

**AMENDMENTS TO THE  
OHIO CODE OF JUDICIAL CONDUCT**

The following amendments to the Ohio Code of Judicial Conduct (Jud. Cond. Rule 4.1 and 4.6) were adopted by the Supreme Court of Ohio. The history of these amendments is as follows:

July 21, 2020	Final adoption by conference
August 1, 2020	Effective date of amendments

Key to Adopted Amendments:

1. Unaltered language appears in regular type. Example: text
2. Language that has been deleted appears in strikethrough. Example: ~~text~~
3. New language that has been added appears in underline. Example: text

# OHIO CODE OF JUDICIAL CONDUCT

## RULE 4.1 Political and Campaign Activities of Judges and Judicial Candidates

(A) A judge or *judicial candidate* shall not do any of the following:

[Existing language unaffected by the amendments is omitted to conserve space]

(5) ~~Comment on any substantive matter relating to a specific case pending on the docket of any judge;~~

~~(6)~~ Make any statement or comment that would reasonably be expected to affect the outcome or impair the fairness of a matter known to be pending or impending in any court in the United States or its territories;

~~(7)~~(6) In connection with cases, controversies, or issues that are likely to come before the court, make pledges, promises, or commitments that are inconsistent with the impartial performance of the adjudicative duties of judicial office.

[Existing language unaffected by the amendments is omitted to conserve space]

### Comment

[Existing language unaffected by the amendments is omitted to conserve space]

#### *Statements and Comments Made during a Campaign for Judicial Office*

[7] ~~Divisions~~ Division (A)(5) and ~~(A)(6) prohibit~~ prohibits judicial candidates from making statements or comments that might impair the fairness of ~~pending or impending a judicial proceedings~~ proceeding known to be pending or impending in the United States or its territories. This provision does not restrict arguments or statements to the court or jury by a lawyer who is a judicial candidate, or rulings, statements, or instructions by a judge that may appropriately affect the outcome of a matter.

[Existing language unaffected by the amendments is omitted to conserve space]

[9] Division ~~(A)(7)~~ (A)(6) makes applicable to both judges and judicial candidates the prohibition that applies to judges in Rule 2.10(B), relating to pledges, promises, or commitments that are inconsistent with the impartial performance of the adjudicative duties of judicial office.

[Existing language unaffected by the amendments is omitted to conserve space]

[12] Judicial candidates may receive questionnaires or requests for interviews from the media and from issue advocacy or other community organizations that seek to learn their views on disputed or controversial legal or political issues. Division ~~(A)(7)~~ (A)(6) does not specifically

address responses to such inquiries. Depending upon the wording and format of such questionnaires, judicial candidates' responses might be viewed as pledges, promises, or commitments to perform the adjudicative duties of office other than in an impartial way. To avoid violating division ~~(A)(7)~~ (A)(6), therefore, candidates who respond to media and other inquiries should also give assurances that they will keep an open mind and will carry out their adjudicative duties faithfully and impartially if elected. Candidates who do not respond may state their reasons for not responding, such as the danger that answering might be perceived by a reasonable person as undermining a successful candidate's independence or impartiality, or that it might lead to frequent disqualification. See Rule 2.11.

**[Existing language unaffected by the amendments is omitted to conserve space]**

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

**[Existing language unaffected by the amendments is omitted to conserve space]**

Rule 4.1~~(A)(6)~~ (A)(5) is a new rule insofar as it addresses a statement made by a judge or judicial candidate in the course of political and campaign activity. However, the rule is similar to Ohio Canons 3(B)(9) and 7(B)(2)(e). Also see Rule 2.10(A)(1).

Rule 4.1~~(A)(7)~~ (A)(6) replaces Ohio Canons 7(B)(2)(c) and (d), with the primary difference being elimination of the phrase "appear to commit" found in Canon 7(B)(2)(d).

## **RULE 4.6 Definitions**

As used in Canon 4:

**[Existing language unaffected by the amendments is omitted to conserve space]**

(N) "Prominent lettering" means not less than the physical size of the largest type used to display the title of office or the court to which the judicial candidate seeks election, irrespective of the point size or font of the largest type.

### **FORM OF CITATION, EFFECTIVE DATE, APPLICATION**

**([Insert division letter]) The amendments to Jud. Cond. Rule 4.1(A) and Comments [7], [9], and [12] and Jud. Cond. Rule 4.6(B), adopted by the Supreme Court of Ohio on July 21, 2020, shall take effect on August 1, 2020.**