources typically available to them. A corporation, for example, may have more financial resources to dedicate to lobbying efforts than a labour union, which can create an inequality of access issues.

Channels for judicial lobbying

This section describes some of the main ways in which lobbying of the judiciary is carried out and provides case examples. It focuses on channels occurring outside formal judicial proceedings, but it is important to caveat that none of these channels by definition constitute lobbying. For example, a judge can be found with a conflict of interest without this necessarily being exploited by a third party. Or judges may be invited to a training session on legal doctrine without this occurring to the benefit of any particular actor. Therefore, these channels can be better understood as risk areas for lobbying the judiciary.

Events, training and hospitality

A key risk is that influence is exercised indirectly through events, training courses and third-party hospitality for judges. They typically occur in informal or semi-official settings – sponsored conferences, training courses, study visits or private retreats – where judges and other actors mingle, often without clear disclosure or oversight.

Research highlights that such encounters create reputational vulnerabilities, conflicts of interest and subtle expectations of reciprocity, all of which may compromise impartiality even where no explicit quid pro quo is established (The Center for Public Integrity 2013).

The threat is heightened when supplemental benefits or hospitality represent significant compensation relative to judicial salaries or when funding comes from actors with a long-term interest in shaping jurisprudence, such as law firms or industry groups (UN General Assembly 2024, 12, para 36). The risk becomes especially evident when sponsorship is disproportionate to the event's purpose; for instance, donors covering a judge's stay at a luxury resort well beyond the duration of a training programme (UN General Assembly 2024, 13, para 37). While modest tokens or awards are commonly permitted, benefits of excessive value inevitably call into question a judge's integrity and independence (UN General Assembly 2024, 13, para 38).

Zinnbauer (2022a:18-22) describes how corporations may invest strategically in "ideational entrepreneurship" by funding academic research, university chairs, thinktanks and training programmes for judges, thereby cultivating business-friendly ideas that are gradually absorbed into judicial reasoning (Zinnbauer 2022a, 18-22).

Case examples indicate this risk occurs across multiple jurisdictions. Lazega (2012) describes how intellectual property lawyers from the US have used events to try to exert influence over international judges on their interpretations of patent law.

Media scrutiny in Brazil has long underscored the reputational and conflict of interest risks that arise when judges or prosecutors attend privately sponsored conferences or accept hospitality in settings where repeat litigants or political actors are present (da Silva 2020, 802-807). The research shows that even when court sessions are televised, informal contacts around events and travel can bypass formal transparency and erode impartiality.

The Argentine Lago Escondido case of 2022 provides another example of how privately sponsored travel can compromise judicial legitimacy. A group of federal judges, prosecutors and public officials accepted hospitality at a Patagonian estate owned by a media conglomerate; leaked messages later revealed coordinated attempts to conceal the trip and manage press coverage. Although the subsequent criminal proceedings were dismissed, the episode reportedly exposed serious governance gaps in relation to gift disclosure, third-party hospitality and recusal standards (Forbes 2022; Buenos Aires Times 2022).[2] In parallel, reputational concerns led one of the Lago Escondido judges to recuse himself from a pending case after it was revealed he had shared the trip with company executives (Tiempo Argentino 2022).

Similar dynamics have surfaced in the United States. Operation Higher Court (1995–2018) and the associated "Faith and Action" initiative documented systematic attempts to cultivate supreme court justices through social events, meals and travel sponsored by advocacy groups (Politico 2022). More recently, investigative reports revealed that Justice Clarence Thomas received decades of undisclosed luxury travel and hospitality from politically active donors (2010–2024), fuelling concerns of "hospitality capture" and prompting congressional hearings (ProPublica 2023).

Stempel (2020: 248-252) argues that professional legal associations – such as the American Law Institute (ALI) and the American Bar Association (ABA) – frequently serve as agenda-setters in judicial reform in the US, including revisions of evidentiary rules, admissibility standards and procedural safeguards. Their proximity to judges – many of whom are members or frequent participants in their activities – makes them uniquely placed to influence the development of judicial norms and the interpretation of law

[2] The Federal Criminal Court declared the entire investigation null and void on procedural grounds, holding that the evidence had been unlawfully obtained and thus never addressed whether the conduct of the judges, officials and media executives amounted to corruption or influence-peddling (Infobae 2023)

(Stempel 2020, 248-252). Laposata, Barnes & Glantz (2012) argue that the tobacco industry actively shaped the ALI's Restatement[3] (Second) of Torts 402A by funding consultants and influencing reporters, securing language that exempted tobacco firms from strict liability as a "socially accepted" but inherently dangerous product.

Judicial appointments and promotions

The UN Special Rapporteur on the independence of judges and lawyers, Margaret Satterthwaite, has cautioned that lobbying can steer judicial appointments away from meritocratic standards and towards criteria shaped by economic interests (UN General Assembly 2024, 9, para 24). Equally, other important junctures across the career progression of judges, such as promotions and rotation to other courts, may also constitute opportunities for lobbying actors to exert influence (TI Georgia 2021).

In a small number of countries,[4] judges are elected by the populace or elected parties (Judiciaries Worldwide n.d.) Here, there is clear scope for interest groups, political donors and partisan actors to influence outcomes through campaign contributions, promises of support or political endorsements. For example, in the US, judges running for partisan or non-partisan election often rely on funds from attorneys, businesses or special interest groups who might later appear before them in court, creating potential conflicts of interest (Gordon 2024). Thirty-nine states hold elections for judges, and in many of these systems campaigns are funded through private donations (Berry 2015). This can create channels of dependencies: the landmark case Caperton v. A.T. Massey Coal Co., 556 U.S. 868 (2009) held that a judge could not hear a case involving a party that had made disproportionate contributions to his election campaign as such dependence violated due process.

Similarly, in Bolivia, the system of electing judges through popular vote from lists pre-selected by the legislature has raised persistent concerns over political interference. The process has been criticised for allowing partisan actors to shape judicial appointments, creating risks that judges may feel beholden to the political forces that facilitated their candidacy, rather than to principles of independence and impartiality (Driscoll & Nelson 2015). Concerns have also been flagged that recent reforms in

[3] In American jurisprudence, the Restatements of the Law are a set of treatises on legal subjects that seek to inform judges and lawyers about the general principles of common law.

[4] These include Bolivia, Japan, Mexico, Northern Mariana Island, Switzerland and the United States.

Mexico to institutionalise judicial selection by popular ballot could expose the process to lobbying by political and economic actors (Satterthwaite and Sonnet 2025).

Conversely, in appointment-based systems, particularly those using merit-based nominating commissions or judicial councils, the risk of direct political lobbying may be reduced, but it is not eliminated. Appointments can become avenues for influence when the appointing authorities (governors, presidents or legislators) are beholden to political factions, donors or interest groups (Caufield 2010, 790). Moreover, even nominating commissions can be captured by dominant legal or business elites (Johnsen 2017).

Gordon (2024) carried out an empirical study comparing the appointment processes. He finds that courts with elected judges tend to exhibit greater responsiveness to public opinion and can be more punitive, especially in electoral periods. By contrast, merit or appointment-based systems are often promoted precisely because they are seen as safeguarding judicial independence and impartial adjudication (Gordon 2024). Nonetheless, Gordon underlines that neither model is fully insulated from external influence, including lobbying practices.

Conflicts of interest

Conflicts of interest pose a critical integrity risk to judicial proceedings that lobbying actors can exploit. At the judicial level, conflict of interest arises when a judge's personal, financial or professional ties could reasonably call their impartiality into question, thereby creating openings for the perception of bias. In contrast, lobbying involves an external actor actively seeking to influence a decision. However, lobbyists may strategically target or amplify judges' latent conflicts of interest to gain influence.

Nepotism

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One dimension of conflicts of interest risk concerns nepotism (Abramson 2004). In Brazil, controversies have long surrounded judges presiding over cases argued by law firms linked to their relatives (Finanzwende Recherche 2022, 42-45). To address

nepotism, the superior court of justice (STJ) issued Súmula Vinculante 13[5] in 2008, prohibiting the appointment of close relatives to commissioned or trust positions in the judiciary and other branches of the public administration. However, the problem reportedly remains acute. A *Folha de S.Paulo* investigation (Folha de S. Paulo 2025) revealed that relatives of sitting STJ judges were involved in billion-real disputes, exerting influence "outside the record" in ways that circumvent disclosure requirements. These intermediaries – often the judges' own children or close kin – are alleged to act as bridge figures for private-sector interests, especially in heavy litigation involving major corporations such as Usiminas, Eldorado Celulose and Grupo Petrópolis. In some instances, large law firms are reported to have faced pressure to associate with these relatives to secure privileged access (Jornal Grande Bahia 2025).

The report linked these practices to the broader *Operação Faroeste*[6] scandal in Bahia, where children of judges acted as intermediaries in systematic influence trading and plea bargains. In one high-profile case, the prosecution's complaint claimed that the magistrate's children were expected to "follow the respective judgements and traffic influence with the judges involved," in exchange for payments of up to R$950,000 (approx. US$190,000) (STJ 2025). Fresh legislative proposals in 2025 again sought to ban close relatives from practising before the same court, underscoring how nepotism persists as an integrity risk within the judiciary and can serve as a channel of access for lobbyists seeking to exert influence (Senado Noticias 2025).

Revolving door

Professional ties present another conflict of interest risk to judicial impartiality, especially through the phenomenon known as the revolving door between the bench and private legal practice (UN General Assembly 2024, 14-15). It is common for lawyers and judges to rotate professionally between private and public employment, which can lead to the cultivation of relationships conducive to lobbying (Zinnbauer 2022a). In its

[5] Since the 2004 constitutional reform, the Brazil supreme federal court has had the power to issue "súmulas vinculantes" (binding precedents), which are statements of consolidated jurisprudence with binding authority over the entire public administration and the judiciary. Súmula Vinculante No. 13, adopted by the STF plenary in 2008 based on cases such as RE 579.951/RN, prohibits the appointment of close relatives (up to the third degree, by blood or affinity, including spouses and partners) of judges or senior officials to commissioned or trust positions as such appointments violate the constitutional principles of impersonality and morality.

[6] The Operação Faroeste scandal, launched in 2019, uncovered a broad corruption scheme within the Bahia state judiciary, involving multiple judges, *desembargadores*, lawyers and land-grabbing entrepreneurs. The scheme cantered on fraudulent land-titling and the sale of judicial decisions, with relatives of magistrates frequently acting as intermediaries between private economic actors and the bench. One prominent case involved *desembargadora* Lígia Maria Ramos Cunha Lima, whose children allegedly negotiated payments of up to R$950,000 (approx. US$190,000) to secure favourable rulings.

rule of law report of Portugal, the European Commission cited concerns over the "temporary exercise of political and public offices by judges, as well as the subsequent return to judicial functions" (European Commission 2023)

Studies have found that when judges later become counsel or when outgoing judges join private firms, their clients often enjoy significantly better outcomes in courts where those judges once served or among colleagues from their former court (Kwok-yin Cheng & Bok-hin Chan 2025; Marcum 2025). For instance, research in China tracking thousands of former judges-turned-lawyers found that their clients had a 8–23 per cent higher likelihood of winning in comparable commercial cases, with the advantage particularly pronounced in the courts where those lawyers had previously served (Liu, Peng, Wang, & Yi Xu 2025, 20-22).

Similar concerns arise in the United States, where a recent study shows that nearly 40 per cent of federal judges departing the bench move almost immediately into private practice, without post-employment restrictions; these transitions (often called the bench-to-practice pipeline) raise questions about whether outgoing judges retain influence or create expectations of special access (Marcum 2025).

Regarding the EU, a study commissioned by the European Parliament documented how rules on revolving doors (among elected or appointed officials, including judicial actors where relevant) differ widely, and how weaker post-employment restrictions correlate with a higher risk of perceived or actual bias in regulatory, administrative or judicial decision-making (European Parliament 2024).

Beyond the formal revolving door between the bench and private practice, networks and affiliations also shape the conflict of interest landscape. Former clerks frequently appear before the judges for whom they once worked, and empirical studies show they enjoy measurable advantages in case outcomes (Feldman 2017). Retired judges continue to wield influence through their prestige and professional capital, often contributing as external advisers or filing briefs in high-profile cases. While these practices are formally transparent and sometimes entirely legitimate, they mobilise relational ties and reputational authority that may create openings for judicial lobbying (Shieh, Szmer & Bird 2025).

Financial conflicts of interest can also pose significant risks. In Germany, investigative work has shown that federal judges earned substantial additional income from paid lectures and publications. One Bundesgerichtshof judge reportedly received nearly €1.8 million between 2010 and 2016, with individual lecture fees reaching €12,500. In several cases, judges co-authored or appeared publicly alongside lawyers who were simultaneously active before their courts, raising concerns about blurred boundaries

between legitimate academic engagement and undue proximity (Finanzwende Recherche 2022, 23-28).

Modern guidance stresses both transparency and the judge's own duty to assess and manage these risks (UK Courts and Tribunals Judiciary 2023). However, the matter is so delicate that, beyond this, even the good practices developed give rise to confusion. The American Bar Association's Formal Opinion 488 (2019), for example, underscores that casual acquaintanceships with parties or lawyers do not automatically trigger recusal, while closer personal friendships may require disclosure depending on the circumstances. Importantly, it allows disqualification to be waived if the parties agree. This demonstrates how personal and social proximity can serve as a channel of influence without ever breaching formal rules.

Mitigation measures

To address judiciary lobbying risks, two principal avenues have been identified as ways of mitigation (Ninua 2012): on one hand, regulating lobbying activities in general (to ensure transparency and oversight of who seeks to influence whom); and on the other, judicial integrity measures that strengthen the ethics and independence of judges so that they can resist undue influence. The following sections explore both strategies – including differences in their application compared to other branches of state – and provide practical examples of countries that have implemented good practices.

Regulation of lobbying activities

The OECD's pioneering Recommendation on Principles for Transparency and Integrity in Lobbying set the benchmark for regulating influence across all branches of government. These principles emphasise transparency, integrity, equal access and accountability in public decision-making. In practice, this means governments should "provide a level playing field by granting all stakeholders fair and equitable access" to policy-makers and ensure that who is attempting to influence whom is made public (OECD 2014, 25). The OECD principles call for measures like lobbyist registries, disclosure of meetings and contributions (the "legislative footprint"), codes of conduct for public officials and lobbyists, cooling-off periods to counter the revolving door and enforcement of conflict of interest rules (OECD 2021).

Transparency International, Access Info Europe, the Sunlight Foundation and the Open Knowledge Foundation issued the international standards for lobbying regulation. These 38 principles set out best practice across transparency, integrity and equality of participation. They stress that lobbying regulation should focus on the activity rather than the actor: any organised attempt to influence a public decision-maker ought to fall within disclosure rules. While the standards are framed primarily with executive and legislative decision-making in mind, the underlying principles could be relevant to other branches. The standards also call for lobbying registers, publication of "legislative footprints" showing who influenced which decision, and complementary safeguards such as asset declarations and revolving door restrictions (Transparency International 2016).

Nevertheless, initiatives to regulate lobbying have mostly focused on activities targeting the executive and legislative branches (OECD 2021) and not many countries have clear frameworks in place of lobbying of the judicial branch. In their review of select

jurisdictions, Levush (2023: 3-5) found that as of 2023,[7] Austria, Chile, Estonia, Slovenia and Slovakia have legislation in place against lobbying the judicial branch (Levush 2023, 3-5). However, the coverage provided by these instruments is arguably not comprehensive as they contain exceptions and/or gaps.

In Austria, the Lobbying and Representation of Interests Transparency Act (2012) was interpreted to cover judicial "decision processes";[8] however, an exception is made for lawyers' activities. Chile's Law No. 20,730 (2014) extends lobbying regulation to the administrative agency of the judicial branch, obliging it to maintain a public registry of lobbying activities, while expressly excluding core judicial functions such as courtroom advocacy and amicus curiae participation when those actions are inherent to the judicial or administrative process (Levush 2023, p. 8). Slovenia's Integrity and Prevention of Corruption Act (2010, amended 2011) recognises that constitutional court judges, other judges and state attorneys can be targets of lobbying, but it explicitly excludes judicial decision-making from the scope of the act; the law only applies to non-judicial decisions of the judiciary (such as administrative or personnel matters) (Levush 2023).

Other countries have opted for non-legislative or hybrid instruments. In Estonia, the Good Practice of Communication with Lobbyists Guidelines (2021) requires judges to avoid conflicts of interest, including cooling-off restrictions before moving into lobbying roles, reinforced by the Code of Conduct of Estonian Judges (2004, amended in 2019). The Slovak Republic regulates through the Constitutional Act on the Protection of Public Interest (2004, amended in 2005), which applies to senior judicial officials and prohibits the misuse of office or confidential information for private gain.

In other jurisdictions, initiatives to regulate the lobbying of judicial actors are ongoing. In Brazil, a bill was approved by the chamber of deputies in 2022 to regulate lobbying before all three branches, including the judiciary. If enacted,[9] it would oblige lobbyists to register, disclose clients and report contacts with judges and court officials; however, article 9, III states that lawyers' conducts do not fall within the lobbying regulation parameter.

[7] Levush carried out this study as a comparative legal survey prepared by the Law Library of Congress research staff. It did not attempt to cover every country in the world but selected a broad set of jurisdictions (including Europe, the Americas, Asia and Oceania) to identify those with legislation or bills regulating lobbying in the judiciary.

[8] It is complemented by the criminal code provision against "illicit intervention", which criminalises undue influence over judges with penalties of up to two years' imprisonment.

[9] As of November 2025, the bill still awaits approval by the senate after being first introduced in 2007 (Câmara dos Deputados 2025).

In Colombia, bill PL 410 2021 intends to ban lobbying in the judiciary altogether, though critics argue that absolute prohibitions risk criminalising legitimate participation (Levush 2023, 8). In this regard, the Colombian bill proposes regulating lobbying mainly through the creation of a mandatory public registry of lobbyists, administered by the Procuraduría General De La Nación. Lobbyists would be required to register their activities, clients and meetings with public officials, while authorities must verify and validate this information. The bill also establishes disclosure obligations (including information on sponsored travel), a "lobbying footprint" report to trace influence on decisions and sanctions such as fines, suspension from the registry or publication of violations. Importantly, it expressly bans lobbying in judicial decision-making, limiting its application in the judiciary to administrative functions only.

Judicial integrity measures

Judicial integrity and ethics[10] standards that have been promulgated, many of which can also serve to mitigate the risks of lobbying judicial actors. For example, a basic principle is that judges are expected to give a reasoning for their decisions; this can make it more difficult to disguise any influence they have been exposed to (Centro de Estudos Judiciários – Portugal 2022); similarly, the randomised assignment of cases to judges can decrease the risk they adjudicate over a case in which they have a conflict of interest (Clapham 2025).

The Bangalore Principles of Judicial Conduct provide the clearest global statement on judicial ethics. They enumerate independence, impartiality, integrity, propriety, equality, competence and diligence as the core values of the profession. Importantly, they underscore that judges must avoid not only actual impropriety but also the appearance of impropriety. This dual standard is crucial in the context of lobbying: even if a judge is not in fact swayed, undisclosed interactions with interest groups erode public confidence. The UNODC Commentary on the Bangalore Principles (2007) further stresses that judges must disclose and recuse themselves whenever impartiality might reasonably be questioned. The UN Basic Principles on the Independence of the Judiciary urge states to shield judges from "any inappropriate or unwarranted interference".

[10] There are a wide range of such measures to protect and foster judicial integrity. In order to manage scope, these are not all covered in this Helpdesk Answer. For more detail, readers are invited to consult the Bangalore Principles as well as other sources, including: Transparency International. 2015. Integrity of Public Officials in EU Countries: International Norms and Standards.; UNODC. 2011. Resource Guide on Strengthening Judicial Integrity and Capacity.

The rest of this section describes some of the key judicial integrity measures relevant to lobbying risks.

Disclosure of events, training and hospitality

The Bangalore Principles of Propriety state that judges should avoid soliciting and accepting gifts[11] as well as limit their personal relations with individual members of the legal profession who may be active in their court (UNODC 2018). The principles state that judges can participate in activities concerning the law, but this should be subject to the proper performance of judicial duties. The UNODC Commentary on the Bangalore Principles (2007) provides useful guidance to judges to observe these principles; they also stress the importance of transparency and disclosure requirements.

UNODC's review carried out in 2017 found that over half of the jurisdictions surveyed worldwide required supreme court judges or equivalent officials to file declarations of income and assets, although disclosure rules and public accessibility varied significantly across countries (UNODC 2017).

Rules on asset disclosure could differ both by level of judge and by jurisdiction, and recent reforms show increasing pressure to bring the senior judiciary under stricter standards. In the United States, for instance, the Ethics in Government Act (EIGA) requires supreme court justices and other federal judges to file financial disclosure statements, which are publicly available, including the disclosure of gifts, other income, liabilities and significant transactions. Recent legislation (Courthouse Ethics and Transparency Act 2022) has further mandated that those disclosures be made accessible via a searchable online database and that judges report significant securities transactions within 45 days (Novak 2023). By contrast, at the US state level, many supreme court justices are subject to annual disclosure obligations, but these are often less accessible: some states do not post disclosures online; others require only limited financial information. A 2024 study found that many state supreme court disclosure regimes lack sufficient detail or transparency requirements (Roth 2024).
In India, following a full court resolution adopted in April 2025, judges of the supreme court are required to file and publish asset disclosures on the court's official website, thereby formalising a practice that until recently was voluntary and not systematically accessible to the public (Hindustan Times 2025).

[11] The Bangalore Principles caveat this is "subject to law and to any legal requirements of public disclosure, a judge may receive a token gift, award or benefit as appropriate to the occasion on which it is made provided that such gift, award or benefit might not reasonably be perceived as intended to influence the judge in the performance of judicial duties or otherwise give rise to an appearance of partiality".

Nevertheless, Da Silva (2020) notes that, in some countries, disclosure requirements for judges are unclear (including for events and hospitality). In response to increased public scrutiny over Supreme Court Justice Thomas, the US has recently expanded the disclosure requirements for judges who must now disclose all travel related gifts such "as free trips" (Strawbridge Robinson 2024). Further, in the US, the Privately Funded Seminars Disclosure System "requires educational program providers and judges to disclose certain information relevant to judges' attendance at privately-funded educational programs". As alluded to, academic research in legal studies can also be a conduit for influence when it is funded by private interests, making it important that funding for such research is accompanied with transparency safeguards (Camacho 2021).The judge and disclosure database run by the nonprofit Free Law Project law project synthesises information from US judge disclosure forms and identifies more than 1,900 gifts received by federal judges. Transparency measures may help equip civil society and media actors to carry out oversight of judges and flag potential lobbying risks.

Merit-based and transparent appointment and promotion processes

While the Bangalore Principles do not explicitly address appointment and promotion processes, they stress that judges need to be independent, including from influence by the executive and legislative branches of government (UNODC 2018). Furthermore, comparative research and international standards converge on the need to embed safeguards of merit, transparency and accountability throughout the judicial appointments selection process.

In appointment-based systems, best practice requires the prior publication of objective criteria such as competence, integrity and impartiality, alongside the open advertisement of vacancies and candidate lists. Independent commissions, composed in a pluralistic manner and shielded from executive dominance, are frequently recommended to counterbalance informal pressure (France 2023). Bulgaria's "transparent judicial appointments" reforms (starting in 2012) have been recognised by the European Union as a good practice, pairing asset disclosures and integrity screening with public hearings (European Union 2015). Integrity vetting, including asset disclosures and conflict of interest screening (described in more detail below), are also increasingly viewed as measures to maintain integrity in judicial appointments and promotions (France 2023, 14).

Where judges are elected rather than appointed, an additional set of risks arises from the financing of campaigns. Empirical evidence from the United States shows that state judicial races have attracted unprecedented levels of spending, with outside interest

groups accounting for a growing share of expenditures (Keith 2024). Transparency in campaign finance is therefore indispensable. Mandatory and timely disclosure of contributions and expenditures, restrictions on anonymous funding and independent oversight by electoral or ethics commissions are crucial to mitigate the perception and reality of judicial indebtedness to donors (Corriher 2012).

Conflict of interest and recusal rules

The Bangalore Principles hold that judges should inform themselves about their personal and fiduciary financial interests and make reasonable efforts to be informed about the financial interests of members of their family; furthermore, judges should not allow their family or social relationships to improperly influence their conduct (UNODC 2018). The UNODC 2017 commentary describes how, to observe this, judges need to disclose conflicts of interest and potentially divest themselves of such interests and/or recuse themselves of proceedings.

In some jurisdictions, these obligations are codified in detail. In Spain, Article 219 of the organic law of the judiciary lists sixteen grounds for abstention and recusal, including kinship up to the fourth degree with any party, lawyer or representative, as well as "intimate friendship or manifest enmity" with those involved. France takes a similar approach: Article L111-6 of the *code de l'organisation judiciaire* mandates recusal where there is kinship, marriage or friendship/enmity ties with parties or counsel. In Brazil, Chapter II of Title IV of the code of civil procedure requires judges to recurse themselves where a spouse or relative up to the third degree acts as party, lawyer or witness, or where intimate friendship or enmity exists with participants in the proceedings

Yet practice demonstrates that codified recusal rules are not always sufficient. In Brazil, for instance, repeated scandals have arisen around private legal practices of children and spouses of sitting supreme court and superior court judges. Despite the national legal prescriptions, da Silva (2020, 781) argues it does not clearly address situations where relatives operate powerful law firms litigating repeatedly before the courts in which their family members sit as judges have broad discretion to recuse themselves.

ProPublica (2024) argues that reliance on judicial self-policing is insufficient: much depends on the individual judge's ethical standards and subjective assessment of whether impartiality might reasonably be questioned. This results in inconsistent application of the law and undermines public confidence in judicial independence. Thorley (2022) similarly shows, through a field experiment, that self-recusal and disclosure are rarely invoked in practice, confirming that reliance on judicial discretion is insufficient to safeguard perceptions of fairness (Thorley 2022).

To mitigate these risks, scholars and oversight bodies (see Thorley 2022; da Silva 2020; Herrero and López 2010) recommend stronger transparency obligations, such as mandatory disclosure of relevant family and financial ties, public reporting of recusals and external monitoring or appeal mechanisms. For example, in the UK, judges are responsible for recusing themselves; however, appeal courts and the judicial conduct investigations office can investigate judges who failed to declare a potential conflict of interest if the case "was so serious as to raise a question of judicial misconduct" (Courts and Tribunals Judiciary 2023).

Cooling-off and pre-employment restrictions and revolving door controls

The debate over revolving door practices and the introduction of cooling-off periods is gradually extending to the judicial sphere. While the Bangalore Principles do not explicitly address the issue, the UNODC commentary makes several references; for example, that pre-employment as a lawyer or in another role, as well as offers of post-judicial employment, may cause bias and be grounds for disqualifying a judge from a case (UNODC 2007).

The 2024 study Rules on 'Revolving Doors' in the EU: Post-Mandate Restrictions on Members of EU Institutions and Parliamentarians in Member States maps out the diversity of post-mandate regimes across the EU. It highlights that robust cooling-off periods, strict disclosure of new activities and independent oversight are essential to prevent former officials, including judicial actors where relevant, from leveraging insider knowledge and networks for undue influence (European Parliament 2024, 15).

France provides a concrete, statutory cooling-off rule for judges. Article 9-1 of the 1958 *ordonnance* on the status of the judiciary bars sitting and former magistrates from practising as a lawyer, notary, *commissaire de justice* (bailiff/auctioneer successor), court registrar of a commercial court, judicial administrator or insolvency representative, or from working for any member of those professions where they could end up appearing in a court where they served in the previous five years. The provision is enforced in practice (see CSM disciplinary decision S183), and French case-law has clarified its territorial scope when former judges seek admission to nearby bars (for example, Conseil d'État, no. 409633). The rule's stated design is to avoid proximity based conflicts in the judges' former jurisdictions and thus preserve appearances of impartiality.

In Germany, the Federal Administrative Court (BVerwG) held in 2017 that it is legitimate to impose a cooling-off period on retired judges before they may appear as lawyers before the courts where they formerly served, in order to preserve public confidence in judicial impartiality. The judgement (BVerwG, Urteil vom 04.05.2017 – 2 C 45.16) clarified that such restrictions may only extend to visible acts of representation, not to behind-the-scenes advisory work. While not issued by Germany's federal constitutional court, it nevertheless constitutes a significant precedent in the regulation of post-employment conflicts of interest in the judiciary.

Comparatively, pre-employment restrictions for the judiciary appear to be less regulated and, while appointment and nomination processes may consider different criteria to assess the suitability of candidate judges, a survey of the literature carried out for this Helpdesk Answer did not identify blanket restrictions on a particular kind of employment.

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