

**The Profession of Court Administration:
Ethics and the Learning Organization**

Codes of Conduct

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National Association for Court Management (NACM) Model Code of Conduct for Court Professionals

Preamble

Service to the judicial branch is a public trust. The foundation of our society rests, in part, on the ability of the citizens to wisely judge the value of our courts and to acknowledge the integrity of the judiciary as a co-equal branch of our government. Court professionals, who work for the judicial branch and are faithful to these values, must be accountable to that trust. This code is therefore a personal and professional pledge to that trust and to those values.

Scope

This code applies to all full-time, part-time and temporary court system employees, who are identified in this code as court professionals.

The code is intended to complement separate professional codes that bind court system professionals.

Citizenship

It is fundamental to this code and a prerequisite to its other canons that a court professional commit to fulfilling the duties of citizenship in a self-governing democratic society. This includes upholding the United States Constitution and the appropriate state constitution, as well as Federal and state laws and legal regulations. Court professionals shall comply with our legal duties, placing loyalty to the principles of this code before loyalty to persons or other affiliations.

Canon 1: Avoiding Impropriety and the Appearance of Impropriety in All Activities

Canon 1.1 - Performing Court Duties

A court professional shall faithfully carry out all appropriately assigned duties striving at all times to perform the work diligently, efficiently, equitably, thoroughly, courteously, honestly, truthfully and with transparency. A court professional shall carry out properly issued court orders and rules, not exceeding the court professional's authority.

Canon 1.2 - Avoiding Impropriety

A court professional shall avoid both impropriety and the appearance of impropriety. A court professional shall avoid improper influences from business, family, position, party, or person. A court professional shall avoid activities that would impugn the dignity of the court.

Canon 1.3 - Fairness

A court professional shall conduct his or her work without bias or prejudice including, but not limited to, bias or prejudice based upon race, gender, skin color, religion, age, sexual orientation, national origin, language, marital status, socioeconomic status, or physical or mental challenge.

Canon 1.4 - Respect of Others

A court professional shall treat litigants, co-workers and all others interacting with the court with dignity, respect and courtesy.

Canon 1.5 - Involvement in Actions Before a Court

A court professional shall notify the appropriate authority whenever he or she, anyone in his or her family, or anyone with whom he or she has a close personal relationship has been arrested, named as a party, or is otherwise formally involved in any action pending in any court.

Canon 1.6 - Avoiding Privilege

A court professional shall use his or her official position solely for its intended purpose. A court professional shall not use his or her position (intentionally or unintentionally), to secure unwarranted privileges or exemptions for oneself or others; a court professional shall not dispense special favors to anyone, whether or not he or she was offered remuneration.

A court professional shall not attempt to take advantages of his or her enhanced access to judges and court files to further any personal interest he or she might have in a case or engage in court related ex-parte discussions with judges.

Canon 1.7 - Assisting Litigants

A court professional shall be responsive to inquiries regarding standard court procedures, but shall not give legal advice unless it is required as part of one's official position.

Canon 2: Performing the Duties of Position Impartially and Diligently

Canon 2.1 - Independent Judgment

A court professional shall avoid relationships that would impair one's impartiality and independent judgment. A court professional shall be vigilant of conflicts of interest and ensure that outside interests are never so extensive or of such nature as to impair one's ability to perform court duties.

Canon 2.2 - Personal Relationships

A court professional shall recruit, select, and advance personnel based on demonstrated knowledge, skills, abilities, and bona fide work-related factors, not on favoritism. A court professional shall avoid appointing, assigning, or directly supervising, a family member, or attempting to influence the employment or advancement of a family member. Where circumstances dictate that one must work directly with a family member, a court professional shall report the circumstance to an appropriate authority, regularly assess the situation, and take remedial action at the earliest time practicable.

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.

Canon 2.4 - Attempts at Influence

A court professional shall immediately report to the appropriate authority any attempt to compel one to violate these canons.

Canon 2.5 - Properly Maintain Records

A court professional shall not inappropriately destroy, alter, falsify, mutilate, backdate or fail to make required entries on any records within the court's control.

Canon 2.6 - Legal Requirements

A court professional shall maintain the legally required confidentiality of the court, not disclosing confidential information to any unauthorized person, for any purpose. A court professional shall properly provide confidential information that is available to specific individuals authorized to receive such by reason of statute, court rule or administrative policy.

Canon 2.7 - Discretion

A court professional shall be respectful of litigants, the public, applicants and employees' personal lives; disregard information that legally cannot or should not otherwise be considered; use good judgment in weighing the credibility of Internet data; and be cautious about verifying identities.

A court professional shall treat personal or sensitive information with the same discretion that one would wish others to have if one were involved in a similar case.

Canon 2.8 - Proper Use of Public Resources

A court professional shall use the resources, property and funds under one's official control judiciously and solely in accordance with prescribed procedures.

**Canon 3: Conducting Outside Activities to Minimize the
Risk of Conflict with Official Position**

Canon 3.1 - Outside Business

The court is a court professional's primary employment. A court professional shall avoid outside activities, including outside employment, business activities, even subsequent employment and business activities after leaving judicial service, that reflect negatively upon the judicial branch and on one's own professionalism.

A court professional shall notify the appropriate authority prior to accepting work or engaging in business outside of one's court duties. A court professional shall not request or accept any compensation or fee beyond that received from their employer for work done in the course of their public employment. However, court professionals may engage in outside employment as long as it does not conflict with the performance of their official responsibilities or violate this code.

Canon 3.2 - Compensation and Post-Employment Restrictions

During or following one's employment with a court, a court professional shall not represent a commercial interest to, or do business with, that same court unless both the employment and commercial interest are fully disclosed to and approved by the court's appropriate management authority.

Canon 3.3 - Avoiding Gifts

A court professional shall not solicit, accept, agree to accept, or dispense any gift, favor, or loan either for oneself or on behalf of another based upon any understanding, either explicit or implicit, that would influence an official action of the court.

Canon 3.4 - Financial Disclosure

A court professional shall dutifully disclose all financial interests and dealings required by law, rule, or regulation.

Canon 4: Refraining from Inappropriate Political Activity

Canon 4.1 – Refraining from Inappropriate Political Activity

A court professional retains one's right to vote and is encouraged to exercise it as a part of citizenship. Engaging in any political activity is done strictly as a private citizen and only in accordance with state law or court rules. A court professional shall participate only during non-court hours, using only non-court resources. A court professional shall not use one's position or title within the court system to influence others.

Unless a court professional is elected to one's court position, one shall campaign during non-work hours or take an unpaid leave of absence upon declaring one's intent to run for office. If elected, a court professional shall resign one's post with the court unless one is holding a political office that clearly does not hold a conflict of interest, nor does it interfere with one's ability to perform one's court duties.

American Judicature Society (AJS)
Model Code of Conduct for
Non-Judicial Court Employees
Circa 1989

Introduction

The holding of public employment in the court system is a public trust justified by the confidence that the citizenry reposes in the integrity of officers and employees of the judicial branch. A court employee, faithful to that trust, therefore shall observe high standards of conduct so that the integrity and independence of the courts may be preserved. Court employees shall carry out all duties assigned by law and shall put loyalty to the principles embodied in this Code above loyalty to persons or parties. A court employee shall uphold the Constitution, laws and legal regulations of the United States, the State of and all governments therein and never be a party to their evasion. A court employee shall abide by the standards set out in this Code and shall endeavor to expose violations of this Code wherever they may appear to exist.

Scope

- 1) Each jurisdiction must determine exactly which employees shall be covered by this Code. The Code should apply to all employees who directly or indirectly affect the court's operation. A suggested listing of such employees would include: court clerks, docket clerks, data processing personnel, bailiffs and judicial secretaries, as well as court managers and their staffs. This list is intended to be illustrative and does not imply that other employees should be omitted. For example, if janitors in the court building have contact with the public or have the authority to purchase supplies for the court, then the Code should apply to these employees as well.
- 2) This Code is not intended to apply to law clerks, who should be held to a higher standard of conduct, nor to court reporters, who are bound by the Code of Professional Conduct of the National Shorthand Reporters Association.
- 3) The term, "court employee," includes within its scope those court employees who are also court managers.
- 4) The term, "court manager," includes within its scope all court employees who have important supervisory responsibilities. Each jurisdiction must identify the particular court employees who function as managers within that court system.

Section One: Abuse of Position

- A) No employee shall use or attempt to use his or her official position to secure unwarranted privileges or exemptions for the employee or others.

- B) No employee shall accept, solicit, or agree to accept any gift, favor or anything of value based upon any understanding, either explicit or implicit, that the official actions, decisions or judgment of any employee would be influenced thereby. Gifts that do not violate this prohibition against abuse of position are further regulated in Section Three, Subsection B.6.
- C) No employee shall discriminate by dispensing special favors to anyone, whether or not for remuneration, nor shall any employee so act that the employee is unduly affected or appears to be affected by kinship, rank, position or influence of any party or person.
- D) No employee shall request or accept any fee or compensation, beyond that received by the employee in his or her official capacity, for advice or assistance given in the course of his or her public employment.
- E) Each employee shall use the resources, property and funds under the employee's official control judiciously and solely in accordance with prescribed statutory and regulatory procedures.
- F) Each employee shall immediately report to the appropriate authority any attempt to induce him or her to violate any of the standards set out above.

Section Two: Confidentiality

- A) No court employee shall disclose to any unauthorized person for any purpose any confidential information acquired in the course of employment, or acquired through unauthorized disclosure by another.
- B) Confidential information includes, but is not limited to, information on pending cases that is not already a matter of public record and information concerning the work product of any judge, law clerk, staff attorney or other employee including, but not limited to, notes, papers, discussions and memoranda.
- C) Confidential information that is available to specific individuals by reason of statute, court rule or administrative policy shall be provided only by persons authorized to do so.
- D) Every court employee shall report confidential information to the appropriate authority when the employee reasonably believes this information is or may be evidence of a violation of law or of unethical conduct. No court employee shall be disciplined for disclosing such confidential information to an appropriate authority.
- E) Court managers should educate court employees about what information is confidential and, where appropriate, should designate materials as confidential.

- F) Court employees are not precluded from responding to inquiries concerning court procedures, but a court employee shall not give legal advice. Standard court procedures, such as the method for filing an appeal or starting a small claims action, should be summarized in writing and made available to litigants. All media requests for information should be referred to the court employee designated for that purpose.
- G) No court employee shall either initiate or repeat ex parte communications from litigants, witnesses or attorneys to judges, jury members or any other person.
- H) A former court employee should not disclose confidential information when disclosure by a current court employee would be a breach of confidentiality.

Section Three: Conflict of Interest

- A) Every court employee shall avoid conflicts of interest, as defined below, in the performance of professional duties. Even though no misuse of office is involved, such a conflict of interest involving a court employee can seriously undermine the community's confidence and trust in the court system. Therefore, every court employee is required to exercise diligence in becoming aware of conflicts of interest, disclosing conflicts to the designated authority and ending them when they arise.
 - 1) A conflict of interest exists when the court employee's objective ability or independence of judgment in the performance of his or her job is impaired or may reasonably appear to be impaired or when the court employee, or the employee's immediate family, as defined below, or business would derive financial gain as a result of the employee's position within the court system.
 - 2) No conflict of interest exists if any benefit or detriment accrues to the employee as a member of a profession, business or group to the same extent as any other member of the profession, business or group who does not hold a position within the court system.
 - 3) For the purposes of this Code, "immediate family" shall include the following, whether related by marriage, blood or adoption: spouse; dependent children; brother; sister; parent; grandparent; grandchildren; father-in-law, mother-in-law; sister-in-law, brother-in-law; son-in-law, daughter-in-law; stepfather, stepmother; stepson, stepdaughter; stepbrother, stepsister; half-brother, half-sister.
- B) Prohibited Activities:
 - 1) No court employee shall enter into any contract with the court system for services, supplies, equipment, leases or realty, apart from the employment

contract relating to the employee's position, nor use that position to assist any member of his or her immediate family in securing a contract with the court system in a manner not available to any other interested party.

- 2) No court employee shall receive tips or other compensation for representing, assisting or consulting with parties engaged in transactions or involved in proceedings with the court system.
- 3) No court employee shall participate in any business decision involving a party with whom either the court employee or any member of the employee's immediate family is negotiating for future employment.
- 4) No former court employee shall engage in transactions or represent others in transactions or proceedings with the court system for one year after termination of employment in any matter in which the former employee was substantially involved or in any dealings with offices or positions that the former employee once held.
- 5) No court employee shall knowingly employ, advocate or recommend for employment any member of his or her immediate family.
- 6) No court employee shall solicit, accept or agree to accept any gifts, loans, gratuities, discounts, favors, hospitality or services under circumstances from which it could reasonably be inferred that a major purpose of the donor is to influence the court employee in the performance of official duties.
 - a) Nothing in this section shall prohibit an employee from accepting a public award presented in recognition of public service.
 - b) Nothing in this section shall prohibit an employee from receiving a commercially reasonable loan made as part of the ordinary transaction of the lender's business.
 - c) Nothing in this section shall prohibit any person from donating a gift 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 report 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 as abuse of office in Section One, Subsection B.

- d) Nothing in this section shall prohibit any person or group from donating a gift of historical or other significant value that is given for the benefit of the court system, provided that such a gift is received on behalf of the court system by the appropriate designated authority.
- C) To secure conformity to the above standards, every court employee who has authority to enter into or to approve contracts in the name of the court system shall file a financial disclosure statement with the appropriate designated authority upon beginning employment in such position, at termination of employment, and annually while so employed. Such disclosure shall include all sources of and contractual arrangements for personal income, including investments and real property, business entity income and business position income held or received by themselves, their spouses or their dependent children, and shall follow the guidelines established by the appropriate designated authority.
- D) Each full-time court employee's position with the court system must be the employee's primary employment. Outside employment is permissible only if it complies with all the following criteria:
- 1) The outside employment is not with an entity that regularly appears in court or conducts business with the court system, and it does not require the court employee to have frequent contact with attorneys who regularly appear in the court system; and
 - 2) The outside employment is capable of being fulfilled outside of normal working hours and is not incompatible with the performance of the court employee's duties and responsibilities; and
 - 3) The outside employment does not require the practice of law; and
 - 4) The outside employment does not require or induce the court employee to disclose confidential information acquired in the course of and by reason of official duties; and
 - 5) The outside employment shall not be within the judicial, executive or legislative branch of government without written consent of both employers; and
 - 6) Where a conflict of interest exists or may reasonably appear to exist or where the outside employment reflects adversely on the integrity of the court, the employee shall inform the appropriate designated authority prior to accepting the other employment.

Section Four: Ethical Activity

- A) Each employee retains the right to vote as the employee chooses and is free to participate actively in political campaigns during non-working hours. Such activity includes, but is not limited to, membership and holding office in a political party, campaigning for a candidate in a partisan election by making speeches and making contributions of time or money to individual candidates, political parties or other groups engaged in political activity. An employee who chooses to participate in political activity during off-duty hours shall not use his or her position or title within the court system in connection with such political activities.

- B) With the exception of officers of the court who obtain their position by means of election, no employee shall be a candidate for or hold partisan elective office. With the same exception, an employee who declares an intention to run for partisan elective office shall take an unpaid leave of absence upon the filing of nomination papers. If elected, he or she shall resign. An employee may be a candidate for non-partisan office without separating from employment, provided that the employee complies with the requirements in this Code concerning performance of duties, conflicts of interest, etc.

- C) No employee shall engage in any political activity during scheduled work hours, or when using government vehicles or equipment, or on court property. Political activity includes, but is not limited to:
 - 1) Displaying campaign literature, badges, stickers, signs or other items of political advertising on behalf of any party, committee, agency or candidate for political office;
 - 2) Using official authority or position, directly or indirectly, to influence or attempt to influence any other employee in the court system to become a member of any political organization or to take part in any political activity;
 - 3) Soliciting signatures for political candidacy;
 - 4) Soliciting or receiving funds for political purposes.

- D) No employee shall discriminate in favor of or against any employee or applicant for employment on account of political contributions or permitted political activities.

Section Five: Performance of Duties

- A) Every court employee shall endeavor at all times to perform official duties properly and with diligence. Every court employee shall apply full-time energy to the business and responsibilities of the employee's office during working hours.
- B) Every court employee shall carry out responsibilities as a servant of the public in as courteous a manner as possible.
- C) Every court employee shall maintain or obtain current licenses or certificates as a condition of employment as required by law or court rule.
- D) No court employee shall alter, falsify, destroy, mutilate, backdate or fail to make required entries on any records within the employee's control. This provision does not prohibit alteration or expungement of records or documents pursuant to a court order.
- E) No court employee shall discriminate on the basis of nor manifest, by words or conduct, bias or prejudice based on race, religion, national origin, gender, sexual orientation or political affiliation in the conduct of service to the court.
- F) No court employee shall give legal advice or recommend the names of private attorneys.
- G) No court employee shall refuse to enforce or otherwise carry out any properly issued rule or order of court, nor shall court employees exceed that authority. No court employee shall be required to perform any duties outside the scope of the assigned job description.
- H) Every court employee shall immediately report violations of this Code to the appropriate designated authority.
- I) Court employees who are law students, attorneys or members of other professional groups are also bound by the appropriate professional duties of those roles.

Section Six: Court Managers

- A) Court managers regularly shall update their education.
- B) Court managers shall require employees subject to their direction and control to observe the ethical standards set out in this Code.
- C) Court managers shall diligently discharge their administrative responsibilities, maintain professional competence in judicial administration and facilitate the performance of other court employees.

- D) Court managers shall take action regarding any unethical conduct of which they may become aware, initiating appropriate disciplinary measures against an employee for any such conduct and reporting to appropriate authorities' evidence of any unethical conduct by judges or lawyers.
- E) Court managers shall not act as leaders in or hold office in any political organization, make speeches for any political organization or publicly endorse a candidate for political office.

This Model Code was drafted by David T. Ozar, Cynthia Kelly and Yvette Begue and approved for promulgation by the AJS Executive Committee. Copyright 1989, American Judicature Society.

PENNSYLVANIA ASSOCIATION OF COURT MANAGEMENT

CANON OF ETHICS

1. A Court Administrator should demonstrate the highest standards of personal integrity, honesty, and fortitude in all activities in order to improve the judicial system and the effective administration of justice.
2. A Court Administrator must avoid any interest or activity which is in conflict with the conduct of his or her official duties.
3. A Court Administrator shall refrain from any partisan political activity.
4. A Court Administrator should strive for personal professional excellence and encourage the professional development of his or her associates and those seeking to enter the field of court administration.
5. A Court Administrator should respect and protect the privileged information to which he or she has access in the course of official duties.
6. A Court Administrator shall refrain from making judicial decisions.
7. A Court Administrator should respect, support, study, and when necessary, work to improve federal and state constitutions, and other laws which define the relationships among public agencies, employees, and all citizens.
- 8.

Revisions by PACM Board 3/16/2000

Ohio Supreme Court
Administrative Policy 17. Employee Code of Ethics.

This policy is intended to establish consistent standards and expectations regarding the ethical conduct of employees in the performance of their duties with the Supreme Court.

The standards set forth in this policy shall not affect or preclude the application of other, more stringent standards required by law, such as the Code of Professional Responsibility for lawyers, the Code of Judicial Conduct for employees who perform judicial functions, and the Ohio Ethics Law for all employees. If an employee has a question regarding a proposed action, the employee should consult the employee's Senior Staff supervisor for direction.

(A) Confidentiality of Court Business.

(1) Confidential information. Employees regularly produce and have access to confidential information. Information regarding legal matters pending before the Court and administrative matters that are not subject to public access pursuant to Sup. R. 44 through 47 (Public Access Rules) is confidential. An employee shall not release any confidential information until it is publicly announced in the normal course of the Supreme Court's business or its release is otherwise approved by the Court. An employee shall not share confidential information with anyone, including another employee, unless the other employee is permitted to have access to the confidential information. An employee who obtains unauthorized access to confidential information shall notify the employee's Senior Staff supervisor and otherwise keep the information confidential pursuant to this policy.

(2) Confidential work product. Employees regularly produce and have access to confidential work product. Work product, such as legal memoranda, bench briefs, and draft opinions and orders, that is prepared during consideration and review of legal and administrative matters pending before the Court is not a public record and is confidential. An employee shall not release any confidential work product until the legal or administrative matter is publicly announced in the normal course of the Court's business and its release is approved either by the Court or the Justice for whom the work product was prepared. An employee shall not share confidential work product with anyone, including another employee, unless that employee is permitted to have access to the confidential work product. An employee who obtains unauthorized access to confidential work product shall keep it confidential pursuant to this policy.

(3) Personal opinion. An employee shall not state a personal opinion regarding a legal or administrative matter that has been decided by, is pending before, or may come before the Court where the personal opinion of the employee

may reasonably be construed as the official position of the employee, the Court, a Justice, or another employee.

(4) Involvement in Court matters. An employee shall not disclose to persons outside the Court the extent of the employee's involvement in a legal or administrative matter that has been decided by or is pending before the Court, but may discuss in general terms the employee's job duties and the manner in which those duties relate to the overall work of the Court.

(5) Former employees. An employee, upon leaving the employ of the Court, may take work product that the employee created or helped create while employed by the Court, as part of a personal file, subject to the provisions of this policy.

(B) Conflict of Interest and Abuse of Position.

(1) Impropriety and the appearance of impropriety. An employee shall not engage in activity that is improper or gives the appearance of impropriety.

(2) Undue influence. An employee shall not allow family, social, political, or other relationships to improperly influence the employee's conduct or judgment in the performance of the employee's duties and responsibilities with the Court.

(3) Abuse of Position.

(a) Prestige of the Court. An employee shall not lend the prestige of the Court to advance the private interests of the employee or others. An employee shall not knowingly provide a personal endorsement or an endorsement on behalf of the Court for a person, course, product, institution, or any other item to be used in a commercial or non-commercial fashion in which the employee's employment by or position with the Court is identified or is easily determined.

(b) References and letters of recommendation. Nothing in this policy shall prohibit an employee, based on personal knowledge, from serving as a reference or providing a letter of recommendation for a person in which the employee's position with the Court is identified. The employee shall not use court stationery unless the employee has a professional and supervisory relationship with the person and receives permission from the employee's Senior Staff supervisor.

(c) **Special position.** An employee shall not imply, convey, or permit others to convey the impression that the employee is in a special position to influence the judgment of the Court or perform any discretionary or ministerial function in a manner that improperly favors any person, group, litigant, or attorney.

(C) **Nepotism.** To avoid conflicts of interest, personal gain, family discord, claims of discrimination, and the appearance of favoritism, an employee shall not engage in nepotism in connection with the hiring, discharge, or treatment of persons who are or may be under the employee's supervision.

For the purpose of this policy, "nepotism" means the participation by an employee in any action relating to the employment or discipline of a member of the employee's family or a person with whom the employee has a significant relationship, including advocating, authorizing, or otherwise causing the employment, appointment, promotion, transfer, advancement, suspension, reduction in pay, demotion, or termination of employment of a member of the employee's family or a person with whom the employee has a significant relationship, or supervising or managing any member of the employee's family or a person with whom the employee has a significant relationship.

For the purpose of this policy, "significant relationship" means the person is living with the employee as a spousal or family unit when not legally married or related.

(D) **Romantic relationships.** To identify potential conflicts of interest and opportunities for personal gain, avoid claims of discrimination and sexual harassment, and minimize the potential for or appearance of favoritism, an employee shall not enter into a romantic relationship with a person the employee directly or indirectly supervises, and a member of Senior Staff shall not enter into a romantic relationship with another employee.

For the purpose of this policy, "romantic relationship" means marriage or a relationship between two persons that is amorous and extends beyond mere social interaction, such as attending meals or entertainment events together.

(E) **Personal Financial Gain.**

(1) **Use of confidential information.** An employee shall not use confidential information, as described in paragraph (A)(1) of this policy, to secure personal financial gain or the financial gain of another.

(2) **Use of position.** An employee shall not improperly use the employee's position, title, or authority to secure personal financial gain or the financial gain for another.

(3) **Supplementary compensation.** An employee shall not solicit or, except as provided in paragraph (E)(6) of this policy, accept compensation from a person or

entity other than the Court for the performance of the employee's duties and responsibilities with the Court or a vendor who does business with the Court or for services rendered on projects the employee has recommended in the performance of the employee's duties and responsibilities with the Court or a vendor who does business with the Court.

(4) Gifts, bequests, favors, and loans. Except as provided in paragraph (E)(6) of this policy, an employee or any person residing in the employee's household shall not accept a gift, bequest, favor, or loan from any person or entity likely to be engaged in a proceeding that ordinarily would come before the Court, a person or vendor likely to do business or seek to do business with the Court, or any other person or entity under circumstances that might reasonably be considered as influencing, attempting to influence, or appearing to influence the performance of the employee's duties or responsibilities with the Court.

For the purpose of this policy, "gifts, bequests, favors, and loans" include each of the following:

- Cash or a cash equivalent, such as a gift card;
- Tickets or passes to sporting or entertainment events;
- Meals and drinks not provided to all attendees at an event or gathering. This includes prepackaged food items, such as fruit baskets, that have more than a nominal value;
- Lodging accommodations at either a commercial or private facility;
- Promotional items, such as pens, pencils, calendars, shirts, and portfolios of more than a nominal monetary value;
- Membership to private clubs, including social, athletic, or country clubs;
- The promise of employment.

(5) Honorarium. An employee shall not solicit or, except as provided in paragraph (E)(6) of this policy, accept an honorarium for speaking or making a presentation to any group or organization when the employee's appearance is promoted or the employee is identified by that group or organization as an employee of the Court or for speaking or making a presentation to any group or organization on a topic on which the employee might reasonably be perceived to possess special knowledge or subject matter expertise because of or through the employee's employment with the Court.

For the purpose of this policy, “honorarium” includes cash or a cash equivalent, such as a gift card, but does not include ceremonial gifts or awards that have nominal monetary value, unsolicited gifts of nominal value, or trivial items of informational value. Paragraph (E)(5) of this policy does not prohibit an employee from accepting the payment of actual travel expenses, including any expenses incurred in connection with the travel for lodging, and meals, food, and beverages provided to the employee.

(6) Awards, commemoration of events, and recognition of service. An employee may accept from groups or organizations items, other than cash or a cash equivalent such as a gift card, having an apparent value of \$50.00 or less, including books, plaques, certificates of appreciation, and personal accessories intended as awards, commemorations of events, including speeches or presentations to the group or organization or completion of a course or program, and recognition of service, including terms on boards, commissions, advisory committees, and task forces.

(F) Personal Activities.

(1) Permissible activities. An employee may engage in any lawful activity outside of employment with the Court, including participation as an officer, director, trustee, or non-legal advisor in an educational, religious, charitable, social, or civic organization, provided the activity does not interfere with the performance of the employee’s duties or responsibilities with the Court, adversely reflect upon the employee’s position, or otherwise detract from the dignity of the Court.

(2) Solicitation of contributions. An employee may solicit contributions from persons outside the Court for educational, religious, charitable, social, or civic organizations. In soliciting contributions, the employee shall not solicit on Court time; use Court personnel, supplies, equipment, or facilities; use the employee’s position, title, or other Court identification; or solicit from a person likely to be engaged in a legal or administrative matter pending before, or that ordinarily would come before, the Court.

(G) Professional Activities. An employee may engage and participate in professional associations and organizations, teaching, consulting, writing, and publishing, as follows:

(1) Professional associations and organizations. Subject to the requirements of paragraph (G)(5) of this policy, an employee may participate in professional associations and organizations related to the employee’s profession or employment with the Court, such as bar associations and court improvement organizations. Employees are encouraged to take an active role in such associations and organizations, including participation as an officer, director, trustee, or, except as provided under paragraph (I)(2) of this policy, non-legal advisor.

(2) Teaching. Subject to the requirements of paragraphs (E)(3) and (G)(5) of this policy, an employee may serve as an adjunct faculty member at an institution of higher education, such as a college or university, for the purpose of teaching.

Subject to the requirements of paragraph (G)(5) of this policy, an employee may serve as a course instructor on a limited or periodic basis at an institution of continuing professional education, including the Ohio Judicial College, the National Judicial College, or the Institute for Court Management, or as a presenter at a meeting, conference, seminar, or workshop of a professional association or organization, including the Ohio Judicial Conference and the Ohio State Bar Association, on the law, the courts, the legal or judicial system, the administration of justice, or any related topic.

(3) Consulting. An employee shall not provide consulting services to any person, court, group, association, or organization involving any topic related to the employee's duties and responsibilities with the Court, except through the employee's employment with the Court.

(4) Writing and publishing. Subject to the requirements of paragraph (G)(5) of this policy, an employee may write and publish an article, report, summary, or review on the law, the courts, the legal or judicial system, the administration of justice, or any related topic. The content of the publication shall not concern a case or legal matter pending before the Court and the employee shall include a statement that the publication is not the official position of the Court on the topic unless the employee has been clearly authorized by the Court to speak on the topic.

(5) Compensation, Court time and property, and travel reimbursement. An employee who receives compensation subject to taxation as income from any person or entity other than the Court for the provision of any professional activity set forth in paragraph (G) of this policy, other than an award, commemoration of events, or recognition of service as allowed by paragraph (D)(6) of this policy, shall not engage in such activity in the course of the employee's employment or the performance of the employee's duties or responsibilities with the Court; use Court personnel, supplies, equipment, or facilities in preparation for or engaging in such activity; or be reimbursed by the Court for travel expenses incurred in traveling to or from such activity pursuant to Adm. P. 32 (Travel).

An employee who does not receive compensation subject to taxation as income from a person or entity for the provision of any professional activity set forth in paragraph (G) of this policy may engage in such activity in the course of the employee's employment or the performance of the employee's duties or responsibilities with the Court and may use Court personnel, supplies, equipment, or facilities in preparation for or engaging in such activity, subject to the approval of the employee's Senior Staff supervisor. The employee may be reimbursed by

the person or entity to whom the employee has provided the professional activity for travel related expenses incurred in traveling to or from such activity. The employee may also be reimbursed by the Court for travel related expenses incurred in traveling to or from such activity pursuant to Adm. P. 32 (Travel), subject to the prior approval of the employee's Senior Staff supervisor and the Administrative Director, and provided the person or entity for whom the employee has provided such professional activity does not provide or reimburse for such travel expense.

(H) Outside Employment.

(1) Primary employment. The Court considers each employee's employment with the Court to be the employee's primary employment and deserving of the employee's full attention. An employee may engage in other employment, including financial and business activities.

(2) Court time and property. An employee shall not engage in outside employment on Court time, or use Court personnel, supplies, equipment, or facilities in the performance of such employment.

(3) Interested parties. An employee shall not engage in outside employment with a person or entity that is a law firm, bar association, or law enforcement agency; that is interested in legal or administrative matters pending before or regulated by the Court; or that is doing or seeking to do business with the Court, unless the Administrative Director, in consultation with the employee's Senior Staff supervisor, determines the employee can withdraw from participation in the Court's consideration of those matters that affect the interests of the person with whom the employee desires to engage in outside employment.

(4) Court relationships. An employee shall not use the employee's relationship with other public officials or employees to secure a favorable decision or action by those public officials or employees regarding the employee's outside employment or employer, private business, or financial interests.

(5) Participation in decisions affecting outside employer. An employee shall not participate in decisions or make recommendations regarding legal or administrative matters pending before the Court involving business competitors of the employee or the employee's outside employer, including, but not limited to, recommending the outside employer's services to the Court.

(I) Practice of Law. An employee who is an attorney shall not provide legal representation or otherwise engage in the practice of law, except in the performance of the employee's duties or responsibilities with the Court or as follows:

(1) **Personal affairs.** An employee who is an attorney may engage in the practice of law for the management of personal affairs of the employee or the employee's family. In providing such legal representation, the employee may give legal advice, prepare or revise legal documents, and initiate or defend litigation. An employee who performs such legal work shall not receive compensation and shall not perform the work on Court time or by using Court personnel, supplies, equipment, or facilities. The employee shall ensure the legal work does not require any act, including an appearance in any court, that would suggest the employee's position with the Court is being misused, the work conflicts with the employee's duties or responsibilities with the Court, or preferential treatment is being sought, or otherwise creates an appearance of impropriety.

(2) **Pro bono legal services.** An employee who is an attorney may provide pro bono legal services through a program or activity sponsored or organized by the Court, a legal aid program, bar association, or other organization. The employee shall not provide pro bono legal services that require an appearance in court or before a state administrative agency. In providing pro bono legal service, an employee shall not receive compensation and shall not provide the services on Court time, but may make limited use of Court supplies, equipment, and facilities. The employee shall ensure that the provision of pro bono legal services does not require any act that would suggest the employee's position with the Court is being misused or preferential treatment is being sought, conflicts with the employee's duties or responsibilities with the Court, or otherwise creates the appearance of impropriety.

(J) Recusal from Participation.

(1) **Impartiality.** An employee shall not participate in a legal or administrative matter pending before the Court in which the employee's impartiality might reasonably be questioned.

(2) **Bias and prejudice.** An employee shall not participate in a legal or administrative matter pending before the Court in which the employee has a personal bias or prejudice concerning a party to the matter or a party's attorney.

(3) **Knowledge of case.** An employee shall not participate in a legal or administrative matter pending before the Court in which the employee is a material witness concerning the matter in controversy or in which the employee has personal knowledge of disputed evidentiary facts concerning the matter.

(4) **Attorney of record.** An employee shall not participate in a legal or administrative matter pending before the Court in which the employee has served as an attorney in the matter, or has previously practiced law or been associated with an attorney who, during the period of the practice or association, was serving as an attorney concerning the matter in controversy.

(5) Economic and other interests. An employee shall not participate in a legal or administrative matter pending before the Court in which the employee, individually or as a fiduciary, the employee's spouse, parent, or child, wherever residing, or any other person residing in the employee's household has any more than a minimal economic interest in the subject matter in controversy, is a party to the proceeding, or has any more than a minimal interest that could be substantially affected by the outcome of the matter in controversy.

(6) Knowledge of personal and family interests. An employee shall keep informed of the employee's personal, fiduciary, and economic interests and make a reasonable effort to keep informed about the personal economic interests of the employee's spouse and minor children residing in the employee's household to aid in meeting the employee's duty to recuse from participation in a pending matter.

(K) Political Activity. An employee may engage in political activity consistent with the requirements of this policy.

(1) Permissible political activity. Subject to the limitations and prohibitions stated in this policy, a Court employee may engage in the following forms of political activity:

- Displaying or distributing campaign literature, badges, buttons, stickers, signs, or other forms of political advertising on behalf of any political party, campaign committee, or candidate for public office, including marching in parades;
- Soliciting signatures for a political candidacy;
- Soliciting membership or volunteers for a political party or campaign committee;
- Soliciting or receiving funds for a political candidate.

(2) Limitations on political activity. An employee shall not participate in any permissible political activity on Court time or on the premises of the Court. An employee shall not use the employee's official position, title, or other Court identification, including the name of the Court, in connection with political activity other than to promote the employee's own candidacy. An employee shall not use Court personnel, facilities, supplies, or equipment to engage in political activity.

(3) Candidacy for public office. An employee may be a candidate for appointment or election to any public office, subject to the requirements of this policy. The employee, upon publicly declaring candidacy for a public office, shall notify the Administrative Director. Upon notification, the Administrative Director shall recommend to the Court whether the candidacy requires the employee to enter into a leave status, resign from employment, or have the employee's employment terminated. The recommendation shall be based upon the totality of the circumstances, including but not limited to, applicable legal authority, the duties and partisan nature of the public office, and the effect the employee's absence would have upon the operational needs of the office to which the employee is assigned. The Court shall make the final determination as to the effect of such candidacy upon an employee's employment. An employee who is placed on or required to take a leave of absence for the duration of the employee's candidacy may use vacation leave, personal leave, or compensatory time during the leave of absence.

(4) Holding public office. An employee who assumes public office shall notify the Administrative Director. Upon notification, the Administrative Director shall recommend to the Court whether the employee's holding of the public office creates an incompatibility between the positions that requires the employee to resign from employment or have the employee's employment terminated. The recommendation shall be based upon the totality of the circumstances, including but not limited to applicable legal authority and the duties and partisan nature of the public office. The Court shall make the final determination as to the effect of holding office upon an employee's employment.

(5) Political discrimination prohibited. An employee shall not discriminate for or against any other employee, an applicant for employment at the Court, or a person seeking to do business with the Court, because of political party affiliation, political contributions, or political activities permitted by this policy.

(L) Application of Policy. Paragraph (J) of this policy does not apply to employees of the Office of Disciplinary Counsel while engaged in the course of their employment or duties or responsibilities with the office.

Effective Date: July 1, 2003

Amended: July 1, 2009