

ETHICS

What You Really Do **Not** Want To Know.
Like, you can really get in trouble if you
mess this up

Rules of Engagement

- Ask Questions As We Go
- Have Fun
- Be Prepared to Talk
- Teach Each Other
- Relax – We're All Friends
- This is not a Comprehensive Review – We Aren't Covering Every Aspect of Ethics
- After the Presentation Power Point Will be Available

ETHICS

- 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.

ETHICS

- - Canon 2.3 - Misconduct of Others*
- A court professional should expect fellow professionals to abide by the canons set out in this code. A court professional shall report to the appropriate authority the behavior of any court professional who violates this code including, but not limited to, potential conflicts of interest involving one's duties and attempts to inappropriately influence one in performing one's duties.

ETHICS



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Ethics ordinance won't apply to elected officials

by Dick Jensen

NEW HAVEN — The town's ethics ordinance, currently being applied to elected officials — the Town Council, School Committee and Board of Education School Committee.

In such cases, the ordinance passed Tuesday night, the council failed

to pass it.

Concededly, both Doherty and Paul Pappas, with standards of ethical behavior, such as avoiding conflict of interest, are already covered by state law. They particularly objected to a provision of the ordinance that would require council members and other elected officials to refrain from voting on issues

they have had a business relationship in which \$500 or more changed hands.

Mr. Doherty said that would exclude Mr. Pappas from voting on issues since that paper before the council had been in a business relationship with the town of New Haven for at least 10 years and business with nearly everyone in

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ETHICS

ODDS AND ENDS

Man arrested for stealing book on ethics

LOUISVILLE, Ky. | University of Louisville police say a Prospect man is getting a tough lesson on ethics that probably can't be found in a book.

The Courier-Journal reported that campus police arrested [REDACTED] on Wednesday and charged him with stealing a textbook called "Resolving

Ethical Issues" from the University of Louisville's Health Sciences Center.

Police say Davis later tried to sell the book to Gray's College Bookstore in Louisville.

The arrest report said surveillance video cameras captured the theft and attempt to sell the book. — Associated Press

The Basics

- The Basics - Things you always need to remember
 - Know the law!!!
 - If in doubt, do not do it!
 - What will it look like on the front page of the newspaper?
 - What would your Mom say?

The Basics (con't)

- Multiple codes might apply to you:
 - Statutes in your state
 - State Constitution
 - Judicial Ethics Code
 - Local clerk's office ethics code or personnel rules from your court
 - Judicial branch personnel rules
 - Rules regulating the Bar
 - NCACC's Code

Key Areas

- Professionalism
- Competency
- Performance of Duties
- Impropriety and the Appearance of Impropriety
- Impartiality
- Prohibition Against Giving Legal Advice
- Conflict of Interest
- Confidentiality
- Harassment
- Discrimination
- Refraining from Political Activity
- Technology

Theory

- We cannot provide individual answers because everyone has different, although usually similar, standards
- Understand the underpinnings of each of the critical areas we discuss
- Like law school – not necessarily the answers – but the questions you ought to be asking yourself

FLORIDA

I will use Florida as an example sometimes, but it is not necessarily the answer; probably isn't.

Gift

- something voluntarily transferred by one person to another without compensation

Gifts

- Take 10 minutes and draft a gift policy that applies only to the clerk's office.
- No more than 25 words.
- No looking up any policy on the web
- No conferring with others

Hypothetical

The Clerk starts dating an attorney who regularly practices law in the Clerk's court.

The Clerk, working with staff, ensures that the Clerk is completely screened off from any interaction with the Attorney at work including blocking the Clerk from access to any of the Attorney's cases on the CMS. The Attorney, if there is any need for interaction with the Clerk's office, has an associate from the law firm do it.

Because the Attorney makes substantially more than the Clerk, when they go out on dates or to social events the Attorney usually pays.

To celebrate the Clerk's birthday, the Attorney planned a surprise party and invited all of their friends and co-workers. Many clerk's office employees attended.

What are the ethical issues, if any? What would you advise the Clerk? If there is a violation, how can the Clerk "cure" it?

GIFTS

- 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.

Gifts

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

GIFTS

- Acceptance of Gifts and/or Use of Position for Personal Gain. Employees of the Unified Judicial System shall not solicit, accept or agree to accept anything of value from any person or entity doing or seeking to do business with, or having an interest in a matter before, the court or court-related entity by which they are employed, subject to the following exceptions:

GIFTS

- acceptance of a gift from a family member when the circumstances make it clear that the purpose is personal;
- *Note: "Family member" is defined as spouse, child, brother, sister, parent, grandparent, grandchild, father-in-law, mother-in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepson, stepdaughter, uncle, aunt, niece, nephew and first cousin.*
- acceptance of meals or refreshments of nominal value in the ordinary course of a meeting, conference or other official business;

GIFTS

- acceptance of loans from banks or other financial institutions on similar terms offered to the public for purposes such as a home mortgage;
- acceptance of gifts of nominal value for special occasions such as marriage, illness or retirement;
- acceptance of a plaque or other item offered as a token of appreciation for a public appearance;
- acceptance of educational materials directly related to the employee's duties; and
- acceptance of unsolicited advertising or promotional material of nominal value, such as pens, pencils, note pads, calendars and items of apparel with vendor logo.

Hypothetical

- Your sister is getting a divorce. She and her husband own their own very successful company. They also own multiple homes and travel extensively. There are no kids.
- She tells you she is hiring Matt Stein as her lawyer and wants to know what you think. You know that Mr. Stein – who gets a lot of good publicity in high profile divorce cases – is actually considered a bad lawyer by some judges on your court.
- What do you advise her?

Hypothetical

- You belong to Facebook
- You get a “friend” request from an attorney who practices before the court
- You would not consider them a friend
- You only know of them and have met them doing business at the court.
- Would you accept the request?
- What if it was a friend?

TECHNOLOGY

- Tenet Twelve Protect the technological property of the court by preserving the integrity of electronically stored information.

FINAL THOUGHT

- A code of ethics cannot possibly anticipate every moral dilemma and ethical choice that may arise in the execution of one's day-to-day professional responsibilities. Personal discretion in the interpretation of this Code of Ethics is both necessary and desirable. Court employees should cultivate within themselves the ethical judgment that will foster the fair and impartial administration of justice.

RESOURCES

http://www.uscourts.gov/sites/default/files/vol02a-ch03_0.pdf

<http://www.courts.ca.gov/documents/codethic-courtemp.pdf>

<https://www.seminoleclerk.org/resources/code-of-ethics.pdf>

<https://nacmnet.org/ethics/index.html>