

# **NATIONAL CONFERENCE OF APPELLATE COURT CLERKS CODE OF PROFESSIONAL CONDUCT**

## **Preface**

This Code of Professional Conduct was adopted by the National Conference of Appellate Court Clerks on August 11, 1983, at its annual meeting in New Orleans, Louisiana, and amended on August 6, 1992, at the twentieth annual meeting in Washington, D.C., on August 5, 1993, at the twenty-first annual meeting in Nashville, Tennessee, and on August 6, 2009, at the thirty-sixth annual meeting in Sacramento, California.

## **Preamble**

The National Conference of Appellate Court Clerks, mindful that the character and conduct of its members should never be objects of indifference, and that declared ethical standards should become habits of life, adopts these principles which should govern the personal practice of appellate court clerks. The administration of justice requires appellate court clerks to adhere to the highest ideals of personal and official conduct.

The members of the National Conference of Appellate Court Clerks are dedicated to the highest standards of personal integrity and professional conduct. Their role in appellate courts casts upon them duties concerning their relationship to the other branches of government, the citizenry and all who come in contact with him or her. Therefore, the National Conference of Appellate Court Clerks adopts this Code of Professional Conduct as a guide of appropriate professional conduct and to promote the development and application of education, professional judgment and skill within the judiciary they serve. The provisions of this code should be construed and applied to further these objectives.

Where any state or federal statutory requirements or court rules and policies address the same areas, they will take precedence over this code.

## **CANON I**

### **Members of the National Conference of Appellate Court Clerks Should Maintain the Highest Standard of Professional Conduct in the Performance of their Duties**

An independent and honorable judiciary is indispensable to justice in our society. Members of the National Conference of Appellate Court Clerks participate in establishing, maintaining, and enforcing the law, and should themselves observe high standards of conduct so that the integrity, impartiality and independence of the judiciary may be preserved.

Adopted effective August 11, 1983. Amended effective August 6, 1992; amended effective August 5, 1993; amended effective August 6, 2009.

## **CANON II**

### **Members of the National Conference of Appellate Court Clerks Should Avoid Impropriety and the Appearance of Impropriety in all Activities**

(A) A member should respect and comply with the law and should conduct himself or herself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

(B) A member should not allow family, social, or other relationships to influence his or her official conduct or the conduct of his or her office. A member should not lend the prestige of his or her office to advance the private interests of others; nor should a member convey or permit others to convey the impression that they are in a special position to exert such influence.

(C) A member may accept a gift donated to a group of employees. e.g. all the employees of an office or unit of the court system, provided that the value and circumstances of the gift are such that it could not be reasonably inferred that the gift would influence the employees in the performance of their official duties or that such influence was the purpose of the donor, and provided that any employee accepting such a gift promptly reports the gift to the supervisor, who shall be responsible for its proper distribution. Gifts received with the understanding that they will influence employees' official actions, decisions, or judgments are prohibited.

Adopted effective August 11, 1983. Amended effective August 6, 1992; amended effective August 5, 1993, amended effective August 6, 2009.

### **CANON III**

#### **Members of the Conference of Appellate Court Clerks Should Perform the Duties of Office Impartially and Diligently**

(A) A member should be patient, dignified and courteous to litigants, lawyers, and others with whom he or she deals in an official capacity, and should require similar conduct by staff and others subject to their direction and control.

(B) A member should exercise great care and discretion in initiating or considering ex parte or other communications concerning a pending or impending proceeding. However, a member may be called upon in the course of his or her duties to explain to litigants and their counsel the rules, operating procedures, and other practices of the court. Such explanations should always be rendered in an impartial manner, so as not to advantage or disadvantage any litigant. A member should never offer explanations to one party that the member would not share with the opposing party.

(C) A member should not disclose to any unauthorized person or persons any confidential information concerning authorship of pending opinions, internal calendar memos, internal discussions relating to pending decisions, content of proposed opinions, or any other information designated by the court as confidential.

(D) A member should abstain from public comment on the merits of a pending or impending proceeding in any court, and should require similar abstention on the part of all court personnel subject to his or her direction and control. This subsection does not prohibit members from making public statements in the course of their official duties or from explaining for public information the procedures of the court.

(E) A member should support the reputation and integrity of the judicial system and, because statements of a member may carry considerable weight with the public, should not make derogatory comments that would undermine public confidence in or promote disrespect for the judicial system.

(F) A member should maintain the files and other records of the court in a conscientious and accurate manner and continue to develop policies and procedures for reducing time delay and improving efficiency of the appellate process.

(G) A member should diligently discharge responsibilities, maintain professional competence in judicial administration, and facilitate the performance of the responsibilities of other courts and court officials.

(H) A member should require staff and other personnel subject to his or her direction and control to observe the standards of fidelity and diligence that apply to the member.

Adopted effective August 11, 1983. Amended effective August 6, 1992; amended effective August 5, 1993, amended effective August 6, 2009.

#### **CANON IV**

Members of the National Conference of Appellate Court Clerks Should Engage in Activities to Improve the Law, the Legal System and the Administration of Justice

(A) A member should encourage dialogue between his or her's office and bar associations, judges, legal secretary associations, trial court and appellate court clerk associations and court reporters in an effort to promote better understanding of the court's processes. The member may participate in or conduct educational seminars for the benefit of those doing business with the office.

(B) A member should be alert to the need for improvements in the rules, court procedures and administrative functions of the court and offer suggestions for appropriate changes and improvements of the appellate process.

Adopted effective August 11, 1983. Amended effective August 6, 1992, amended effective August 6, 2009.

## CANON V

### Members of the National Conference of Appellate Court Clerks Should Regulate Outside Activities to Minimize Risk of Conflict With Court Related Duties

(A) Avocational Activities. A member may engage in avocational activities as long as they do not take undue advantage of their position, demean their office or interfere with the performance of their duties.

(B) Civic and Charitable Activities. A member may participate in civic and charitable activities that do not reflect adversely upon their impartiality or interfere with the performance of their duties. A member may serve as an officer, director, trustee, or nonlegal advisor of an educational, religious, charitable, fraternal, or civic organization except that a member should not serve if it is likely that the organization will be engaged in proceedings that would ordinarily come before the member's court or will be regularly engaged in adversary proceedings in any court.

(C) Financial Activities.

(1) A member should refrain from financial and business dealings that tend to reflect adversely on his or her impartiality, interfere with the performance of the member's duties, or exploit the member's position.

(2) Subject to the requirements of subsection (1), a member may hold and manage investments, including real estate, and engage in other remunerative activities, but should not participate in nor permit his or her name to be used in connection with any business venture or commercial advertising program, with or without compensation, in such a way as would justify a reasonable inference that the power or prestige of the member's office is being utilized to promote business or commercial product.

(3) A member should not request or accept any remuneration, gift, bequest, favor, or loan that is made with the intent to influence or that creates an appearance of influencing the member in the exercise of court related duties.

(4) Acceptance by members who are elected of campaign contributions should be governed by any applicable state laws or court rules.

Adopted effective August 11, 1983. Amended effective August 6, 1992; amended effective August 5, 1993, amended effective August 6, 2009.

## **CANON VI**

### **Members of the National Conference of Appellate Court Clerks Should Avoid Political Activities Which May Give the Appearance of Bias or Impropriety**

A member is entitled to entertain personal views on political questions and is not required to surrender rights or opinions as a citizen. Many jurisdictions expressly prohibit political activity on the part of employees of the judicial branch of government. To the extent that political activity is not expressly prohibited, a member should avoid political activity which may give rise to a suspicion of bias or impropriety in any matter pending or impending before his or her court.

Adopted effective August 11, 1983. Amended effective August 6, 1992, amended effective August 6, 2009.

## **CANON VII**

### **Members of the National Conference of Appellate Court Clerks Should Seek To Improve His or Her Professional Competence and That of His or Her Staff**

(A) A member should seek to improve his or her professional competence and that of his or her staff by participating in educational programs and seminars such as those provided by the Conference, reading profession-related materials, and attending and participating in other activities likely to enhance the level of competence of the member and his or her staff.

(B) A member should participate actively in the exchange of ideas for rule change and improvement in appellate court programs and procedures with other appellate courts in the United States and with other national organizations focused on court management.

Adopted effective August 11, 1983. Amended effective August 6, 1992, amended effective August 6, 2009.

## **CANON VIII**

### **A Member of the National Conference of Appellate Courts Should Not Engage in Discrimination Based on Race, Sex, Religion or Political Affiliation**

(A) A member should not discriminate based on race, sex, religion, national origin, disability, age, sexual orientation, socioeconomic status, or political affiliation in dealing with attorneys, secretaries, paralegals, court reporters, their staffs, other court related personnel, or others doing business with the court or in hiring practices.

(B) A member should not discriminate in the hiring or the promotion of personnel based on sexual or other favors.

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