

1 **RULE 2.15 Responding to Judicial and Lawyer Misconduct**

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3 (A) A judge having *knowledge* that another judge has committed a violation of this  
4 Code that raises a ~~substantial~~ question regarding the judge’s honesty, trustworthiness, or fitness  
5 as a judge in other respects shall inform the *appropriate authority*.  
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7 (B) A judge having *knowledge* that a lawyer has committed a violation of the Ohio  
8 Rules of Professional Conduct that raises a ~~substantial~~ question regarding the lawyer’s honesty,  
9 trustworthiness, or fitness as a lawyer in other respects shall inform the *appropriate authority*.  
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11 (C) ~~A judge who receives information indicating a substantial likelihood that another~~  
12 ~~judge has committed a violation of this Code shall take appropriate action.~~ [RESERVED]  
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14 (D) ~~A judge who receives information indicating a substantial likelihood that a lawyer~~  
15 ~~has committed a violation of the Ohio Rules of Professional Conduct shall take appropriate~~  
16 ~~action.~~ [RESERVED]  
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19 **Comment**

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21 [1] Taking action to address known misconduct is a judge’s obligation. Divisions (A)  
22 and (B) impose an obligation on the judge to report to the appropriate disciplinary authority the  
23 known misconduct of another judge or a lawyer that raises a ~~substantial~~ question regarding the  
24 honesty, trustworthiness, or fitness of that judge or lawyer. Ignoring or denying known  
25 misconduct among one’s judicial colleagues or members of the legal profession undermines a  
26 judge’s responsibility to participate in efforts to ensure public respect for the justice system.  
27 This rule limits the reporting obligation to those offenses that an independent judiciary must  
28 vigorously endeavor to prevent.  
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30 [2] A judge who does not have actual knowledge, but who receives information  
31 indicating a substantial likelihood that another judge or a lawyer ~~may have~~ has committed  
32 misconduct, ~~but receives information indicating a substantial likelihood of such misconduct, is~~  
33 ~~required to~~ should take appropriate action ~~under divisions (C) and (D).~~ Appropriate action may  
34 include, but is not limited to, communicating directly with the judge ~~who may have violated this~~  
35 ~~code, communicating with a supervising judge or lawyer involved, communicating with a~~  
36 supervisor, partner, or colleague, or reporting the suspected violation to the appropriate  
37 disciplinary authority or other agency or body. ~~Similarly, actions to be taken in response to~~  
38 ~~information indicating that a lawyer has committed a violation of the Rules of Professional~~  
39 ~~Conduct may include but are not limited to communicating directly with the lawyer who may~~  
40 ~~have committed the violation, or reporting the suspected violation to the appropriate authority or~~  
41 ~~other agency or body.~~  
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### **Comparison to Ohio Code of Judicial Conduct**

Rule 2.15 corresponds to Ohio Canon 3(D)(1) and (2), although the latter imposes a strict reporting requirement once a judge has knowledge of a violation by a lawyer or judge. Rule 2.15 follows the standard created in Rule 8.3 of the Ohio Rules of Professional Conduct for reporting attorney misconduct: reporting is required when the conduct raises a question about the honesty, trustworthiness, or fitness of a lawyer or judge.

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

Rules 2.15(A) and (B) are altered to require a judge to report misconduct when the judge possesses knowledge that raises a “question” about a lawyer or judge’s honesty, trustworthiness, or fitness. Model Rule 2.15(A) and (B) imposes a reporting requirement when the judge possesses knowledge that raises a “substantial question.” With these changes, Rules 2.15(A) and (B) conform to the reporting requirement in Rule 8.3 of the Ohio Rules of Professional Conduct.

Model Rules 2.15(C) and (D), which are stricken from Rule 2.15, address a judge’s responsibility when the judge receives information indicating a disciplinary violation may have occurred but does not possess actual knowledge regarding the alleged violation. In lieu of a mandatory reporting obligation, Comment [2] suggests courses of action a judge may consider in this circumstance.