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CANON 2

A JUDGE SHALL PERFORM THE DUTIES OF JUDICIAL OFFICE IMPARTIALLY, COMPETENTLY, AND DILIGENTLY.

IN GENERAL

RULE 2.01: GIVING PRECEDENCE TO THE DUTIES OF JUDICIAL OFFICE

The duties of judicial office shall take precedence over extrajudicial activities of the judge. The duties of judicial office include all the responsibilities of the judge’s office prescribed by law.*

RULE 2.02: BIAS, PREJUDICE, AND HARASSMENT

(A) A judge shall perform judicial duties without bias or prejudice, and shall not engage in harassment.

(B) A judge shall not, in the performance of judicial duties, by words or conduct manifest bias, prejudice, or harassment, including but not limited to bias, prejudice, or harassment based upon race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, or socioeconomic status, and shall not permit staff, court officials, and others subject to the judge’s direction and control to do so. This does not preclude legitimate references to those factors when relevant to an issue in the proceeding.

(C) A judge shall require lawyers in proceedings before the judge to refrain from manifesting bias, prejudice, or harassment based upon race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, or socioeconomic status, against parties, witnesses, counsel, or others. This does not preclude legitimate advocacy when these or other similar factors are issues in the proceeding.

COMMENT

[1] A judge who manifests bias in a proceeding impairs the fairness of the proceeding and brings the judiciary into disrepute. Even facial expression and body language can convey to parties or lawyers in the proceeding, jurors, the media, and others an appearance of bias. A judge must avoid conduct that may reasonably be perceived as prejudiced or biased.

1 [2] Examples of manifestations of bias include but are not limited to
2 epithets; slurs; demeaning nicknames; negative stereotyping; attempted
3 humor based upon stereotypes; threatening, intimidating, or hostile acts;
4 suggesting a connection between race, ethnicity, or nationality and crime;
5 and irrelevant references to personal characteristics.
6

7 [3] Harassment is verbal or physical conduct that denigrates or shows
8 hostility or aversion toward an individual on bases such as race, sex, gender,
9 religion, national origin, ethnicity, disability, age, sexual orientation, marital
10 status, or socioeconomic status.
11

12 [4] Sexual harassment includes but is not limited to sexual advances,
13 requests for sexual favors, and other verbal or physical conduct of a sexual
14 nature that is unwelcome, regardless of gender.
15

16 **RULE 2.03: DILIGENCE**

17
18 **A judge shall diligently perform all of his or her judicial duties,**
19 **disposing of all judicial matters promptly and efficiently.**
20

21 **COMMENT**
22

23 [1] Prompt disposition of the court's business requires a judge to devote
24 adequate time to judicial duties, to be punctual in attending court and
25 expeditious in determining matters under submission, and to insist that court
26 officials, litigants, and their lawyers cooperate with the judge to that end.
27

28 [2] In disposing of matters promptly and efficiently, a judge must
29 demonstrate due regard for the rights of the parties to be heard and to have
30 issues resolved without unnecessary cost or delay. A judge should monitor
31 and supervise cases so as to reduce or eliminate dilatory practices, avoidable
32 delays, and unnecessary costs.
33

34 **RULE 2.04: COMPETENCE**
35

36 **A judge shall perform the duties of judicial office competently.**
37

38 **COMMENT**
39

40 [1] Competence in the performance of judicial duties requires the legal
41 knowledge, skill, thoroughness, and preparation reasonably necessary to
42 perform the judge's responsibilities of office.
43

1 [2] Judicial competence may be diminished and compromised when a
2 judge is impaired by drugs, alcohol, or other mental, emotional, or physical
3 condition. See Rule 2.19.

4
5 **ADJUDICATION**

6
7 **RULE 2.05: RESPONSIBILITY TO DECIDE**

8
9 **A judge shall hear and decide matters assigned to the judge except**
10 **those in which disqualification is required by Rule 2.12 or other**
11 **applicable law.***

12
13 **COMMENT**

14
15 [1] Judges must be available to decide the matters that come before the
16 court. To protect the rights of litigants and preserve public confidence in the
17 independence, integrity, and impartiality of the judiciary, however, there
18 will be times when disqualification is necessary. On the other hand,
19 unwarranted disqualification may bring public disfavor to the bench and to
20 the judge personally. The dignity of the bench, the judge's respect for
21 fulfillment of judicial duties, and a proper concern for the burdens that may
22 be imposed upon the judge's colleagues require that a judge not use
23 disqualification simply to avoid cases that present difficult, controversial, or
24 distasteful issues.

25
26 [2] To ensure that judges remain available to fulfill their judicial duties,
27 a judge must conduct his or her extrajudicial activities so as to minimize the
28 risk of conflicts that would result in frequent disqualification. See Canon 4.

29
30 **RULE 2.06: IMPARTIALITY* AND FAIRNESS**

31
32 **A judge shall uphold and apply the law,* and decide all cases with**
33 **impartiality and fairness.**

34
35 **COMMENT**

36
37 [1] When applying and interpreting the law, a judge may on occasion
38 make a good faith mistake of fact or law. An error of this kind does not
39 violate this Rule. Intentional failure to follow the law, however, may
40 constitute a violation of this Rule.

41
42 [2] Although a judge's background and personal philosophy may
43 influence the way in which the judge analyzes a legal issue, a judge must
44 interpret and apply the law without regard to whether the judge personally
45 approves or disapproves of the law in question.

1
2 [3] To ensure impartiality and fairness to all parties, a judge must be
3 objective and open-minded, and must not show favoritism toward anyone. It
4 is not a violation of this Rule, however, for a judge to make
5 reasonable accommodations to ensure *pro se* litigants the
6 opportunity to have their matters fairly heard.

7
8 **RULE 2.07: EXTERNAL INFLUENCES ON JUDICIAL CONDUCT**
9

10 (A) A judge shall not be swayed by partisan interests, public clamor,
11 or fear of criticism.

12
13 (B) A judge shall not allow family, social, political, financial, or
14 other relationships to influence the judge's judicial conduct or
15 judgment.

16
17 (C) A judge shall not convey or permit other persons to convey the
18 impression that any persons are in a position to influence the judge.
19

20 **COMMENT**
21

22 [1] An independent judiciary requires that judges decide cases according
23 to law and facts without regard to whether a particular law or the litigants
24 are popular or unpopular with the public, the media, government officials, or
25 the judge's own friends or family.

26
27 [2] Confidence in the judiciary is eroded if judicial decision-making is
28 perceived to be subject to inappropriate outside influences. It is essential to
29 judicial independence, impartiality, and maintaining the public's confidence
30 in the justice system that judges do not create a perception that their
31 decisions could be colored by such influences.
32

33 **RULE 2.08: DEMEANOR, DECORUM, AND COMMUNICATION**
34 **WITH JURORS**
35

36 (A) A judge shall require order and decorum in proceedings before
37 the judge.
38

39 (B) A judge shall be patient, dignified, and courteous to litigants,
40 jurors, witnesses, lawyers, court staff, and others with whom the judge
41 deals in an official capacity, and shall require similar conduct of
42 lawyers, and of staff, court officials, and others subject to the judge's
43 direction and control.

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(C) A judge shall not commend or criticize jurors for their verdict other than in a court order or opinion in a proceeding.

COMMENT

[1] The duty to hear all proceedings fairly and with patience is not inconsistent with the duty to dispose promptly of the business of the court. Judges can be efficient and businesslike while being patient and deliberate.

[2] Commending or criticizing jurors for their verdict may imply a judicial expectation in future cases and may impair a juror’s ability to be fair and impartial in a subsequent case.

[3] A judge should express appreciation to jurors for their service to the judicial system and the community. A judge who is not otherwise prohibited by law from doing so may meet with jurors who choose to remain after trial, but should not engage in any substantive discussion of the case. At such a meeting, a judge should not, for example, suggest or imply agreement or disagreement with the verdict, reveal matters that were not received into evidence, discuss the rulings on objections made at trial, or review any proceedings that took place outside the presence of the jury.

RULE 2.09: ENSURING THE RIGHT TO BE HEARD

(A) A judge shall accord to every person who has a legal interest in a proceeding, or that person’s lawyer, the right to be heard according to law.*

(B) A judge may encourage parties to a proceeding and their lawyers to settle matters in dispute, but shall not act in a manner that coerces any party into settlement.

COMMENT

[1] The right to be heard is an essential component of a fair and impartial system of justice. Substantive rights of litigants can be protected only if procedures protecting the right to be heard are respected.

[2] The judge has an important role to play in overseeing the settlement of disputes, but should be careful that efforts to further settlement do not undermine any party’s right to be heard according to law. The judge should keep in mind the effect that the judge’s participation in settlement discussions may have, not only on the judge’s own views of the case, but also on the perceptions of the lawyers and the parties if the case remains

1 with the judge after settlement efforts fail. Among the factors that a judge
2 should consider when deciding on an appropriate settlement practice for a
3 particular case are (1) whether the parties have requested or voluntarily
4 consented to a certain level of participation by the judge in settlement
5 discussions; (2) the relative sophistication of the parties and their counsel;
6 (3) whether the case will be tried by judge or jury; and (4) whether the
7 parties themselves or only their counsel will be involved in settlement
8 discussions.

9
10 [3] Judges must be mindful of the effect settlement discussions can
11 have, not only on their objectivity and impartiality, but also on the
12 appearance of their objectivity and impartiality. Despite a judge's best
13 efforts, there may be instances where information obtained during
14 settlement discussions could influence a judge's decision-making during
15 trial.

16
17 **RULE 2.10 : EX PARTE COMMUNICATIONS**

18
19 **(A) A judge shall not initiate, permit, or consider ex parte**
20 **communications, or consider other communications made to the judge**
21 **outside the presence of the parties concerning a pending* or**
22 **impending* matter, except as follows:**

23
24 **(1) Where circumstances require, ex parte communications**
25 **for scheduling, administrative purposes, or emergencies that do**
26 **not deal with substantive matters are permitted, provided:**

27
28 **(a) the judge reasonably believes that no party will**
29 **gain a procedural, substantive, or tactical advantage as a**
30 **result of the ex parte communication, and**

31
32 **(b) the judge makes provision by delegation or**
33 **otherwise promptly to notify all other parties of the**
34 **substance of the ex parte communication, and allows**
35 **them an opportunity to respond.**

36
37 **(2) A judge may consult with court personnel whose function**
38 **is to aid the judge in carrying out the judge's adjudicative**
39 **responsibilities, or with other judges, provided that the judge**
40 **does not abrogate the responsibility personally to decide the case**
41 **and takes reasonable steps to avoid receiving factual information**
42 **that is not part of the record.**

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(3) A judge may, with the consent of the parties, confer separately with the parties and their lawyers in an effort to settle matters pending before the judge.

(4) A judge may initiate, permit, or consider any ex parte communications when expressly authorized by law* to do so.

(B) A judge shall not independently investigate facts in a case, and shall consider only the evidence presented.

(C) If a judge inadvertently receives an unauthorized ex parte communication bearing on the substance of a matter, the judge shall make provision by delegation or otherwise promptly to notify all other parties of the substance of the communication and give the parties an opportunity to respond.

(D) A judge shall make reasonable efforts, including the provision of appropriate supervision, to ensure that this Rule is not violated through law clerks or other personnel on the judge’s staff.

COMMENT

[1] To the extent reasonably possible, all parties or their lawyers shall be included in communications with a judge.

[2] Whenever the presence of a party or notice to a party is required by this Rule, it is the party’s lawyer, or if the party is unrepresented, the party, who is to be present or to whom notice is to be given.

[3] The proscription against communications concerning a proceeding includes communications with lawyers, law teachers, and other persons who are not participants in the proceeding, except to the limited extent permitted by this Rule.

[4] Certain ex parte communications are permitted by this Rule to facilitate scheduling and other administrative purposes and to accommodate emergencies. A judge must disclose to all parties, in a manner that ensures notice, all ex parte communications described in paragraph (A)(1) regarding a proceeding pending or impending before the judge.

[5] A judge may initiate, permit, or consider any ex parte communications when expressly authorized by law to do so, such as in therapeutic or problem-solving courts, for example mental health courts or certain drug courts, where judges may assume a more active role than they

1 assume in a traditional court setting, involving greater interaction with
2 parties, treatment providers, probation officer, social workers, and others.

3
4 [6] A judge may consult with other judges on pending matters, but must
5 avoid ex parte discussions of a case with other judges who have previously
6 been disqualified from hearing the matter.

7
8 [7] The prohibition against a judge investigating the facts in a case
9 independently or through a member of the judge’s staff extends to
10 information available in all mediums, including electronic ones.

11
12 [8] An appropriate and often desirable method of obtaining the advice of
13 a disinterested expert on legal issues is to invite the expert to file a brief
14 *amicus curiae*.

15
16 **RULE 2.11: JUDICIAL STATEMENTS ON PENDING* AND FUTURE CASES**

17
18 **(A) A judge shall not make any statement that might reasonably be**
19 **expected to affect the outcome or impair the fairness of a matter**
20 **pending or impending* in any court.**

21
22 **(B) The judge shall require similar abstention on the part of staff,**
23 **court officers, and others subject to the judge’s direction and control.**

24
25 **(C) A judge shall not, with respect to cases, controversies, or issues**
26 **that are likely to come before the court, make pledges, promises, or**
27 **commitments that are inconsistent with the impartial* performance of**
28 **the adjudicative duties of judicial office.**

29
30 **(D) This Rule does not prohibit public statements made in the course**
31 **of a judge’s official duties or an explanation of court procedures, nor**
32 **does it preclude a judge from commenting on proceedings in which the**
33 **judge is a litigant in a personal capacity.**

34
35 **COMMENT**

36
37 [1] This Rule’s restrictions on judicial speech are essential to the
38 maintenance of the independence, integrity, and impartiality of the judiciary.

39 [2] This Rule does not prohibit a judge from commenting on
40 proceedings in which the judge is a litigant in a personal capacity. However,
41 in cases in which the judge is a litigant in an official capacity, such as a writ
42 of mandamus, the judge must not comment publicly.

43
44
45 [3] This Rule does not prohibit judges from making public statements in
46 the course of their official duties, from explaining the procedures of the

1 court to the public, or from responding directly or through a third party to
2 allegations in the media or elsewhere concerning the judge’s conduct in a
3 matter.

4
5 [4] As long as it will not affect the outcome or impair the fairness of a
6 proceeding, candidates for judicial office may respond to unjust criticism.
7 See Rule 5.01, Comment [12].
8

9 **RULE 2.12: DISQUALIFICATION**

10
11 **(A) A judge shall disqualify himself or herself in any proceeding in**
12 **which the judge’s impartiality* might reasonably be questioned,**
13 **including but not limited to circumstances where:**

14
15 **(1) the judge has a personal bias or prejudice concerning a**
16 **party or a party’s lawyer, or personal knowledge* of facts that**
17 **are in dispute in the proceeding;**

18
19 **(2) the judge knows that the judge, the judge’s spouse* or**
20 **domestic partner,* a person within the third degree of**
21 **relationship* to either of them, or the spouse or domestic**
22 **partner of such a person is:**

23
24 **(a) a party to the proceeding, or an officer, director,**
25 **or trustee of a party;**

26
27 **(b) acting as a lawyer in the proceeding;**

28
29 **(c) a person who has more than a de minimis* interest**
30 **that could be substantially affected by the proceeding; or**

31
32 **(d) likely to be a material witness in the proceeding;**

33
34 **(3) the judge knows that he or she, individually or as a**
35 **fiduciary,* or the judge’s spouse, domestic partner, parent or**
36 **child, or any other member of the judge’s family residing in the**
37 **judge’s household,* has an economic interest* in the subject**
38 **matter in controversy or in a party to the proceeding;**

39
40 **(4) the judge knows or learns by means of a timely motion**
41 **that a party, a party’s lawyer, or the law firm of a party’s lawyer**
42 **has within the previous [1 year] made aggregate* contributions***
43 **to the judge’s campaign in an amount that is greater than [[\$]**
44 **for an individual or [\$] for an entity] [is reasonable and**
45 **appropriate for an individual or an entity];**

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(5) the judge, while a judge or a candidate for judicial office,* has made a public statement, other than in a prior judicial decision or opinion, that commits, or appears to commit, the judge to reach a particular result with respect to an issue in the proceeding or a controversy in the proceeding; or

(6) the judge:

(a) served as a lawyer in the matter in controversy, or was associated with a lawyer who participated substantially in the matter during such association;

(b) served in governmental employment, and in such capacity participated as lawyer or advisor concerning the proceeding, or has expressed an opinion concerning the merits of the particular case in controversy;

(c) was a material witness concerning the matter; or

(d) previously presided as a judge over the proceeding in another court.

(B) A judge shall keep informed about the judge’s personal and fiduciary economic interests, and make a reasonable effort to keep informed about the personal economic interests of the judge’s spouse or domestic partner and minor children residing in the judge’s household.

(C) A judge subject to disqualification under this Rule, other than for bias or prejudice under paragraph (A)(1), may disclose on the record the basis of the judge’s disqualification and may ask the parties and their lawyers to consider, outside the presence of the judge and court personnel, whether to waive disqualification. If, following the disclosure, the parties and lawyers, without participation by the judge or court personnel, all agree that the judge should not be disqualified, and the judge is then willing to participate, the judge may participate in the proceeding. The agreement shall be incorporated into the record of the proceeding.

COMMENT

[1] Under this Rule, a judge is disqualified whenever the judge’s impartiality might reasonably be questioned, regardless of whether any of the specific provisions of Rule 2.12(A)(1) – (6) apply. For example, if a judge were in the process of negotiating for employment with a law firm,

1 the judge would be disqualified from any matters in which that law firm was
2 appearing, unless the disqualification was waived by the parties after
3 disclosure by the judge.

4
5 [2] A judge’s obligation not to hear or decide matters in which
6 disqualification is required applies regardless of whether a motion to
7 disqualify has been filed.

8
9 [3] By decisional law, the rule of necessity may override the rule of
10 disqualification. For example, a judge might be required to participate in
11 judicial review of a judicial salary statute, or might be the only judge
12 available in a matter requiring immediate judicial action, such as a hearing
13 on probable cause or a temporary restraining order. In matters that require
14 immediate action, the judge must disclose on the record the basis for
15 possible disqualification and make reasonable efforts to transfer the matter
16 to another judge as soon as practicable.

17
18 [4] The fact that a lawyer in a proceeding is affiliated with a law firm
19 with which a relative of the judge is affiliated does not of itself disqualify
20 the judge. If, however, the judge’s impartiality might reasonably be
21 questioned under paragraph (A), or the relative is known by the judge to
22 have an interest in the law firm that could be substantially affected by the
23 proceeding under paragraph (A)(2)(c), the judge’s disqualification is
24 required.

25
26 [5] A judge should disclose on the record information that the judge
27 believes the parties or their lawyers might reasonably consider relevant to a
28 possible motion for disqualification, even if the judge believes there is no
29 basis for disqualification.

30
31 [6] “Fiduciary” includes such relationships as executor, administrator,
32 trustee, and guardian.

33
34 [7] “Economic interest” denotes ownership of more than a de minimis
35 legal or equitable interest, but does not extend to such holdings or interests
36 as a judge might have, for example, in mutual or common investment funds,
37 non-convertible debt instruments such as municipal or corporate bonds,
38 deposits a judge might maintain in financial institutions, mutual savings
39 associations or credit unions, or government securities owned by a judge,
40 unless a proceeding pending or impending before the judge could
41 substantially affect the value of such holdings or interests, or the judge is
42 involved in the management of such entities’ holdings. The fact that
43 securities might be held by an educational, charitable, fraternal, or civic
44 organization in whose service a judge or the judge’s spouse or domestic
45 partner, parent, or child may serve as a director, officer, advisor, or other

1 participant does not thereby give a judge an economic interest in such an
2 organization for the purposes of this Rule.

3
4 **ADMINISTRATION**

5
6 **RULE 2.13: ADMINISTRATIVE COMPETENCE AND DILIGENCE**

7
8 **A judge shall discharge the judge’s administrative responsibilities**
9 **promptly, competently, fairly, and without bias or prejudice, and shall**
10 **cooperate with other judges and court officials in the administration of**
11 **court business.**

12
13 **RULE 2.14: SUPERVISION OF STAFF**

14
15 **A judge shall require staff, court officials, and others subject to the**
16 **judge’s direction and control to act in a manner compatible with the**
17 **judge’s obligations under this Code.**

18
19 **COMMENT**

20
21 [1] Staff and court officials deal regularly with lawyers, parties, and the
22 public on behalf of the judge. Although the Code applies only to judges, it is
23 especially important that judges ensure that the conduct of personnel subject
24 to their direction and control is consistent with the standards of conduct
25 embodied in this Code. See, e.g., Rule 2.02(B).

26
27 [2] Judges are responsible for their own conduct and for the conduct of
28 others, such as staff, when those individuals are acting at the judge's
29 direction or control. A judge may not direct staff to engage in conduct on the
30 judge's behalf or as the judge's representative when such conduct would
31 violate the Code if undertaken by the judge himself or herself.

32
33 [3] Staff separately should be subject to similar and compatible rules of
34 conduct.

35
36 **RULE 2.15: SUPERVISION OF OTHER JUDGES**

37
38 **A judge with supervisory authority for the performance of other judges**
39 **shall take reasonable measures to assure that those judges properly**
40 **discharge their judicial responsibilities, including the prompt and**
41 **efficient disposition of matters before them.**

42
43 **COMMENT**

1 [1] Public confidence in the courts depends on timely justice. To
2 promote the efficient administration of justice, judges with supervisory
3 authority must take the steps needed to ensure that judges under their
4 supervision administer their workloads expeditiously.
5

6 **RULE 2.16: ADMINISTRATIVE APPOINTMENTS**
7

8 **(A) A judge shall exercise the power of appointment impartially and**
9 **on the basis of merit. A judge shall avoid nepotism, favoritism, and**
10 **unnecessary appointments. A judge shall not approve compensation of**
11 **appointees beyond the fair value of services rendered.**
12

13 **(B) A judge shall not appoint a lawyer to a position if the judge**
14 **either knows* that the lawyer has contributed more than [\$] within the**
15 **prior [] years to the judge's election campaign, or learns of such a**
16 **contribution* by means of a timely motion by a party or other person**
17 **properly interested in the matter, unless:**
18

- 19 (1) the position is substantially uncompensated;
- 20
- 21 (2) the lawyer has been selected in rotation from a list of
- 22 qualified and available lawyers compiled without regard to their
- 23 having made political contributions; or
- 24
- 25 (3) the judge or another presiding or administrative judge
- 26 affirmatively finds that no other lawyer is willing, competent,
- 27 and able to accept the position.
28

29 **COMMENT**
30

31 [1] Appointees of a judge include assigned counsel, officials such as
32 referees, commissioners, special masters, receivers, and guardians, and
33 personnel such as clerks, secretaries, and bailiffs. Consent by the parties to
34 an appointment or an award of compensation does not relieve the judge of
35 the obligation prescribed by paragraph (A).
36

37 [2] Unless otherwise defined by law, nepotism is the appointment or hiring
38 of any relative within the third degree of relationship of either the judge or
39 the judge's spouse or domestic partner, or the spouse or domestic partner of
40 such a person.
41

42 [3] The rule against making administrative appointments to lawyers who
43 have contributed in excess of a specified dollar amount to a judge's election
44 campaign includes an exception for positions that are substantially

1 uncompensated, which permits appointments where the lawyer's
2 compensation is limited to reimbursement for out-of-pocket expenses.

3
4 **RULE 2.17: RESPONDING TO JUDICIAL MISCONDUCT**

5
6 **(A) A judge having knowledge* that another judge has committed a**
7 **violation of this Code that raises a substantial question as to the judge's**
8 **honesty, trustworthiness, or fitness as a judge in other respects shall**
9 **inform the appropriate authority.***

10
11 **(B) A judge who receives information indicating a substantial**
12 **likelihood that another judge has committed a violation of this Code**
13 **shall take appropriate action.**

14
15 **COMMENT**

16
17 [1] Ignoring or denying known misconduct among one's judicial
18 colleagues undermines the responsibility each judge has to participate in
19 efforts to ensure public respect for the justice system. Taking affirmative
20 action to address known misconduct is therefore a judge's obligation.
21 Appropriate action may include direct communication with the judge who
22 may have committed the violation, communication with a supervising judge,
23 and reporting the violation to the appropriate authority or other agency or
24 body.

25
26 **RULE 2.18: RESPONDING TO LAWYER MISCONDUCT**

27
28 **(A) A judge having knowledge* that a lawyer has committed a**
29 **violation of the Rules of Professional Conduct that raises a substantial**
30 **question as to the lawyer's honesty, trustworthiness, or fitness as a**
31 **lawyer in other respects shall inform the appropriate authority.***

32
33 **(B) A judge who receives information indicating a substantial**
34 **likelihood that a lawyer has committed a violation of the Rules of**
35 **Professional Conduct shall take appropriate action.**

36
37 **COMMENT**

38
39 [1] Appropriate action may include direct communication with the
40 lawyer who may have committed the violation, and reporting the violation
41 to the appropriate authority or other agency or body.

42
43 **RULE 2.19: DISABILITY AND IMPAIRMENT**

1 **A judge having a reasonable belief that the performance of a lawyer or**
2 **another judge is impaired by drugs, alcohol, or other mental, emotional,**
3 **or physical condition shall take appropriate corrective action, which**
4 **may include a confidential referral to a lawyer or a judicial assistance**
5 **program.**

6
7 **COMMENT**

8
9 [1] “Appropriate action” means action intended and reasonably likely to
10 help the judge or lawyer in question to correct the problem. Depending on
11 the circumstances, appropriate action may include, but is not limited to,
12 speaking directly to the impaired person, notifying the individual with
13 supervisory responsibility over the impaired person, or making a referral to
14 an assistance program.

15
16 [2] Taking or initiating corrective action by way of referral to an
17 assistance program can fulfill several laudable purposes. For example, an
18 intervention can be the first step toward a successful recovery program. That
19 action alone may satisfy the mandates expressed in this Rule. Depending on
20 the gravity of the conduct that has come to the judge’s attention, the judge
21 may be required to take action in addition to or in lieu of a referral to a
22 relevant assistance program.

23
24 **RULE 2.20: COOPERATION WITH DISCIPLINARY AUTHORITIES**

25
26 **(A) During disciplinary proceedings, a judge shall cooperate and be**
27 **candid and honest with the judicial conduct commission or lawyer**
28 **discipline agency.**

29
30 **(B) A judge shall not retaliate, directly or indirectly, against anyone**
31 **known* or suspected to have assisted or cooperated with an**
32 **investigation of a judge.**