

**American Bar Association
CPR Policy Implementation Committee**

Comparison of ABA Model Judicial Code and State Variations

Preamble	
	<p>[1] An independent, fair and impartial judiciary is indispensable to our system of justice. The United States legal system is based upon the principle that an independent, impartial, and competent judiciary, composed of men and women of integrity, will interpret and apply the law that governs our society. Thus, the judiciary plays a central role in preserving the principles of justice and the rule of law. Inherent in all the Rules contained in this Code are the precepts that judges, individually and collectively, must respect and honor the judicial office as a public trust and strive to maintain and enhance confidence in the legal system.</p> <p>[2] Judges should maintain the dignity of judicial office at all times, and avoid both impropriety and the appearance of impropriety in their professional and personal lives. They should aspire at all times to conduct that ensures the greatest possible public confidence in their independence, impartiality, integrity, and competence.</p> <p>[3] The Model Code of Judicial Conduct establishes standards for the ethical conduct of judges and judicial candidates. It is not intended as an exhaustive guide for the conduct of judges and judicial candidates, who are governed in their judicial and personal conduct by general ethical standards as well as by the Code. The Code is intended, however, to provide guidance and assist judges in maintaining the highest standards of judicial and personal conduct, and to provide a basis for regulating their conduct through disciplinary agencies.</p> <p>Sixteen (16) states have identical language (AZ, AR, CO, IN, IA, KS, MN, MO, MS, MT, NV, NH, OH, OK, TN, WY) Six (6) states have similar language (CT, HI, MD, NE, NY, UT) Two (2) states have different language (DE and WA)</p>
AL	
AK	
AZ Effective 9/1/09	Identical
AR Effective 7/1/09	Identical
CA	
CO (as pro- posed)	Identical
CT Effective	[3] Deletes “and judicial candidates” throughout; Adds “in matters affecting the performance of their judicial duties and the fair and efficient operation of the courts or other tribunals on which

<p>1/1/2011</p>	<p>they serve” after “judges”; Inserts “Although” before “it is not intended”; replaces “are governed” with “must be guided”; replaces “in their judicial and personal conduct” with “in their professional and personal lives”; Deletes last sentence, replaces with “it is intended to assist judges in maintaining the highest standards of professional and personal conduct, as it affects their judicial work.”</p>
<p>DE Effective 11/1/08</p>	<p><i>This Code shall constitute the “Canons of Judicial Ethics” referenced in the Delaware Constitution, Article IV, Section 37.</i></p> <p><i>This Code is designed to provide guidance to judges and nominees for judicial office. The Code will also establish standards of conduct for application in proceedings pursuant to Article IV, Section 37 of the Delaware Constitution, which provides, in pertinent part:</i></p> <p><i>“A judicial officer may be censured or removed by virtue of this section for wilful misconduct in office, wilful and persistent failure to perform his or her duties, the commission after appointment of an offense involving moral turpitude, or other persistent misconduct in violation of the Canons of Judicial Ethics as adopted by the Delaware Supreme Court from time to time.”</i></p> <p><i>It is not intended that disciplinary action would be appropriate for every violation of the Code’s provisions. Whether disciplinary action is appropriate, and the degree of discipline to be imposed, should be determined through a reasonable application of the text and should depend on such factors as the seriousness of the violation, the intent of the judge, whether there is a pattern of improper activity, and the effect of the improper activity on others or on the judicial system. Any person subject to this Code may request an advisory opinion on proper judicial conduct with respect to this Code. A judge who has requested and relied upon such an opinion shall be entitled to introduce that opinion in any proceeding in the Court on the Judiciary as evidence that conduct conforming to the opinion is prima facie permissible. See Delaware Judicial Ethics Advisory Committee Rules 4(a) and 5(c) and Court on the Judiciary Rule 13(c).</i></p> <p><i>Many of the proscriptions in the Code are necessarily cast in general terms, and it is not suggested that disciplinary action is appropriate where reasonable judges might be uncertain as to whether or not the conduct is proscribed. Furthermore, the Code is not designed or intended as a basis for civil liability or criminal prosecution. Finally, the purpose of the Code would be subverted if the Code were invoked by lawyers for mere tactical advantage in a proceeding. The Canons are rules of reason. They should be applied in a manner consistent with constitutional requirements, statutes, other court rules and decisional law and in the context of all relevant circumstances. The Code is to be construed so as not to impinge on the essential independence of judges in making judicial decisions.</i></p> <p><i>This Code has been reformatted and its provisions renumbered to conform to the format and numbering of the American Bar Association 2007 Model Code of Judicial Conduct. Its text is based on Delaware’s 1974 adaptation of the ABA’s 1972 Model Code of Judicial Conduct, revised in 1993, following the promulgation of the ABA’s 1990 Model Code of Judicial Conduct. The current text is revised only slightly from the Delaware Code of Judicial Conduct adopted in 1993.</i></p>
<p>DC (as pro- posed)</p>	<p>Identical</p>
<p>FL</p>	
<p>HI Effective</p>	<p>[3]: deletes “and judicial candidates” from first and second sentences</p>

1/1/09	
ID	
IL	
IN Effective 1/1/09	Identical
IA Effective 5/3/10	Identical
KS Effective 3/1/09	Identical
KY	
MD Effective 7/1/10	C-101: Adds “composed of men and women of integrity who will interpret and apply the law that governs our society” after “impartial judiciary;” Deletes second sentence beginning with “The United States legal system;” C-103: Replaces “the Model Code” and “the Code” with “this code” throughout. (Parts of the Model Code Preamble serve as the basis of Section A-108 of “A. GENERAL PROVISIONS” of the Maryland Code “GENERAL PROVISIONS, DEFINITIONS, AND PREAMBLE” section.)
MA	
MI	
MN Effective 7/1/09	Identical
MS (as pro- posed)	Identical
MO Effective 1/1/2012	[2] Deletes “at all times” throughout the section;” deletes “in their professional and personal lives” at the end of the first sentence [3] Deletes “Model” before “Code of Judicial Conduct”
MT Effective 1/1/09	Identical
NE Effective 1/1/2011	[1] Replaces “United States” with “Nebraska” [3] Replaces “Model Code” with “Nebraska Revised Code”
NV Effective 1/19/10	Identical
NH Effective 4/1/2011	Identical
NJ	

<p>NM (as proposed)</p>	<p>[2]: Adds at the end: <i>At the same time, the Code recognizes that a judge’s participation in community activities provides important benefits to both society and to the judge’s personality. The Code seeks to strike a balance between activities that may create an appearance of impropriety or bias and therefore affect the public’s perception of judicial fairness and those activities that are a part of necessary and healthy public life. Judges often are asked to participate in activities on behalf of charitable non-profit organizations. The Code permits such activities with certain limitations, primarily relating to fund-raising activities. A judge should always be mindful to avoid any participation that would create the appearance of impropriety or lend the prestige of judicial office to private, fund-raising activities.</i></p> <p>[3] Refers to “The Code of Judicial Conduct” instead of “The Model Code of Judicial Conduct”</p>
<p>NY (as proposed)</p>	<p>[3] Replaces “It is not intended” with “These Rules are not intended;” changes “the Code” to “the Rules” throughout.</p>
<p>NC</p>	
<p>ND (as proposed)</p>	<p>[3] Refers to “The Code of Judicial Conduct” instead of “The Model Code of Judicial Conduct;” Replaces “the highest” with the “high” standards in the last sentence</p>
<p>OH Effective 3/1/09</p>	<p>Identical</p>
<p>OK Effective 4/15/2011</p>	<p>Identical</p>
<p>OR</p>	
<p>PA</p>	
<p>SD</p>	
<p>TX</p>	
<p>TN (as proposed)</p>	<p>Identical</p>
<p>UT Effective 4/1/10</p>	<p>[3]: replaces “disciplinary agencies” with “the judicial disciplinary system”</p>
<p>VT</p>	
<p>VA</p>	
<p>WA Effective 1/1/11</p>	<p>[3] Inserts “Washington State” before Code of Judicial Conduct; State Code deletes “for the conduct of judges and judicial candidates” after “as an exhaustive guide;” replaces “through disciplinary agencies” with “through the Commission on Judicial Conduct.”</p>
<p>WV</p>	
<p>WI</p>	
<p>WY Effective 7/1/09</p>	<p>Identical</p>

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