

Code of Conduct and Other Ethical Rules for Judicial Employees

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Canon 2: A judicial employee should avoid impropriety and the appearance of impropriety in all activities

Canon 3: A judicial employee should adhere to appropriate standards in performing the duties of office

“Contemplation of Justice”



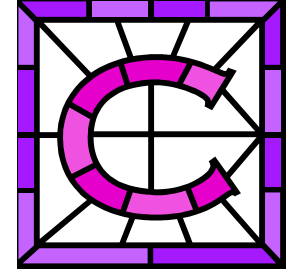


Canon 4: In engaging in outside activities, a judicial employee should avoid the risk of conflict with official duties, should avoid the appearance of impropriety, and should comply with disclosure requirements

Canon 5: A judicial employee should refrain from inappropriate political activity



The Four Cs



- **Confidentiality**
- **Conflicts**
- **Community Participation**
- **Caution**



Confidentiality

- Judicial employees should not:
 - Comment publicly on merits of pending or impending action
 - Disclose confidential information received in course of official duties
 - Employ confidential information for personal gain



Confidential information:

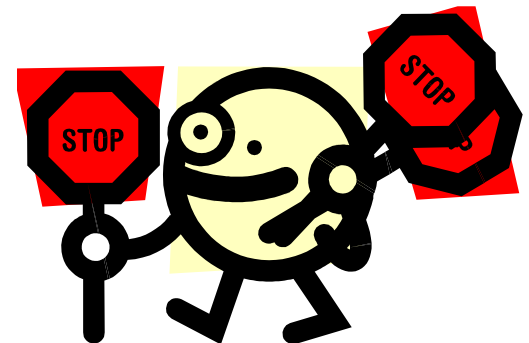
- Documents or information relating to sealed case
- Case-related discussions with judges and court staff
- Timing or content of court orders not yet issued
- Personnel records or other personal information about employees
- Other information not disclosed in court records or proceedings and not otherwise available



Conflicts

A **conflict of interest** arises when:

- Employee knows that he/she (or close relative) might be *personally or financially affected*, or
- Reasonable person would question employee's *ability to perform duties impartially*



IF A CONFLICT ARISES:

- Promptly **inform** appointing authority
- **Observe any restrictions** imposed



Watch out for
special conflicts
that may affect
chambers staff

Community Participation

Should not:

- detract from the dignity of the court
- interfere with the performance of official duties
- adversely reflect on the operation and dignity of the court or office the judicial employee serves



Subject to foregoing standards, judicial employees may participate in activities that are:

✓ Civic

✓ Cultural

✓ Speaking

✓ Charitable

✓ Avocational

✓ Writing

✓ Religious

✓ Social

✓ Lecturing

✓ Professional

✓ Fraternal

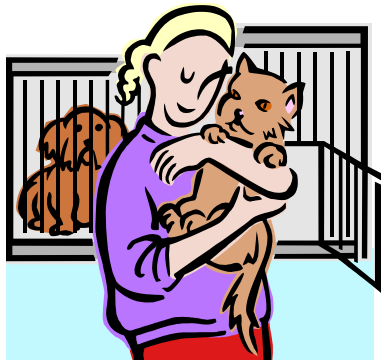
✓ Teaching

✓ Educational

✓ Recreational

For example, Yes!

- ❖ *Bar Associations*
- ❖ *Federalist Society and American Constitution Society*
- ❖ *Volunteering in after-school programs*
- ❖ *Acting as religious lay leader (deacon, board member, etc.)*



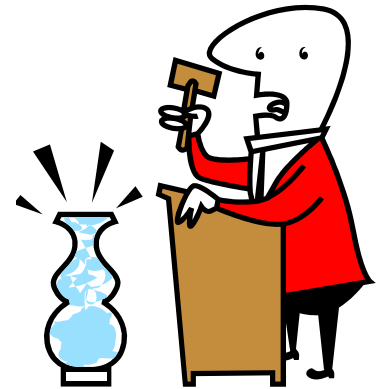
And, for example, No!

- ❖ *Young Democrats or Young Republicans*
- ❖ *Board of local Legal Aid Society that litigates in federal court*



If community participation concerns the law, the legal system, or the administration of justice, the judicial employee should *first consult* with the appointing authority.

Fundraising



Judicial employees may fundraise,
as long as they:

- ✓ Do not use or permit use of the prestige of office
- ✓ Do not solicit subordinates (though may provide info about a general campaign)
- ✓ Do not solicit from lawyers or persons likely to come before the court

Practice of Law

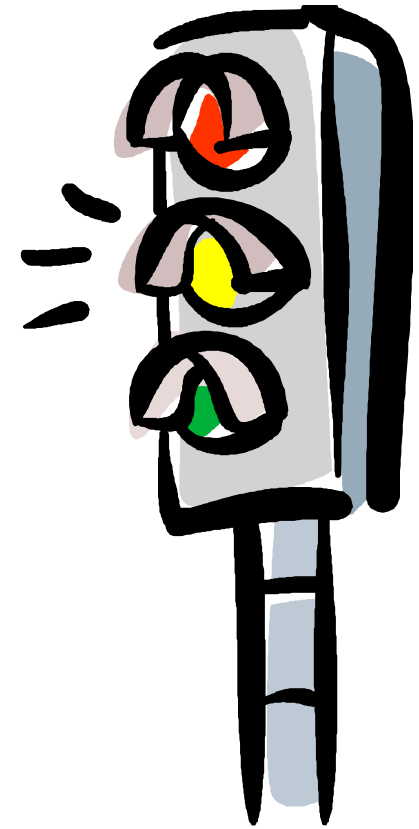
Judicial employees should not practice law *except* they may:

- act pro se
- perform routine legal work incident to personal affairs of employee or family
- provide pro bono legal services in *civil* matters, subject to certain restrictions



CAUTION

- Gifts
- Online Activities
- Political Activities



Under Judicial Conference Regulations, “gift” means any:

- gratuity
- favor
- discount
- entertainment, or
- similar item having monetary value



But these are *NOT* “gifts”:



- Social hospitality based on personal relationships
- Modest items of food and refreshments
- Rewards and prizes in public contests or drawings
- Anything for which employee pays market value
- Discounts that are not based solely on court employment

Gifts from whom?

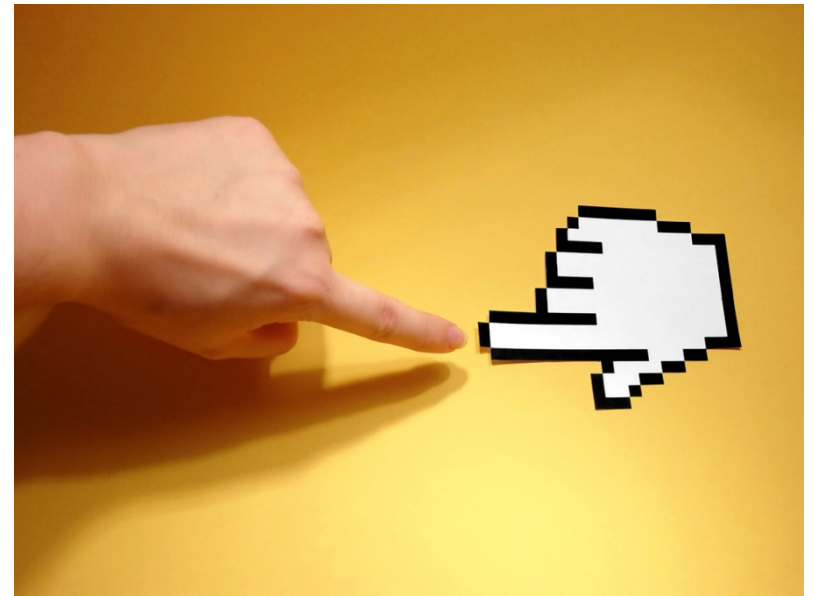
Do not solicit or accept gifts from anyone:

- Seeking *official action* from or *doing business* with employee's court or office
- Whose *interests may be substantially affected* by performance or nonperformance of official duties

And similar restrictions apply to acceptance by *family members* residing in your household

ONLINE ACTIVITIES

- Blogs & Websites
- Facebook & Social Networking
- Twitter



4 Useful Questions for **Self-Monitoring Online**

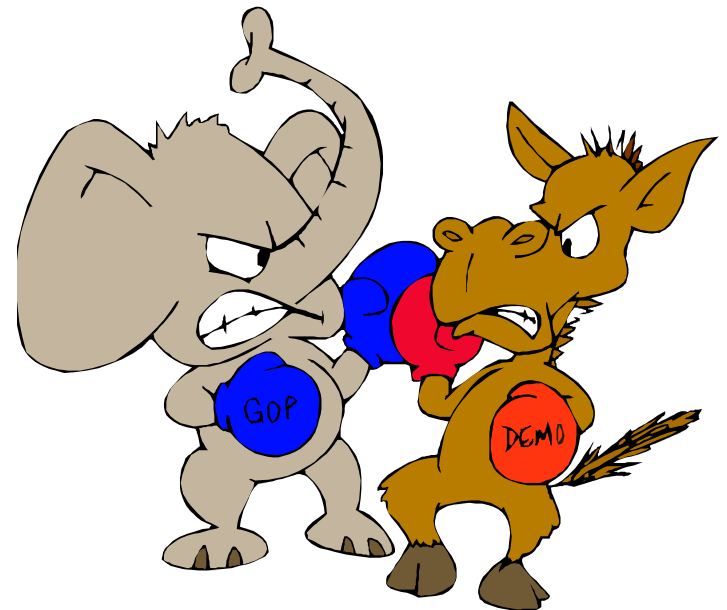
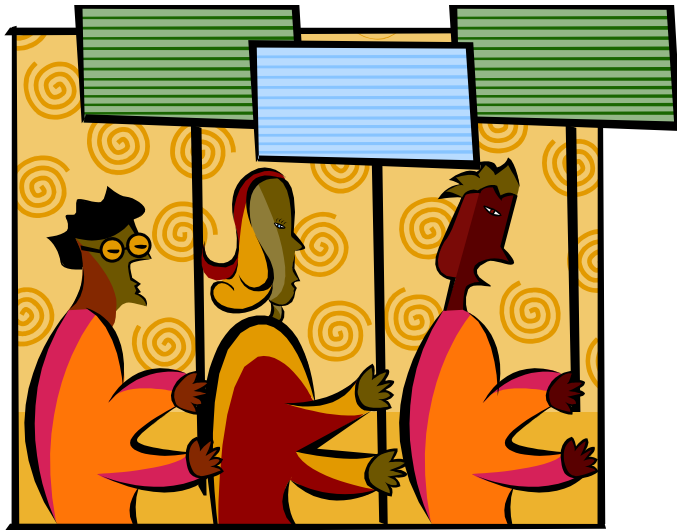
**(1) Does what I'm
doing readily
identify me with the
court system?**



(2) Would my post reveal information about a case or confidential court information?



(3) Might my post reflect poorly on the court or voice an opinion about a controversial topic that may come before the court?



(4) Am I about to post pictures or make comments that may indirectly detract from the dignity of the court?

Resource Packet for Developing Guidelines on Use of Social Media by Judicial Employees

- 1) Introduction to Ethics Implications
- 2) Social Media Primer
- 3) Considerations for Development of Guidelines
- 4) Sample Provisions
- 5) Examples of Existing Policies

Social Media “Resource Packet”

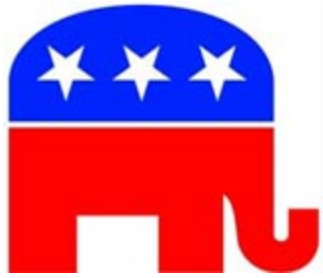
- NOT a policy prescription; a starting point
- For more detailed guidance, see Advisory Opinion No. 112 “Use of Electronic Social Media by Judges and Judicial Employees”

Political Activities

All employees are permitted to:

- register and vote in primaries and general elections
- express opinions privately about political candidates or parties
- participate in nonpolitical activities of civic, charitable, professional and other organizations





Partisan Political Activities



A judicial employee should

- refrain from partisan political activity
- not act as a leader or hold any office in a partisan political organization
- not make speeches for or publicly endorse or oppose a partisan political organization or candidate
- not solicit funds for or contribute to a partisan political organization, candidate, or event

See Advisory Opinion 92

Non-partisan Political Activities



A judge's personal staff and certain court executives may **not** participate in non-partisan political activities

Most other judicial employees *may* participate in non-partisan political activities,

so long as the participation is not

✓ *at the court*

✓ *on court time*

✓ *using court property*

✓ *and the employee abides by the general restrictions on community participation.*

Political Activities and the Internet



Example: Would it be ok to post a Facebook profile picture where you are wearing a t-shirt for a political candidate?

Wrapping Up



Remember that your court (or your supervisor or appointing authority) may impose more stringent standards than in the Code and regulations.

Check with your supervisor if you have any questions!

Where can I go for further guidance on ethical issues?





Ethics Resources

- Code of Conduct for Judicial Employees
- Pamphlet, “Getting it Right”
- Ethics Regulations on Gifts and Outside Employment
- Advisory Opinions
- Compendium of Selected Opinions, summarizing published and unpublished Committee advice

All available on:

J-Net under **Resources: Ethics**

Westlaw.com under the “**Conduct**” database