

**AMERICAN BAR ASSOCIATION
CPR POLICY IMPLEMENTATION COMMITTEE**

COMPARISON OF ABA MODEL JUDICIAL CODE AND STATE VARIATIONS

RULE 2.1	
<i>Giving Precedence to the Duties of Judicial Office</i>	
The duties of judicial office, as prescribed by law,* shall take precedence over all of a judge's personal and extrajudicial activities.	
COMMENT	
[1] To ensure that judges are available to fulfill their judicial duties, judges must conduct their personal and extrajudicial activities to minimize the risk of conflicts that would result in frequent disqualification. See Canon 3.	
[2] Although it is not a duty of judicial office unless prescribed by law, judges are encouraged to participate in activities that promote public understanding of and confidence in the justice system.	
Seventeen (17) states have identical language (AR, CO, HI, IN, IA, KS, MN, MT, NE, NV, NH, NY, OK, TN, UT, WA, WY)	
Seven (7) states have similar language (AZ, CT, DE, MD, MO, MS, OH)	
AL	
AK	
AZ Effective 9/1/09	Title: changes to Giving Precedence to Judicial Duties Replaces "duties of judicial office" with "judicial duties of a judge," deletes "as prescribed by law" and replaces "personal and extrajudicial" with "other" [2] replaces "Although it is not a duty of judicial office unless" with "Judicial duties are those"
AR Effective 7/1/09	Identical
CA	
CO Effective 7/1/10	Identical
CT Effective 1/1/2011	[1]: Adds " <i>in such a way</i> " before "to minimize"; inserts "frequent" before "disqualification"; adds sentence "A judge's personal extrajudicial activities shall not be conducted in such a way as to interfere unduly with the duties of judicial office." [2]: Deletes "unless prescribed by law"; inserts " <i>initiate or</i> " before "participate"
DE Effective 11/1/08	Same as first two sentences of 1990 Model Code Canon 3A. Does not have Comments
DC	
FL	
HI Effective 1/1/09	Identical
ID	
IL	
IN Effective	Identical

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1/1/09	
IA Effective 5/3/10	Identical
KS Effective 3/1/09	Identical
KY	
MD Effective 7/1/10	Deletes “all of” before “a judge’s;” [1] Deletes “See Canon 3;” Adds: [3] <i>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 and should be dealt with in accordance with applicable vacation, sick leave, and administrative leave policies.</i>
MA	
MI	
MN Effective 7/1/09	Identical
MO Effective 1/1/2012	Replaces “over all of a judge’s” with “over a judge’s” [1] Replaces “disqualification” with “recusal”
MS (as pro- posed)	Similar to Model Code but changes language to: <i>The judicial duties of judges take precedence over all their other activities. The judges’ judicial duties include all the duties of their office prescribed by law;</i> [1] Changes “personal and extrajudicial activities” to “other activities.”
MT Effective 1/1/09	Identical
NE Effective 1/1/2011	Same as Mode Code
NV Effective 1/19/10	Identical
NH Effective 4/1/2011	Identical
NJ	
NM (as pro- posed)	Identical
NY (as pro- posed)	Identical
NC	
ND	Identical

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(as proposed)	
OH Effective 3/1/09	Replaces “personal and extrajudicial” with “other” [1]; adds “or unavailability” after “disqualification
OK Effective 4/15/2011	Identical
OR	
PA	
SD	
TN (as proposed)	Identical
TX	
UT Effective 4/1/10	Identical
VT	
VA	
WA Effective 1/1/11	Identical
WV	
WI	
WY Effective 7/1/09	Identical

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