

1 **RULE 2.14 Disability and Impairment**

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

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8 (B) Any information obtained by a member or agent of a committee or subcommittee
9 of a bar or judicial association or by a member, employee, or agent of a nonprofit corporation
10 established by a bar association, designed to assist lawyers and judges with substance abuse or
11 mental health problems, shall be privileged for all purposes under this rule, provided the
12 information was obtained while the member, employee, or agent was performing duties as a
13 member, employee, or agent of the committee, subcommittee, or nonprofit corporation.

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16 **Comment**

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18 [1] “Appropriate action” means action intended and reasonably likely to help the
19 judge or lawyer in question address the problem and prevent harm to the justice system.
20 Depending upon the circumstances, appropriate action may include, but is not limited to, (1)
21 speaking directly to the impaired person, and (2) notifying a partner, a colleague, or an individual
22 with supervisory responsibility over the impaired person; or making a referral to an assistance
23 program.

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25 [2] Taking or initiating corrective action by way of referral to an assistance program
26 may satisfy a judge’s responsibility under this rule. Assistance programs have many approaches
27 for offering help to impaired judges and lawyers, such as intervention, counseling, or referral to
28 appropriate health care professionals. Depending upon the gravity of the conduct that has come
29 to the judge’s attention, however, the judge may be required to take other action, such as
30 reporting the impaired judge or lawyer to the appropriate authority, agency, or body. See Rule
31 2.15.

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34 **Comparison to Ohio Code of Judicial Conduct**

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36 There is no Ohio Canon comparable to Rule 2.14(A). Rule 2.14(B) corresponds to Ohio
37 Canon 3(D)(4).

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40 **Comparison to ABA Model Code of Judicial Conduct**

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42 Model Rule 2.14 is modified to add division (B) that is taken from Ohio Canon 3(D)(4).