

**AMERICAN BAR ASSOCIATION
CPR POLICY IMPLEMENTATION COMMITTEE**

COMPARISON OF ABA MODEL JUDICIAL CODE AND STATE VARIATIONS

RULE 2.12 Supervisory Duties	
	<p>(A) A judge shall require court staff, court officials, and others subject to the judge’s direction and control to act in a manner consistent with the judge’s obligations under this Code.</p> <p>(B) A judge with supervisory authority for the performance of other judges shall take reasonable measures to ensure that those judges properly discharge their judicial responsibilities, including the prompt disposition of matters before them.</p> <p>COMMENT</p> <p>[1] A judge is responsible for his or her own conduct and for the conduct of others, such as staff, when those persons are acting at the judge’s direction or control. A judge may not direct court personnel to engage in conduct on the judge’s behalf or as the judge’s representative when such conduct would violate the Code if undertaken by the judge.</p> <p>[2] Public confidence in the judicial system depends upon timely justice. To promote the efficient administration of justice, a judge with supervisory authority must take the steps needed to ensure that judges under his or her supervision administer their workloads promptly.</p> <p>Sixteen (16) states have identical language (AR, CO, HI, IN, IA, KS, MN, MO, MS, MT, NE, NH, NY, OH, OK, WY)</p> <p>Six (6) states have similar language (AZ, MD, NV, TN, UT, WA)</p> <p>One (1) state has different language (DE)</p>
AL	
AK	
AZ Effective 9/1/09	Adds (C): <i>A judge shall require staff, court officials and others subject to the judge’s direction and control to comply with the provisions of the Code of Conduct for Judicial Employees adopted by the supreme court.</i>
AR Effective 7/1/09	Identical
CA	
CO Effective 7/1/10	Identical
CT Effective 1/1/11	(A) Replaces “require” with “take reasonable measures to ensure that” and deletes “to” before “act.”
DE Effective 11/1/08	Similar to 1990 Model Code Canon 3C(2) but replaces “shall” with “should” and deletes “and others” and language after “apply to the judge” Deletes (B) and Comment
DC	

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FL	
HI Effective 1/1/09	Identical
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	[2] Replaces “the” with “this” in reference to “code”
MA	
MI	
MN Effective 7/1/09	Identical
MO Effective 1/1/2012	Identical
MS (as pro- posed)	Identical
MT Effective 1/1/09	Rule 2.13 same as Model Code Rule 2.12
NE Effective 1/1/2011	Identical
NV Effective 1/19/10	[1]: replaces “personnel” with “staff, court officials, and others subject to the judge’s direction and control”
NH Effective 4/1/2011	Identical
NJ	
NM (as pro- posed)	Adds (C): <i>A judge shall not direct court personnel to engage in conduct on the judge’s behalf or as the judge’s representative when such conduct would violate the code if undertaken by the judge.</i>

	<p>Adds (D): <i>A judge shall not retaliate against court personnel who refuse to engage in conduct that would violate the code if undertaken by the judge.</i></p> <p>[1] Deletes the last sentence.</p> <p>Adds [3]: <i>A judge shall inform and require the judge’s staff, court officials, and others subject to the judge’s direction and control to observe the standards of confidentiality, fidelity, and diligence that apply to the judge and to refrain from bias and prejudice in the performance of their official duties.</i></p>
NY (as pro- posed)	Identical
NC	
ND (as pro- posed)	(B) Replaces “judicial responsibilities” with “adjudicative duties”
OH Effective 3/1/09	Identical Comment [1]: deletes “such as staff”
OK Effective 4/15/2011	Identical
OR	
PA	
SD	
TN (as pro- posed)	[2]: Adds: <i>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.</i>
TX	
UT Effective 4/1/10	(A): adds “take reasonable measures to” after “shall,” adds “fulfillment of his or her” before “obligations” (B) Changes “prompt” to “timely” [1]: deletes first sentence [2]: adds “timely” before “administer” and deletes “promptly”
VT	
VA	
WA Effective 1/1/11	(A) Adds language after “subject to the judge’s direction and control” to read “to act with fidelity and in a diligent manner” before “consistent...obligations under this Code.”
WV	
WI	
WY Effective 7/1/09	Identical

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