

1 **RULE 2.13 Administrative Appointments**

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3 (A) In making administrative appointments, a judge shall do both of the following:

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5 (1) Exercise the power of appointment *impartially* and on the basis of merit;

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7 (2) Avoid nepotism, favoritism, and unnecessary appointments.

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9 (B) ~~A judge shall not appoint a lawyer to a position if the judge either *knows* that the~~
10 ~~lawyer, or the lawyer’s spouse or *domestic partner*, has contributed more than \$[insert amount]~~
11 ~~within the prior [insert number] year[s] to the judge’s election campaign, or learns of such a~~
12 ~~*contribution* by means of a timely motion by a party or other person properly interested in the~~
13 ~~matter, unless any of the following applies:~~

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15 (1) ~~The position is substantially uncompensated;~~

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17 (2) ~~The lawyer has been selected in rotation from a list of qualified and available~~
18 ~~lawyers compiled without regard to their having made political contributions;~~

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20 (3) ~~The judge or another presiding or administrative judge affirmatively finds that no~~
21 ~~other lawyer is willing, competent, and able to accept the position. [RESERVED]~~

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23 (C) A judge shall not approve compensation of appointees beyond the fair value of
24 services rendered.

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27 **Comment**

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29 [1] Appointees of a judge include assigned counsel, officials such as ~~referees~~
30 magistrates, commissioners, special masters, receivers, and guardians, and personnel such as
31 clerks, secretaries, and bailiffs. Consent by the parties to an appointment or an award of
32 compensation does not relieve the judge of the obligation prescribed by division (A).
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34 [2] Unless otherwise defined by law, nepotism is the appointment or hiring of any
35 relative within the third degree of relationship of either the judge or the judge’s spouse or
36 domestic partner, or the spouse or domestic partner of such relative.
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38 [3] ~~The rule against making administrative appointments of lawyers who have~~
39 ~~contributed in excess of a specified dollar amount to a judge’s election campaign includes an~~
40 ~~exception for positions that are substantially uncompensated, such as those for which the~~
41 ~~lawyer’s compensation is limited to reimbursement for out-of-pocket expenses. [RESERVED]~~
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Comparison to Ohio Code of Judicial Conduct

Rule 2.13(A) and (C) are substantially similar to Ohio Canon 3(C)(4).

Comparison to ABA Model Code of Judicial Conduct

Model Rule 2.13(B) and the corresponding Comment [3] are not adopted. Rule 4.4 contains limitations on campaign contributions applicable to lawyers and requires that court appointees be specifically identified on campaign finance reports. Rule 8 of the Rules of Superintendence contains additional procedures applicable to court appointments. These provisions are substitutes for the disqualification provisions of the Model Rule.

Comment [1] is modified to substitute “magistrate” for “referee.”