

**AMERICAN BAR ASSOCIATION  
CPR POLICY IMPLEMENTATION COMMITTEE**

**COMPARISON OF ABA MODEL JUDICIAL CODE AND STATE VARIATIONS**

<b>RULE 2.16 Cooperation with Disciplinary Authorities</b>	
	<p><b>(A) A judge shall cooperate and be candid and honest with judicial and lawyer disciplinary agencies.</b></p> <p><b>(B) A judge shall not retaliate, directly or indirectly, against a person known* or suspected to have assisted or cooperated with an investigation of a judge or a lawyer.</b></p> <p><b>COMMENT</b>                      [1] Cooperation with investigations and proceedings of judicial and lawyer discipline agencies, as required in paragraph (A), instills confidence in judges' commitment to the integrity of the judicial system and the protection of the public.</p> <p>Nineteen (19) states have identical language (AR, CO, HI, IN, IA, KS, MN, MO, MT, NE, NV, NH, NY, OH, OK, TN, UT, WA, WY)                      Three (3) states have similar language (AZ, MD, MS)                      One (1) state did not adopt (DE)</p>
<b>AL</b>	
<b>AK</b>	
<b>AZ Effective 9/1/09</b>	Adds [2]: <i>Judicial employees have a right to cooperate or communicate with the Commission on Judicial Conduct at any time, without fear of reprisal, for the purpose of discussing potential or actual judicial misconduct.</i>
<b>AR Effective 7/1/09</b>	Identical
<b>CA (as pro- posed)</b>	<p>(A) – CA Canon 3D(4): New. Proposed based on the Model Rule to address the issue of cooperation with disciplinary authorities. Also, the Committee proposes adding commentary that would reference specific Government Code section and the Rules of the Commission on Judicial Performance.</p> <p>(B) – CA Canon 3D(5): New. Proposed based on the Model Rule to prohibit a judge from retaliating against a person who cooperated with an investigation of a judge or a lawyer.</p>
<b>CO Effective 7/1/10</b>	Identical
<b>CT Effective 1/1/11</b>	Identical
<b>DE Effective 11/1/09</b>	Did not adopt
<b>DC</b>	
<b>FL</b>	

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<b>HI</b> <b>Effective</b> <b>1/1/09</b>	Identical
<b>ID</b>	
<b>IL</b>	
<b>IN</b> <b>Effective</b> <b>1/1/09</b>	Identical
<b>IA</b> <b>Effective</b> <b>5/3/10</b>	Identical
<b>KS</b> <b>Effective</b> <b>3/1/09</b>	Identical
<b>KY</b>	
<b>MD</b> <b>Effective</b> <b>7/1/10</b>	[1] Inserts “of this Rule” after “paragraph (a)”
<b>MA</b>	
<b>MI</b>	
<b>MN</b> <b>Effective</b> <b>7/1/09</b>	Identical
<b>MO</b> <b>Effective</b> <b>1/1/2012</b>	Identical
<b>MS</b> <b>(as pro-</b> <b>posed)</b>	(A) Adds to end, “in accordance with law”
<b>MT</b> <b>Effective</b> <b>1/1/09</b>	Rule 2.17 same as Model Code 2.16
<b>NE</b> <b>Effective</b> <b>1/1/2011</b>	Identical
<b>NV</b> <b>Effective</b> <b>1/19/10</b>	Identical
<b>NH</b> <b>Effective</b> <b>4/1/2011</b>	Identical
<b>NJ</b>	
<b>NM</b> <b>(as pro-</b> <b>posed)</b>	(A) Replaces language after “and honest with” with: “all rules, requirements, and procedures of the New Mexico Judicial Standards Commission, the New Mexico Disciplinary Board, and the New Mexico Judicial Performance Evaluation Commission.” (B) Adds “filed a complaint or” before “assisted or cooperated”

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<b>NY (as proposed)</b>	Identical
<b>NC</b>	
<b>ND (as proposed)</b>	Identical
<b>OH Effective 3/1/09</b>	Identical
<b>OK Effective 4/15/2011</b>	Identical
<b>OR</b>	
<b>PA</b>	
<b>SD</b>	
<b>TN (as proposed)</b>	Identical
<b>TX</b>	
<b>UT Effective 4/1/10</b>	Identical
<b>VT</b>	
<b>VA</b>	
<b>WA Effective 1/1/11</b>	Identical
<b>WV</b>	
<b>WI</b>	
<b>WY Effective 7/1/09</b>	Identical

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