| **Scope** | [3] Deletes “Comments neither add to nor subtract from the binding obligations set forth in the Rules. Therefore, when”. Adds: “The Comments should be read in conjunction with the Rules and as aids to the interpretation and application of the Rules. When”

Adds [8]: **Standard Citation Format. Citations to a Rule of Judicial Conduct (“RJC”) in this Code shall be in the following format:** Tenn. Sup. Ct. R. 10, RJC |
| **Terminology** | “Contributions”: Deletes “or volunteer” in first sentence. Adds: “Contribution” includes but is not limited to a contribution as defined by Tennessee Code Annotated section 2-10-102(4). See RJC’s 2.11, 2.13, 3.7, 4.1, and 4.4.”

“Judicial Candidate”: Adds: “Judicial Candidate” includes but is not limited to a” candidate” as defined by Tennessee Code Annotated section 2-10-102(3).

Adds: “Judicial Settlement Conference” means a mediation conducted by a judicial officer as defined in Tenn. Sup. Ct. Rule 31.”

“Personally Solicit”: Inserts “in person” before “letter”; Adds “including electronic communication” after “communication” to end.

“Law”: Adds: “rules and regulations,” after constitutional provisions,

“Member of the judge’s family”: Adds “adoption” after by blood.

“Personally solicit”: Adds “in person or” after “whether made”. Adds: “, including electronic communication” at end.

“Political Organization”: Adds: “Political Organization” includes but is not limited to an affiliated political campaign committee as defined by Tennessee Code Annotated section 2-10-102(1), a multi-candidate political campaign committee as defined in Tennessee Code Annotated section 2-10-102(9) and a political campaign committee as defined in Tennessee Code Annotated 2-10-102(12).” |
| **Application I** | (A) Changes “Parts II through V of this section” to “Parts III through V of this section”; changes “four distinct categories of part time judges” to “three categories of part time judges”; Deletes “All other before Rules and adds:|
“that do not appear in Sections III through V”; changes “four categories of judicial service” to “three categories of judicial service.”

(B) Inserts “but not limited to” between “including” and “an officer”; Deletes “justice of the peace”; adds “referee”; adds “judicial commissioner” after “court commissioner”; replaces “or member of the administrative law judiciary” with “or an administrative judge or hearing officer.”

[3] Adds: “Some states, including Tennessee, have created courts in which judges are authorized by court rules to act in nontraditional ways.”; Deletes sentence “When local rules specifically authorize… provisions set forth in the Code.”; Deletes “Nevertheless” before “judges”; replaces “problem solving” with “such courts”; replaces “local rules” with “laws or court rules”; Adds “See Rule 2.9 Comment [4].”

Adds [4] The Secretary of State, in accordance with Tennessee Code Annotated section 4-5-321 (b) adopted a code of conduct for all administrative judges and hearing officers: Tenn. Rules and Regs. Ch. 1360-4-1-20 Code of Judicial Conduct

Unless otherwise provided by law or clearly inapplicable in context, the Tennessee Code of Judicial Conduct, Rule 10. Canons 1 through 4, of the Rules of the Tennessee Supreme Court, and any subsequent amendments thereto, shall apply to all administrative judges and hearing officers of the State of Tennessee. However, any complaints regarding any individual administrative judge’s or hearing officer’s conduct under the code shall be made to the chief administrative judge or hearing officer or other comparable entity with supervisory authority over the administrative judge or hearing officer, and any complaints about the chief administrative judge or hearing officer shall be made to the appointing authority. The provisions of Tennessee law dealing with the Court of the Judiciary are not applicable to administrative judges and hearing officers of the State of Tennessee. See Tenn. Code Ann. Title 17, Chapter 5.

[5] This provision does not apply to special commissioners performing nonjudicial functions.

<table>
<thead>
<tr>
<th>Application</th>
<th>Title: Senior Judge</th>
</tr>
</thead>
<tbody>
<tr>
<td>II</td>
<td>A judge designated as a senior judge or justice, who by law is not permitted to practice law, is required to comply with the provision of this Code to the same extent as a full time judge.</td>
</tr>
<tr>
<td></td>
<td>[1] For the purposes of this section, a senior judge is considered to “perform judicial functions.” Tennessee Code Annotated section 17-2-302 specifically prohibits senior judges from practicing law and further requires their compliance with this Code.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Application</th>
<th>Adds: is a “continuing part time judge” after “continuing appointment.”</th>
</tr>
</thead>
<tbody>
<tr>
<td>III</td>
<td>Replaces phrase “including a retired judge… permitted to practice law” and section (A) with “These include, but are not limited to, part-time general sessions judges, part-time juvenile judges, part-time judges, magistrates, referees, and judicial commissioners in the general sessions, juvenile, municipal and other courts. A continuing part-time judge:” (A) is not required to comply at any time with RJC's 3.4 (Appointments to</td>
</tr>
<tr>
<td>Application</td>
<td>Does not have</td>
</tr>
<tr>
<td>-------------</td>
<td>---------------</td>
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</tbody>
</table>
| Application V | (A) Changes Rules to “RJCs”.  
(B) Changes Rules to “RJCs”. |
| Application VI | Adds sentence to end: “To the extent such activities are related to the judge’s law practice, the 180 day requirement related to the winding up of a law practice applies.  See RJC 3.10 and Comment [2] thereto.”  
[1] Adds sentence to end: “To the extent such activities are related to the judge’s law practice, the 180 day requirement related to the winding up of a law practice applies.  See RJC 3.10 and Comment [2] thereto.” |

| Canon 1 | Identical |
| Rule 1.1 | Identical |
| Rule 1.2 | Identical |
| Rule 1.3 | [2]: Adds sentence: “A judge may use official letterhead if the judge’s professional knowledge is germane to the purpose of the letter, such as writing a letter of recommendation for a former law clerk or a letter of recommendation for admission to law school.”  
Adds [5]: “Activities permitted by other provisions of these Rules do not fall within the scope of RJC 1.3.  See, e.g., RJCs 3.7, 3.13, 3.14, 4.1, and 4.4. For example, a judge may attend or purchase tickets for dinners or other events sponsored by a political organization or a candidate for public office, may publicly identify himself or herself as a candidate of a political organization, and may seek, accept, or use endorsements from a political organization without violating RJC 1.3.” |

| Canon 2 | Identical |
| Rule 2.1 | Deletes words “all of”.  
Adds: [3] With respect to time devoted to personal and extrajudicial activities, this Rule must be construed in a reasonable manner. Family obligations, illnesses, emergencies, and permissible extrajudicial activities may require a judge's immediate attention. Attending to those obligations and situations, temporary in nature, is not prohibited by this Rule. |
| Rule 2.2 | Identical.  
| Rule 2.3 | Identical |
| Rule 2.4 | (A): Adds “partisan interests;” before “public clamor” |
| Rule 2.5 | (A) Inserts “promptly” between “competently” and “diligently”  
Adds [5]: A judge is required by law to promptly dispose of cases. See e.g., Tenn. Code Ann. §20-9-506 (in a non-jury case, judge must render decision |
and enter judgment within sixty days of completion of trial); Tenn. Code Ann. §40-30-111(d) (court must rule within sixty days of conclusion of proof; final disposition of capital case must be made within one year of filing of petition); S. Ct. R. 11, §111(c) (no case may be held under advisement for more than sixty days; motions or other decisions that delay trial or final disposition shall not be held under advisement for more than thirty days, absent most compelling of reasons).

 Adds [6]: [6] A judge should be willing to lend assistance to fellow judges in his or her district or contiguous districts when needed because of death, illness, recusal or case overload. Judges have an affirmative duty to interchange and, by Supreme Court policy, have an obligation to interchange in contiguous judicial districts if needed. See Tenn. Code Ann. 17-2-202, Tenn. Code Ann. 5 16-2-509(d) and (e), Tenn. S. Ct. R. 11, 5 VII(c), and Supreme Court Policy 4.01 (Nov. 1, 2001). General sessions court judges have the same duty to interchange. Tenn. Code Ann. 5 16-15-209(a)(l) and Tenn. Code Ann. 5 17-2-208. Presiding judges have the necessary obligation and authority to reassign cases and judges within their districts. Tenn. Code Ann. 5 16-2-509(c), Tenn. Code Ann. 5 17-2-109 and Tenn. S. Ct. R. 11, 5 III. The Supreme Court may designate and reassign judges as necessary. Tenn. Code Ann. 5 16-3-502(3)(A), Tenn. Code Ann. 4 16-2-509(c), Tenn. Code Ann. 17-2-1 10 and Tenn. S. Ct. R.II, 5 IV.

**Rule 2.6**

(B) Changes to: A judge may encourage settlement of disputed matters in a proceeding but shall not act in a manner that coerces any party into settlement. A judge who participates in a judicial settlement conference shall not preside over the trial or any other contested issue in that matter.

[2]: Replaces “The judge plays an important role…” to “…after settlement efforts are unsuccessful” with sentence “If a judge participates in the settlement of disputes, he or she should be careful that efforts to further settlement do not undermine any party’s right to be heard according to law.”

[3]: Information obtained by a judge during a judicial settlement conference is not subject to the safeguards of the rules of evidence and procedure and may place the trial judge in an untenable position as to the motions for new trial; judgment notwithstanding the verdict; additurs and remitturs: credibility determinations; or other issues in which the judge may not be able to ignore facts that he or she learned during the settlement proceeding. Therefore, it is not appropriate for the same judge to participate in a judicial settlement conference and, if such proceeding does not result in the resolution of the matter, to subsequently preside over the trial of the same matter or participate in other contested matters. See also Rule 2.11(A)(6).

Adds [4]: A judicial settlement conference, as discussed in this Rule, is a mediation conducted by a judicial officer as defined in Tenn. Sup. Ct. Rule 3 1. A judicial settlement conference does not include scheduling conferences or other pretrial conferences. See ,e.g,Tenn. R. Civ. P. 16 and Tenn. R. Crim. P. 17.1.

**Rule 2.7**

Identical

[1]. First sentence same. Then changes to: Unwarranted disqualification may
bring public disfavor to the court and to the judge personally. The dignity of the court, the judge's respect for fulfillment of judicial duties, and a proper concern for the burdens that may be imposed upon the judge's colleagues require that a judge not use disqualification to avoid cases that present difficult, controversial, or unpopular issues. There are times, however, when disqualification is required to protect the rights of litigants and preserve public confidence in the independence, integrity, and impartiality of the judiciary.

**Rule 2.8**

(C): Adds “…but may express appreciation to jurors for their service to the judicial system and the community” to end.  
[3]: Deletes “who is not otherwise prohibited by law from doing so”

**Rule 2.9**

(A)(2): Deletes “written” before “advice”; deletes “advance” before “notice”; deletes “to be” between “person” and “consulted”; replaces “and the subject matter of the advice to be solicited” with “and the substance of the advice”; deletes “to object” after “opportunity”; deletes “to the notice” after “respond”  
(A)(3): A judge may consult with court staff and court officials whose functions are to aid the judge in carrying out the judge’s adjudicative responsibilities, or with other judges, provided the judge makes reasonable efforts to avoid receiving factual information that is not part of the record, and does not abrogate the responsibility personally to decide the matter.  
(A)(4): Did not adopt  
(B): Deletes “inadvertently” between “judge” and “receives”  
[1]: Adds sentence: “A judge may also direct judicial staff, without invoking the notice and disclosure provisions of this rule, to screen written ex parte communications and to take appropriate action consistent with this rule.”  
[4]: Deletes “expressly” before “authorized”; replaces clause “such as when serving…drug courts” with “or when serving on a mental health court or a drug court”; Adds sentence: “However, if this ex parte communication becomes an issue at a subsequent adjudicatory proceeding in which the judge is presiding, the judge shall either (1) disqualify himself or herself if the judge gained personal knowledge of disputed facts under 2.11(A)(1) or the judge’s impartiality might reasonably be questioned under 2.11(A) or (2) make disclosure of such communications subject to the waiver provisions of Rule 2.11C).”

**Rule 2.10**

Identical

**Rule 2.11**

(A)(4): Replaces “previous…or an entity]” with “has made contributions or given such support to the judge’s campaign that the judge’s impartiality might be reasonably questioned”  
(A)(6)(d): Changes “in another court” to “in an inferior court”  
Adds (A)(6)(e): previously participated in a judicial settlement conference in the matter. This does not prohibit the judge from disposing of any uncontested issues in the matter.  
Adds (D): Upon the making of a motion seeking disqualification, recusal, or a determination of constitutional or statutory incompetence, a judge shall act promptly by written order and either grant or deny the motion. If the motion
is denied, the judge shall state in writing the grounds upon which he or she
denies the motion.

[2] Reads: A judge is obligated not to hear or decide matters in which
disqualification is required, even though a motion to disqualify is not filed.

Adds [7]: The fact that a lawyer in a proceeding, or a litigant, contributed to
the judge’s campaign, or supported the judge in his or her election does not
itself disqualify the judge. Absent other facts, campaign contributions
within the limits of the “Campaign Contributions Act of 1995,” Tennessee
Code Annotated Title 2, Chapter 10, Part 3, or similar law should not result
in disqualification. However, campaign contributions or support a judicial
candidate receives may give rise to disqualification if the judge’s
impartiality might reasonably be questioned for this reason, a judge should
consider the following factors among others:

(1) The level of support or contributions given, directly or indirectly, by a
litigant in relation both to aggregate support (direct and indirect) for the
individual judge’s campaign and to the total amount spent by all candidates
for that judgeship;

(2) If the support is monetary, whether any distinction between direct
contributions or independent expenditures bears on the disqualification
question;

(3) The timing of the support or contributions in relation to the case for
which disqualification is sought; and

(4) If the supporter or contributor is not a litigant, the relationship, if any,
between the supporter or contributor and (i) any of the litigants, (ii) the issue
before the court, (iii) the judicial candidate or opponent, and (iv) the total
support received by the judicial candidate or opponent and the total support
received by all candidates for that judgeship.

Adds [8]: Trial judges sometimes sit by designation on courts of appeal, and
vice versa. Such judges should not hear cases over which they presided in a
different court, and paragraph A(6)(d) makes that clear. This Rule, however,
applies only to judges who have heard the case in “an inferior court”, and
does not apply to a judge who decided a case on a panel of an appellate
court subsequently participating in the rehearsing of the case en banc with
that same court.

Adds [9]: There are several bases upon which a judge should determine
whether to preside over a case. These include this Rule, Tennessee
Constitution Article VI, Section 11 (incompetence) and Tenn. Code Ann.
Title 17, Chapter 2 (incompetence, disability and interchange). This Rule
requires judges to employ constitutional, statutory and procedural rules to
determine motions for issues related to whether the judge should preside
over a case. For example, Tenn. Sup. Ct. R. 10B governs the filing and
disposition of motions for disqualification or recusal, as well as appeals
from the denial of such motions.

Adds [10]: In rare instances, a motion for recusal might seek the recusal of
all judges sitting as a multi-judge court (i.e., an intermediate appellate court
or the Supreme Court). Paragraph (A) of this Rule provides that "[a] judge
shall disqualify himself or herself in any proceeding in which the judge's impartiality might reasonably be questioned." Also, the specific grounds for disqualification listed in this Rule necessarily apply to individual judges. For both reasons, a motion seeking to recuse all members of a multi-judge court must be treated as an individual motion as to each judge of the court; each judge therefore must rule upon the motion as to the alleged grounds pertaining to that individual judge.

Adds [11]: In courts not of record, such as general sessions and municipal courts, a written notation on the judgment, warrant, citation or other pleading before the court is sufficient to meet the requirements in paragraph (D) that the judge file a "written order" and, if denying the motion, that "the judge shall state in writing the grounds upon which he or she denies the motion." In those courts, no separate order regarding the motion need be filed by the judge.

Rule 2.12

[2]: Adds: For further guidance on supervisory duties, see Tennessee Code Annotated section 16-2-509(b) (duties of the presiding judge) and other applicable laws, such as Metropolitan Nashville Charter § 14.09A.

Rule 2.13

Title: Administrative Responsibilities

(B) First sentence, adds “, the lawyer’s firm,” between lawyer and or the lawyer’s spouse . . . Replaces clause “has contributed more...matter, unless” with “has made contributions or given such support to the judge’s campaign that the judge’s impartiality might be questioned, or learns of such contribution or support by means of a timely motion by a party or other person properly interested in the matter, unless:”

(B)(2): Adds “or given support” after “contributions”

Adds (D): When a judge refers litigants to community resources as a condition or requirement relating to litigation, such referrals shall be made impartially and on the basis of merit. A judge shall avoid nepotism and favoritism. For purposes of this provision, a “community resource” is any person or organization providing services such as, but not limited to: counseling services; driver education or traffic safety programs; mental health, substance abuse, or other treatment programs; parenting classes; private probation services; and similar types of services.

[1]: Adds “magistrates” between “referees” and “commissioners”; adds “special judges, substitute judges” after “special masters”;

[2]: Nepotism is the appointment or hiring of any relative within the third degree of relationship of either the judge or the judge’s spouse or domestic partner, or the spouse or domestic partner of such relative, as well as those relatives defined in Tennessee Code Annotated sections 8-31-101 et. seq. the Tennessee State Employees Union Nepotism Policy.

[3]: The rule against making administrative appointments of lawyers who have provided such contributions or support to a judge’s election campaign that the judge’s impartiality might reasonably be questioned includes an exception for positions that are substantially uncompensated such as those for which the lawyer’s compensation is limited to reimbursement for out-of-pocket expenses. In determining whether a judge’s impartiality might
reasonably be questioned in connection with such appointments, a judge should consider the following factors among others:

(1) The level of support or contributions given, directly or indirectly, by a lawyer, the lawyer’s firm or the lawyer’s spouse or domestic partner, in relation both to aggregate support (direct and indirect) for the individual judge’s campaign and to the total amount spent on candidates for that judgeship;

(2) If the support is monetary, whether any distinction between direct contributions or independent expenditures bears on the question of the judge’s impartiality; and

(3) The timing of the support or contributions in relation to the appointment.

Adds [4]: It is increasingly common for trial judges, either directly or acting through court employees or court-affiliated agencies, to refer litigants to a variety of community resources. For example, litigants may be required by a court to complete treatment programs, parenting classes, driver education or traffic safety programs, etc., or to be monitored by private probation services. Paragraph (D) requires that such referrals be made impartially and on the basis of merit, and without nepotism or favoritism.

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**Rule 2.14** Identical

**Rule 2.15** Identical

**Rule 2.16** Identical

**Canon 3** Identical

**Rule 3.1** First sentence: Adds “personal or” before “extrajudicial activities”. Second sentence: Deletes “extrajudicial” and replaces with “such”.

(A): Adds: “and timely” after “proper”

(E): make inappropriate use of court premises, staff, stationery, equipment, or other resources.

[4]: Replaces “permitted extrajudicial activities” with “personal or extrajudicial activities”

**Rule 3.2** (C): Replaces “acting pro se” with “self-represented”.

Adds [4]: On occasion, some judges, including general sessions court judges, juvenile court judges and municipal court judges, find it necessary to appear before legislative bodies to address budget requests and similar concerns. Such appearances fall within the exceptions set forth in 3.2(A) and (B) Similarly, judges may appear before governmental bodies to endorse projects and programs directly related to the law, the legal system, the administration of justice and the provision of services to those coming before the courts, and may actively support the need for funding of such projects or programs. This support can occur by personal appearance or by writing, such as a letter to be submitted with a request for funding by an entity that provides services to those coming before the courts.

**Rule 3.3** Replaces summoned with “subpoenaed”.

**Rule 3.4** Identical

**Rule 3.5** Deletes the word “intentionally”.

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<table>
<thead>
<tr>
<th>Rule 3.6</th>
<th>Identical</th>
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</thead>
<tbody>
<tr>
<td>Rule 3.7</td>
<td>Adds [6]: With regard to a judge’s obligations to supervise staff as to matters addressed in this Rule, see Rule 2.12.</td>
</tr>
<tr>
<td>Rule 3.8</td>
<td>(A): Adds “conservator” between “guardian” and “attorney in fact”; deletes “,except for the estate, trust, or person of”; Changes last sentence to: A judge may, however, serve in one of these capacities for a member of the judge's family, or in a fiduciary capacity for the judge's place of worship, only if such service will not interfere with the proper performance of judicial duties.</td>
</tr>
<tr>
<td>Rule 3.9</td>
<td>[1]: Adds “See Tenn. S. Ct. R. 31, § 17 (permitting various part-time judges to serve as mediators) and Tenn. S. Ct. R. 31 § 20 (authorizing trial judges to participate in judicial settlement conferences). See also Rule 2.6 and Comments [2] and [3] thereto regarding the role of a judge in judicial settlement conferences. A judge who participates in a judicial settlement conference is precluded by RJC 2.6 from presiding over the trial or any other contested issues in that matter.</td>
</tr>
<tr>
<td>Rule 3.10</td>
<td>Adds: A newly elected or appointed judge can practice law only in an effort to wind up his or her practice, ceasing to practice as soon as reasonably possible and in no event longer than 180 days after assuming office. Adds: This rule does not prohibit the practice of law pursuant to military service. Adds [2]: The only law practice allowable is that which is necessary to wind up a law practice. Accordingly, no new matters may be accepted. The 180-day bright line rule in winding up a law practice does not prohibit the judge from receiving fees after this deadline for services performed prior to the deadline. See State v. Lipford, 67 S.W.3d 79 (Tenn. Crim. App. 2001).</td>
</tr>
<tr>
<td>Rule 3.11</td>
<td>[1]: Adds “personal or” between “other” and “extrajudicial” in second sentence. [2]: Adds “See Application V”</td>
</tr>
<tr>
<td>Rule 3.12</td>
<td>Adds: “Unless prohibited by law” before “a judge”; adds “for personal or” before “extrajudicial activities” [1]: Adds “Other law may prohibit the accepting of such compensation. See, e.g. Tenn. Code Ann. § 2-10-116.</td>
</tr>
<tr>
<td>Rule 3.13</td>
<td>Adds (B)(9): gifts incident to a public testimonial; or Adds (B)(10): invitations to the judge and the judge’s spouse, domestic partner, or guest to attend without charge: (B)(10)(a): an event associated with a bar-related function or other activity relating to the law, the legal system, or the administration of justice; or (B)(10)(b): an event associated with any of the judge’s educational, religious, charitable, fraternal or civic activities permitted by this Code, if the same invitation is offered to nonjudges who are engaged in similar ways in the activity as is the judge.</td>
</tr>
</tbody>
</table>
(C): Unless otherwise prohibited by law or by paragraph (A), a judge may accept gifts, loans, bequests, benefits, or other things of value. A judge must report such acceptance, to the extent required by Rule 3.15, if the source is a party or other person, including a lawyer, who has come or is likely to come before the judge, or whose interests have come or are likely to come before the judge.

Adds at end of [1]: A gift to a judge, other than ordinary social hospitality, from a party or other person, including a lawyer, who has come or is likely to come before the judge, or whose interests have come or are likely to come before the judge, may be prohibited if acceptance would appear to a reasonable person to undermine the judge's independence, integrity, or impartiality. Additionally, other law may prohibit the accepting of a gift or other thing of value. See, e.g., Tenn. Code Ann. 5 2-10-1 16.

Adds [6]: A judge shall only accept a gift incident to a public testimonial if the judge’s receipt of the public testimonial is permitted activity under Rule 3.7(A)(4) and Comment [1] thereto.

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**Rule 3.14**

 Deletes (C)

 [2]: Adds after 2nd sentence: See also Tenn. Code Ann. 2-10-1 16(a) (generally prohibiting a "public official" from accepting an honorarium, but also providing that "honorarium" does not include the reimbursement of actual and necessary travel expenses, meals and lodging associated with an appearance, speech or article). To comply with RJC's 3.1 and 3.13(A), the

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**Rule 3.15**

(A)(2): Adds after “value”, “accepted by the judge”, and amount is $250

(A)(3) changed to: For the purposes of (A)(1) and (2), "compensation" and "gifts and other things of value" shall not include the amount of any reimbursement of expenses and/or the value of any waiver of fees or charges permitted by RJC 3.14.

(B): Deletes “and the source of reimbursement of expenses or waiver or partial waiver of fees or charges.”

(C): Deletes “except that for reimbursement of expenses and waiver or partial waiver of fees or charges, the report shall be made within thirty days following the conclusion of the event or program”.

(D): Replaces “or other office designated by law” with “and in the Administrative Office of the Courts”; Adds “and on the website of the Administrative Office of the Courts” after “court’s website”

Adds Comment [1]: Judges should be mindful that other reporting requirements may be applicable, such as those required with regard to election campaigns. See Comment [8] to Rule 4.2.

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**Canon 4**

Identical

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**Rule 4.1**

(4): solicit funds for, pay an assessment to, or make a contribution to a political organization or candidate for public office, except that a judge or a judicial candidate may solicit funds for a political organization or candidate for public office from a member of the judge’s family or a member of the judicial candidate’s family;
Deletes (5)

Deletes (6)

Deletes (7)

**Comment.**

[2]: Adds as last sentence: Additionally, the Rules of Professional Conduct applicable to lawyers provide that “[a] lawyer who is a candidate for judicial office shall comply with the applicable provisions of the Code of Judicial Conduct.” Tenn. Sup. Ct. R. 8, RPC 8.2(b).

[4]: Adds “judges and judicial” after “prohibit” and before “candidates” in last sentence and adds “or from endorsing or opposing judges or judicial candidates in a partisan, nonpartisan, or retention election for judicial office. See Rules 4.2(B)(2), 4.2(C)(4), and 4.2(D)”.

Adds [4A]: A judge's or a judicial candidate's attendance at a dinner or other event sponsored by a political organization or a candidate for public office does not, by itself, constitute a public endorsement of a candidate for purposes of (A)(3).

Adds [6A]: Paragraph (A)(4) prohibits judges and judicial candidates from soliciting funds for, paying an assessment to, or making a contribution to a political organization or candidate for public office, but the rule expressly allows judges and judicial candidates to purchase tickets for dinners or other events sponsored by a political organization or a candidate for public office. Paragraph (A)(4) does not prohibit a judge or judicial candidate from making contributions to his or her own election campaign. Additionally, paragraph (A)(4) allows a judge or judicial candidate to solicit funds for a political organization or candidate for public office from a member of the judge’s family or a member of the judicial candidate’s family.

Adds [6B]: RJC 4.1(A)(10) prohibits a judge from using court staff in a campaign for judicial office. The rule does not preclude voluntary involvement of court staff in campaign activities during non-working hours.

**Rule 4.2**

(A) Deletes “public” before election.

(B) time given is 365 days; takes language of Model Code (B)(1) and adds to sentence after “retention election”

Deletes (B) (3) and (4)

(B)(5) Deletes “other than a partisan political organization” from end of sentence.

Deletes (B)(6)

Deletes (C)
Adds: (C): A judge or judicial candidate may, except as prohibited by law, at any time

(1) purchase tickets for and attend political gatherings, subject to the limitations in (C)(3);
(2) identify himself or herself as a member of a political party; and
(3) contribute to a political organization or a political candidate in an amount up to the limitations provided in Tenn. Code Ann. 2-10-301, et seq.; and
(4) publicly endorse or oppose judges or judicial candidates in a partisan, nonpartisan, or retention election for any judicial office.

Adds: (D) Judges and judicial candidates running for judicial office in a partisan, nonpartisan, or retention election may group themselves into slates or other alliances to conduct their campaigns more effectively, including the establishment of a joint campaign committee pursuant to RJC 4.4.

Comment.


Adds: [1A]: It is possible for some judicial offices to be subject to a primary and general election. It is possible for some countries to have a partisan primary for a particular office whereas another country might only have a non-partisan general election for the same office. It is also conceivable that the decision as to whether or not to hold a primary might not be made until within the 180-day period before the primary. Therefore, for the sake of uniformity, the 180-day period for all judicial offices that can possibly be subject to a primary election, whether or not there actually is a primary, shall begin to run from the date the primary would be held.

Deletes [2] Adds instead: [2] Paragraph C provides a limited exception to the restrictions imposed by RJC 4.1 and permits judges or judicial candidates at any time to be involved in limited political activity. Note that paragraph (C) is equally applicable to judges or judicial candidates subject to partisan, nonpartisan, and retention elections. Paragraph (C)(3) allows a judge or judicial candidate to contribute to a political organization or candidate in an amount not to exceed the contribution limits provided in Tenn. Code Ann. 2-10-301, et seq. This limitation includes the purchase of tickets set out in Paragraph (C)(1).

Adds [2A]: Paragraph (C)(4) allows a judge or judicial candidate to “publicly endorse or oppose judges or judicial candidates in a partisan, nonpartisan, or retention election for any judicial office.” The term “judicial office” refers only to an elected judgeship; paragraph (C)(4) does not allow a judge or judicial candidate to publicly endorse or oppose candidates for other
elected (non-judge) positions within the judicial system, such as elected court clerks, district attorneys general, and district public defenders.

[3] Identical


Adds [7A]: Paragraph (D) provides that judges and judicial candidates running for judicial office in partisan, nonpartisan, or retention elections may group themselves into slates or other alliances 8 to conduct their campaigns more effectively.

Adds [8]: Compliance with all applicable election, election campaign, and election campaign fund-raising laws and regulations of this jurisdiction includes, but is not limited to, the provisions of Tennessee Code Annotated 2-10-101 et. seq., the Campaign Financial Disclosure Act, and Tennessee Code Annotated sections 2-10-301 et. seq., the Campaign Contributions Limits Act.

<table>
<thead>
<tr>
<th>Rule 4.3</th>
<th>(B): Deletes “other than a partisan political organization.”</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rule 4.4</td>
<td>(B)(1): Replaces “as are reasonable…any entity or organization” with “allowable by law”.</td>
</tr>
<tr>
<td></td>
<td>(B)(2): sets 365 days before and 90 days after; adds “(see RJC 4.2 Comment [1] as to the calculation of this time period)”</td>
</tr>
<tr>
<td></td>
<td>(B)(3): Replaces “and to file with…law” with “as required by law.</td>
</tr>
<tr>
<td>Comment.</td>
<td>[1]: Changes “Judicial” to “Judges and judicial”. Deletes “This Rule…or in-kind contributions” to end.</td>
</tr>
<tr>
<td></td>
<td>Delete [3].</td>
</tr>
<tr>
<td></td>
<td>Adds [4]: RJC 4.2(D) provides that judges and judicial candidates who are running for judicial office in a partisan, nonpartisan, or retention election may “group themselves into slates or other alliances to conduct their campaigns more effectively, including the establishment of a joint campaign committee pursuant to RJC 4.4.” In such circumstances, and to the extent permitted by other law, the joint campaign committee may solicit and accept campaign contributions, manage the expenditure of campaign funds (including the establishment of a joint campaign bank account), and generally conduct a joint campaign on behalf of the group of aligned judges and judicial candidates.</td>
</tr>
</tbody>
</table>

<p>| Rule 4.5  | Changes Title to: Judges and Judicial Candidates Seeking Nonjudicial Office. |</p>
<table>
<thead>
<tr>
<th>Adds: (C) No judicial candidate may also simultaneously be a candidate for an elected nonjudicial position.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Comment.</strong></td>
</tr>
<tr>
<td>[1] Adds as last sentence: “<em>For the same reasons, paragraph (C) precludes a person who is not already a judge from simultaneously being a candidate for an elected judicial position and an elected nonjudicial position</em>.”</td>
</tr>
</tbody>
</table>