

**AMERICAN BAR ASSOCIATION  
CPR POLICY IMPLEMENTATION COMMITTEE**

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

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|                                    | <p style="text-align: center;"><b>RULE 2.5 Competence, Diligence, and Cooperation</b></p> <p><b>(A) A judge shall perform judicial and administrative duties, competently and diligently.</b></p> <p><b>(B) A judge shall cooperate with other judges and court officials in the administration of court business.</b></p> <p><b>COMMENT</b></p> <p>[1] Competence in the performance of judicial duties requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary to perform a judge’s responsibilities of judicial office.</p> <p>[2] A judge should seek the necessary docket time, court staff, expertise, and resources to discharge all adjudicative and administrative responsibilities.</p> <p>[3] Prompt disposition of the court’s business requires a judge to devote adequate time to judicial duties, to be punctual in attending court and expeditious in determining matters under submission, and to take reasonable measures to ensure that court officials, litigants, and their lawyers cooperate with the judge to that end.</p> <p>[4] In disposing of matters promptly and efficiently, a judge must demonstrate due regard for the rights of parties to be heard and to have issues resolved without unnecessary cost or delay. A judge should monitor and supervise cases in ways that reduce or eliminate dilatory practices, avoidable delays, and unnecessary costs.</p> <p>Nine (9) states have identical language (CT, CO, IA, KS, MN, MO, MS, NV, NY)<br/>Fourteen (14) states have similar language (AZ, AR, HI, IN, MD, MT, NE, NH, OH, OK, TN, UT, WA, WY)<br/>One (1) state has different language (DE)</p> |
| <b>AL</b>                          |   |
| <b>AK</b>                          |   |
| <b>AZ<br/>Effective<br/>9/1/09</b> | <p>(A): adds “and promptly” to end</p> <p>(B): adds “reasonably” before cooperate</p> <p>Adds (C): <i>A judge shall participate actively in judicial education programs and shall complete mandatory judicial education requirements.</i></p> <p>Adds [5]: Article 2, § 11 of the Arizona Constitution requires that “<i>Justice in all cases shall be administered openly, and without unnecessary delay.</i>” Article 6, Section 21 provides that “<i>Every matter submitted to a judge of the superior court for his decision shall be decided within sixty days from the submission thereof. The supreme court shall by rule provide for the speedy disposition of all matters not decided within such period.</i>” See Rule 91(e), Rules of the Supreme Court; A.R.S. § 12-128.01. In addition, A.R.S. § 11-424.02(A) prohibits a justice of the peace from receiving compensation if a cause “remains pending and undetermined for sixty days after it has been submitted for decision.” These and other time requirements are discussed in depth in Arizona Judicial Ethics Advisory Committee, Advisory Opinion 06-02 (April 25, 2006).</p>   |

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| <p><b>AR</b><br/><b>Effective</b><br/><b>7/1/09</b></p>   | <p>As of April 2010: Adds Comment [3A]:<br/> <i>This rule shall not apply to a Judge who is a member of the Judges and Lawyers Assistance Committee (“the Committee”) of the Arkansas Judges and Lawyers Assistance Program (JLAP) or a volunteer serving pursuant to Rule 4 of the Rules of JLAP regarding information received in his or her capacity as a Committee member or volunteer. However, the “duty to report” outlined in Rule 2.15 above is reinstated if, in good faith, the JLAP committee member or volunteer has: reason to believe that an attorney or judge participating in the JLAP program is failing to cooperate with said program; is engaged in criminal behavior or the threat thereof; or, is otherwise in violation of Rule 2.15 which is beyond or succeeds the behavior upon which the judge’s participation in JLAP was initially based.</i></p>  |
| <p><b>CA</b></p>  |   |
| <p><b>CO</b><br/><b>Effective</b><br/><b>7/1/10</b></p>   | <p>Identical</p>  |
| <p><b>CT</b><br/><b>Effective</b><br/><b>1/1/2011</b></p> | <p>Identical</p>  |
| <p><b>DE</b><br/><b>Effective</b><br/><b>11/1/08</b></p>  | <p>(A): similar to 1990 Model Code Canon 3 but replaces “shall” with “should”<br/>         Comment: same as [3] but replaces “take reasonable measures to ensure” with “insist”<br/>         (B): similar to 1990 Model Code Canon 3C(1) but replaces “shall” with “should,” deletes “without bias or prejudice” and replaces language beginning with “should cooperate” with “facilitate the performance of the administrative responsibilities of other judges and court officials.”<br/>         Adds Comment: <i>The duty to act in a manner that promotes public confidence in the integrity and impartiality of the judiciary applies to all the judge's activities including the discharge of the judge's adjudicative and administrative responsibilities.</i><br/>         (C): <i>A judge should dispose promptly of the business of the court.</i><br/>         Comment: combines first and third sentences of 1990 Model Code Canon 3B(8) Commentary first paragraph and entire Canon B(4) Commentary</p> |
| <p><b>DC</b></p>  |   |
| <p><b>FL</b></p>  |   |
| <p><b>HI</b><br/><b>Effective</b><br/><b>1/1/09</b></p>   | <p>(A): replaces “judicial and administrative duties” with “duties of judicial office”<br/>         Deletes [2]</p>   |
| <p><b>ID</b></p>  |   |
| <p><b>IL</b></p>  |   |
| <p><b>IN</b><br/><b>Effective</b><br/><b>1/1/09</b></p>   | <p>(A): adds “promptly” to end</p>  |
| <p><b>IA</b><br/><b>Effective</b><br/><b>5/3/10</b></p>   | <p>Identical</p>  |

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| <b>KS<br/>Effective<br/>3/1/09</b>   | Identical  |
| <b>KY</b>                            |  |
| <b>MD<br/>Effective<br/>7/1/10</b>   | (A): Replaces clause “judicial and administrative... diligently” to end with “... duties competently, diligently, promptly, and without favoritism or nepotism.”<br>(B): inserts “other” between “with” and “judges”; adds clause “other judicial appointees of the court” between “judges” and “and other court officials”<br>Adds: (c): “A judge shall not willfully fail to comply with administrative rules or reasonable directives of a judge with supervisory authority.” |
| <b>MA</b>                            |  |
| <b>MI</b>                            |  |
| <b>MN<br/>Effective<br/>7/1/09</b>   | Identical  |
| <b>MO<br/>Effective<br/>1/1/2012</b> | [4] Adds “and fairly” after “promptly, efficiently;” Deletes “monitor and” before “supervise   |
| <b>MS<br/>(as pro-<br/>posed)</b>    | Identical  |
| <b>MT<br/>Effective<br/>1/1/09</b>   | [4]: adds “ <i>In accomplishing these critical goals in the increasing number of cases involving self-represented litigants, a judge may take appropriate steps to facilitate a self-represented litigant’s ability to be heard</i> ” to end   |
| <b>NE<br/>Effective<br/>1/1/2011</b> | Adds to end of Rule:<br><i>NOTE: THE NEBRASKA SUPREME COURT HAS ADOPTED CASE PROGRESSION STANDARDS AT Neb. Ct. R. §§ 6-101 through 6-103, ALSO SET FORTH AT APPENDIX B HEREIN, AND HAS ADOPTED A RULE CONCERNING THE FILING OF CASES UNDER ADVISEMENT REPORTS, AS SET FORTH IN APPENDIX B, Subsection (D) HEREIN.</i>  |
| <b>NV<br/>Effective<br/>1/19/10</b>  | Identical  |
| <b>NH<br/>Effective<br/>4/1/2011</b> | [2]: Deleted<br>NH [2] and [3] are the same as MC [3] and [4]  |
| <b>NJ</b>                            |  |
| <b>NM<br/>(as pro-<br/>posed)</b>    | [1] Adds to end: “Judges should make diligent effort to maintain knowledge of current developments in the law through ongoing education.”<br>[3] Adds to end: “The practices of a judge in the enjoyment of hours of personal holiday or recreation should leave no public perception that the business of the court is not a full-time demand or that the avoidance of delays in the administration of justice is not dependent upon active management of the judiciary.”       |
| <b>NY<br/>(as pro-<br/>posed)</b>    | Identical  |
| <b>NC</b>                            |  |

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| <b>ND</b><br><b>(as proposed)</b>                 | (A) Replaces “judicial and administrative duties” with “the duties of judicial office”   |
| <b>OH</b><br><b>Effective</b><br><b>3/1/09</b>    | (A): adds “and shall comply with guidelines set forth in the Rules of Superintendence for the Courts of Ohio” to end<br>Adds [5]: <i>In discharging the obligation to cooperate with other judges and court officials in the performance of administrative duties, a judge must place the public’s interest in an efficient and well-run court system above any personal or partisan interests. Where good faith differences of opinion exist, unrelated to personal or partisan interests but relative to the administration of court business, the duty to cooperate requires the judge to engage in efforts to reach compromise for the good of the court but does not require compromise.</i>  |
| <b>OK</b><br><b>Effective</b><br><b>4/15/2011</b> | [4] Deletes “In deposing of matters promptly and efficiently” in the beginning of the first sentence   |
| <b>OR</b>   |  |
| <b>PA</b>   |  |
| <b>SD</b>   |  |
| <b>TN</b><br><b>(as proposed)</b>                 | (A) Inserts “ <i>promptly</i> ” between “competently” and “diligently”<br>Adds [5]: <i>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).</i> |
| <b>TX</b>   |  |
| <b>UT</b><br><b>Effective</b><br><b>4/1/10</b>    | (A) Moves “competently and diligently” from end of sentence to after “A judge shall;”<br>[3]: replaces “Prompt” with “Competent and diligent”<br>[4]: replaces “disposing of matters promptly and efficiently” with “competently and diligently performing judicial and administrative duties”   |
| <b>VT</b>   |  |
| <b>VA</b>   |  |
| <b>WA</b><br><b>Effective</b><br><b>1/1/11</b>    | [2] Adds “In accordance with GR 29,” before “a judges should seek”; same to end.   |
| <b>WV</b>   |  |
| <b>WI</b>   |  |
| <b>WY</b><br><b>Effective</b><br><b>7/1/09</b>    | (A) Adds, between “competently” and “and diligently:” “promptly, efficiently.”   |

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**corrections or additions and the source of that information to John Holtaway, (312) 988-5298, [John.Holtaway@americanbar.org](mailto:John.Holtaway@americanbar.org)**