



SUPREME COURT OF GEORGIA

Atlanta October 22, 2018

The Honorable Supreme Court met pursuant to adjournment.
The following order was passed.

The Court hereby adopts the following amendments to the revised Georgia Code of Judicial Conduct that took effect on January 1, 2016, to clarify provisions relating to judicial candidates, including when the Judicial Qualifications Commission (JQC) has jurisdiction over successful and unsuccessful judicial candidates and which provisions of the Code apply to judicial candidates. These amendments, which were proposed by the Investigative Panel of the JQC, shall take effect on November 1, 2018. Parallel amendments are being made by separate order to the Rules of the Judicial Qualifications Commission of Georgia.

The amended Code of Judicial Conduct is set out below. The final amended version appears first, followed by a red-line version, with new text indicated by underlining and deleted text indicated by strike-out.

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TERMINOLOGY

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“Judicial candidate” is a person, including an incumbent judge, seeking selection for or retention in judicial office by election or appointment. A person becomes a candidate for judicial office as soon as he or she: (1) appoints or forms a *campaign committee*, (2) makes a public announcement of candidacy, (3) declares, files or qualifies as a candidate with the election or appointment authority, or (4) authorizes solicitation or acceptance of *contributions* or *support*. A person who is announced as the appointee to fill a judicial position by the Governor or other appointing authority, or who is certified as elected to a judicial position, continues to be a judicial candidate until he or she is sworn into office. Judicial candidates who do not currently hold judicial office are subject to the same Code provisions as judges pro tempore.

Text amended effective November 1, 2018.

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APPLICATION

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B. Judges Pro Tempore

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Commentary:

[1] *These Rules contemplate greater employment of standard judicial assistance law, such as OCGA §§ 15-1-9.1, 15-6-13, 15-7-25, 15-8-3, 15-9-13, 15-10-221, or 15-11-23, as well as use of senior judges, rather than designating practicing attorneys to function as judges for special situations resulting from judicial disqualification, personal emergency, or considerations of more effective caseload management. The rules are intended to endorse appointment or service by a lawyer as a judge pro tempore only for brief and infrequent periods of time.*

[2] *Judicial candidates who do not currently hold judicial office are subject to the same Code provisions as judges pro tempore. See Terminology Section, definition of judicial candidate.*

Commentary redesignated as [1] and Commentary [2] added effective November 1, 2018.

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Red-line

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TERMINOLOGY

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“Judicial candidate” is a person, including an incumbent judge, seeking selection for or retention in judicial office by election or appointment. A person becomes a candidate for judicial office as soon as he or she: (1~~ii~~) appoints or forms a *campaign committee*, (2~~ii~~) makes a public announcement of candidacy, (3~~iii~~) declares, files or qualifies as a candidate with the election or appointment authority, or (4~~iv~~) authorizes solicitation or acceptance of *contributions* or *support*. A person who is announced as the appointee to fill a judicial position by the Governor or other appointing authority, or who is certified as elected to a judicial position, continues to be a judicial candidate until he or she is sworn into office. The term “judicial candidate” has the same meaning when applied to a

judge seeking election or appointment to non-judicial office. Judicial candidates who do not currently hold judicial office are subject to the same Code provisions as judges pro tempore.

Text amended effective November 1, 2018.

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APPLICATION

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B. Judges Pro Tempore

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Commentary:

[1] *These Rules contemplate greater employment of standard judicial assistance law, such as OCGA §§ 15-1-9.1, 15-6-13, 15-7-25, 15-8-3, 15-9-13, 15-10-221, or 15-11-23, as well as use of senior judges, rather than designating practicing attorneys to function as judges for special situations resulting from judicial disqualification, personal emergency, or considerations of more effective caseload management. The rules are intended to endorse appointment or service by a lawyer as a judge pro tempore only for brief and infrequent periods of time.*

[2] *Judicial candidates who do not currently hold judicial office are subject to the same Code provisions as judges pro tempore. See Terminology Section, definition of judicial candidate.*

Commentary redesignated as [1] and Commentary [2] added effective November 1, 2018.

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SUPREME COURT OF THE STATE OF GEORGIA

Clerk's Office, Atlanta

I certify that the above is a true extract from the minutes of the Supreme Court of Georgia.

Witness my signature and the seal of said court hereto affixed the day and year last above written.

