

**AMERICAN BAR ASSOCIATION
CPR POLICY IMPLEMENTATION COMMITTEE**

COMPARISON OF ABA MODEL JUDICIAL CODE AND STATE VARIATIONS

| | |
|--------------------------------------|--|
| | RULE 2.7 Responsibility to Decide |
| | A judge shall hear and decide matters assigned to the judge, except when disqualification is required by Rule 2.11 or other law.* |
| | COMMENT |
| | [1] Judges must be available to decide the matters that come before the court. Although there are times when disqualification is necessary to protect the rights of litigants and preserve public confidence in the independence, integrity, and impartiality of the judiciary, judges must be available to decide matters that come before the courts. Unwarranted disqualification may bring public disfavor to the court and to the judge personally. The dignity of the court, the judge’s respect for fulfillment of judicial duties, and a proper concern for the burdens that may be imposed upon the judge’s colleagues require that a judge not use disqualification to avoid cases that present difficult, controversial, or unpopular issues. |
| | Fourteen (14) states have identical language (AR, CT, CO, IN, IA, KS, MN, MS, MT, NY, OH, TN, WA, WY) Ten (10) states have similar language (AZ, DE, HI, MD, MO, NE, NV, NH, OK, UT) |
| AL | |
| AK | |
| AZ Effective 9/1/09 | [1]: deletes first sentence |
| AR Effective 7/1/09 | Identical |
| CA | |
| CO Effective 7/1/10 | Identical |
| CT Effective 1/1/2011 | Identical |
| DE Effective 11/1/08 | (A):similar to Model Rule but replaces “shall” with “should” and replaces language after “assigned” with “unless disqualified” Adds (B): <i>A judge should not use disqualification to avoid cases that present difficult, controversial or unpopular issues.</i> Deletes Comment |
| DC | |
| FL | |
| HI Effective | Adds “or recusal” after “disqualification” throughout Rule |

As of July 27, 2011

| | |
|---|--|
| 1/1/09 | |
| 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 | Replaces “except when disqualification... law” with “unless recusal is appropriate” at the end. [1] Deletes first sentence “Judges must...court”; adds “or appropriate” between “necessary” and “to”; replaces “them” with “the courts” in first sentence; Deletes second sentence, “Unwarranted disqualification... personally”. |
| MA | |
| MI | |
| MN Effective 7/1/09 | Identical |
| MO Effective 1/1/2012 | Replaces language after “except when” with “recusal is appropriate under this code or other law.” [1] Replaces “disqualification” with “recusal” throughout the comment. Replaces text in the second sentence before “to protect the rights” with “There are times when recusal is appropriate to avoid the appearance of impropriety;” Adds “fairness” before “independence; Deletes all text after “and impartiality of the judiciary.” Deletes the third sentence. |
| MS (as pro- posed) | Identical |
| MT Effective 1/1/09 | Identical |
| NE Effective 1/1/2011 | [1] Deletes first sentence; adds to end of comment: “Administrative reassignment for purposes of judicial efficiency is not prohibited by this rule.” |
| NV Effective 1/19/10 | [1]: adds “or involve difficult, controversial, or unpopular parties or lawyers” to end |
| NH Effective 4/1/2011 | [1] Deletes first sentence. |
| NJ | |
| NM (as pro- posed) | Changes title to “Responsibility to hear and decide” Changes reference to corresponding Rule 21-211 NMRA; adds “the constitution” before “or other law” |

| | |
|---------------------------------------|--|
| NY (as proposed) | Identical |
| NC | |
| ND (as proposed) | Identical |
| OH Effective 3/1/09 | Identical |
| OK Effective 4/15/2011 | Adds second sentence: "Administrative reassignment for the purpose of judicial efficiency is not prohibited." |
| OR | |
| PA | |
| SD | |
| TN | Identical |
| TX | |
| UT Effective 4/1/10 | Replaces language after "required" with "or permitted" [1]: deletes third sentence. In fourth sentence, deletes language through "require that" and adds "should" after "A judge" |
| VT | |
| VA | |
| WA Effective 1/1/11 | Identical |
| WV | |
| WI | |
| WY Effective 7/1/09 | Identical |

Copyright © 2011 American Bar Association. All rights reserved. Nothing contained in this chart is to be considered the rendering of legal advice. The charts are intended for educational and informational purposes only. We make every attempt to keep these charts as accurate as possible. If you are aware of any inaccuracies in the charts, please send your corrections or additions and the source of that information to John Holtaway, (312) 988-5298, John.Holtaway@americanbar.org