

Application

American Judicature Society, Center for Judicial Ethics

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The Center for Judicial Ethics [CJE] of the American Judicature Society raises the following issues for the Commission's consideration in revision of the Application section of the Code:

- The various levels, jurisdictions, types of court, and geographic areas into which courts are divided -- limited jurisdiction courts; general jurisdiction courts; special jurisdiction courts, or divisions such as family court, traffic court, and probate court; county courts; district courts; or circuit courts -- raise questions about how to define "the court on which the judge serves" for purposes of determining in which courts a part-time judge may not practice. For example, if a county or circuit court is divided into different geographic areas with separate jurisdiction, does the "court on which the judge serves" include any court of the same class or level as the court on which the judge serves within the same county or circuit? If a county or circuit is divided into different divisions that handle different types of cases, does the "court on which the judge serves" include any division or type of court within the same county or circuit as the court on which the judge serves?
 - An additional question that arises frequently for part-time judges are may a part-time judge who hears criminal cases act as a prosecutor or defense attorney?
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