

STATE OF MINNESOTA

IN SUPREME COURT

ADM08-8004

OFFICE OF
APPELLATE COURTS

NOV 19 2010

FILED

PROMULGATION OF AMENDMENTS TO
THE MINNESOTA CODE OF JUDICIAL CONDUCT

ORDER

The Minnesota Judicial Council recommended to this court an amendment to the Minnesota Code of Judicial Conduct dealing with continuing part-time judges. By order filed August 17, 2010, we solicited comments on the proposed amendment to be filed no later than October 18, 2010.

The court has reviewed the comments received and the proposed amendments and is fully advised in the premises.

IT IS HEREBY ORDERED THAT:

1. The attached amendments to the Minnesota Code of Judicial Conduct be, and the same are, prescribed and promulgated to be effective on January 1, 2011.
2. These amendments shall apply to all conduct on or after the effective date.

Dated: November 19, 2010

BY THE COURT:



Lorie S. Gildea
Chief Justice

AMENDMENTS TO THE MINNESOTA CODE OF JUDICIAL CONDUCT

[Note: new material is indicated by underscoring; deleted material is indicated by strikethrough.]

APPLICATION

The Application section establishes when the various Rules apply to a judge or judicial candidate.

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III. Continuing Part-Time Judge

A judge who serves repeatedly on a part-time basis under a continuing appointment,

(A) is not required to comply:

(1) with Rules 2.10(A) and 2.10(B) (Judicial Statements on Pending and Impending Cases), except while serving as a judge; or

(2) at any time with Rules 3.4 (Appointments to Governmental Positions), 3.8 (Appointments to Fiduciary Positions), 3.9 (Service as Arbitrator or Mediator), 3.10 (Practice of Law), 3.11 (Financial, Business, or Remunerative Activities), 3.14 (Reimbursement of Expenses and Waivers of Fees or Charges), 3.15 (Reporting Requirements), 4.1 (Political and Campaign Activities of Judges and Judicial Candidates in General), 4.2 (Political and Campaign Activities of Judicial Candidates in Public Elections), 4.3 (Activities of Candidates for Appointive Judicial Office), 4.4 (Campaign Committees), and 4.5 (Activities of Judges Who Become Candidates for Nonjudicial Office); and

(B) shall not practice law in the district court of the county in which the judge serves, or, if the court is divided into divisions, in the division of the court on which the judge serves, or in any court subject to the appellate jurisdiction of the court on which the judge serves. This paragraph shall not apply to lawyers who are appointed pursuant to Minn. Stat. § 484.013, Minn. Stat. § 491A.03, subd. 1, or such other appointments as ordered by the Supreme Court. However, in no event shall the judge and shall not act as a lawyer in a proceeding in which the judge has served as a judge or in any other proceeding related thereto.

....

IV. Periodic Part-Time Judge

A periodic part-time judge who serves or expects to serve repeatedly on a part-time basis, but under a separate appointment for each limited period of service or for each matter,

(A) is not required to comply:

(1) with Rule 2.10 (Judicial Statements on Pending and Impending Cases), except while serving as a judge; or

(2) at any time with Rules 3.4 (Appointments to Governmental Positions), 3.7 (Participation in Educational, Religious, Charitable, Fraternal, or Civic Organizations and Activities), 3.8 (Appointments to Fiduciary Positions), 3.9 (Service as Arbitrator or Mediator), 3.10 (Practice of Law), 3.11 (Financial, Business, or Remunerative Activities), 3.13 (Acceptance and Reporting of Gifts, Loans, Bequests, Benefits, or Other Things of Value), 3.15 (Reporting Requirements), 4.1 (Political and Campaign Activities of Judges and Judicial Candidates in General), and 4.5 (Activities of Judges Who Become Candidates for Nonjudicial Office); and

(B) shall not practice law in the district court of the county in which the judge serves, or, if the court is divided into divisions, in the division of the court on which the judge serves, or in any court subject to the appellate jurisdiction of the court on which the judge serves; This paragraph shall not apply to lawyers who are appointed pursuant to Minn. Stat. § 484.013, Minn. Stat. § 491A.03, subd. 1, or such other appointments as ordered by the Supreme Court. However, in no event shall the judge and shall not act as a lawyer in a proceeding in which the judge has served as a judge or in any other proceeding related thereto.