

**AMERICAN BAR ASSOCIATION
CPR POLICY IMPLEMENTATION COMMITTEE**

COMPARISON OF ABA MODEL JUDICIAL CODE AND STATE VARIATIONS

	<p>RULE 2.4 External Influences on Judicial Conduct</p> <p>(A) A judge shall not be swayed by public clamor or fear of criticism. (B) A judge shall not permit family, social, political, financial, or other interests or relationships to influence the judge’s judicial conduct or judgment. (C) A judge shall not convey or permit others to convey the impression that any person or organization is in a position to influence the judge.</p> <p>COMMENT [1] An independent judiciary requires that judges decide cases according to the law and facts, without regard to whether particular laws or litigants are popular or unpopular with the public, the media, government officials, or the judge’s friends or family. Confidence in the judiciary is eroded if judicial decision making is perceived to be subject to inappropriate outside influences.</p> <p>Eighteen (18) states have identical language (AR, CO, HI, IN, IA, KS, MD, MN, MT, NE, NH, NV, NY, OH, OK, TN, UT, WY) Six (6) states have similar language (AZ, CT, DE, MO, MS, WA)</p>
AL	
AK	
AZ Effective 9/1/09	(A): adds “partisan interests” before “public clamor”
AR Effective 7/1/09	Identical
CA	
CO Effective 7/1/10	Identical
CT Effective 1/1/2011	Title: Adds “ <i>or Judgment</i> ” (A): Adds “ <i>in the performance of the judge’s judicial duties</i> ” after “swayed” and before “by”; (C): replaces “judge” with “judge’s” and adds to end: “judge’s judicial conduct or judgment” Comment: Replaces last sentence with “ <i>The integrity of judicial decision making is undermined if it is based in whole or in part upon inappropriate outside influences.</i> ”
DE Effective 11/1/08	(A): replaces “shall not be swayed” with “should be unswayed” and adds “partisan interests” before “public clamor” (B): replaces “shall” with “should” and deletes “political, financial” (C): replaces “shall” with “should” and “that any person or organization is” with “they are” Deletes Comment
DC	

As of July 27, 2011

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	Identical
MA	
MI	
MN Effective 7/1/09	Identical
MO Effective 1/1/2012	(A) Adds “partisan interests” before “public clamor” (B) Replaces “financial” interests with “religious;” Deletes “interests” before “relationships” [1] Adds to the start: “A fair, impartial, and”
MS (as pro- posed)	[2] Adds to end: “Additionally, in a multi-judge court or district, each judge shall cooperate with the judge tasked with the administrative responsibility for that court”
MT Effective 1/1/09	Identical
NE Effective 1/1/2011	Identical
NV Effective 1/19/10	Identical
NH Effective 4/1/2011	Identical
NJ	
NM (as pro- posed)	(A) Replaces “public clamor” for “public <i>opinion</i> ”

As of July 27, 2011

NY (as proposed)	Identical
NC	
ND (as proposed)	(B) Replaces “financial” with “economic”
OH Effective 3/1/09	Identical
OK Effective 4/15/2011	Identical
OR	
PA	
SD	
TX	
TN (as proposed)	(A): Adds “ <i>partisan interests</i> ” before “public clamor”
UT Effective 4/1/10	Identical
VT	
VA	
WA Effective 1/1/11	[1] Deletes “An independent judiciary requires that” before “judges”; Deletes all of second sentence.
WV	
WI	
WY Effective 7/1/09	Identical

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