



## **Ethics and Code of Conduct**

### **Purpose**

Working for and with the Administrative Office of the Courts (AOC) of the Thirteenth Judicial Circuit is a public trust. This public trust is justified by the confidence that the citizens place in the integrity of officers and staff of the judicial branch. Court staff must conduct business in an environment and manner that reflects the fundamental values of fairness, accountability, responsiveness and independence. Actions of court staff at all times should uphold and increase public trust and confidence in the judicial branch. These actions should reflect the highest degree of integrity and demonstrate commitment to each canon embodied in this Ethics and Code of Conduct.

### **Effective Date**

Ethics and Code of Conduct is effective January 1, 2020.

### **Application**

The entire Ethics and Code of Conduct (the Code) applies to all AOC employees and AOC and legal interns. Personnel who contract or subcontract with the court must comply with Canons 1, 2, and 3, and such other provisions of this Code that might reasonably be applicable depending on the nature of the function performed. This Code is intended to apply even to those court staff who are bound by a higher professional standard of conduct, such as attorneys, magistrates, hearing officers, mediators, arbitrators, spoken language court interpreters, parenting coordinators, and court reporters. In light of judicial assistants' employment status as personal staff to their respective judges, this Code does not apply to them. However, individual judges may require that their respective judicial assistants comply with this Code as a condition of continued employment. This Code does not apply to judges since judges are governed by the Florida Code of Judicial Conduct. Questions regarding anyone's rights and obligations under this policy should be directed to the Chief of Personnel Services.

### **Policy Statement**

The Ethics and Code of Conduct<sup>1</sup> includes the ethical canons listed below.

#### **Canon 1 Abuse of Position**

Court staff must responsibly use the resources, property, and funds under each court staff member's official control and solely in accordance with statutory provisions.

Court staff must not:

- violate any laws or regulations;

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<sup>1</sup> The Canons were created for the specific use of the Thirteenth Judicial Circuit.



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- allow family members or other relationships to influence official conduct or judgment;
- use their position to secure a contract for services, supplies, equipment, leases or property with the court system for any family member;
- lend the prestige of their position to advance or appear to advance the private interest of themselves or others;
- solicit or accept anything of value, including gifts, favors, or services from any attorney or party who had, has or is likely to have, any professional or official transaction with court staff or with the court;
- solicit or accept anything of value, including gifts, favors, or services, from anyone based on an understanding that the court staff member would thereby be influenced;
- attempt to take advantage of their access to judges and court records to further any personal interest or engage in *ex parte* discussions;
- openly discuss the merits of cases pending before the court;
- request or accept any outside fee or additional compensation for advice or assistance given in the course of official duties; or
- appear to be overly attentive or dismissive to litigants or counsel which could give the appearance of preferential treatment.

In gauging the propriety of any action, court staff should consider what the headline in an evening news blog or the next day's newspaper might read if their conduct is the lead story.

### **Canon 2      Conflict of Interest**

Court staff must regulate out-of-office activities to minimize the risk of a conflict of interest with court-related duties.

Court staff must not participate in, vote on, influence, or attempt to influence, an official decision if the court staff member, a family member or a business or organization with which the court staff member is associated has a pecuniary interest in, or may derive a reasonably foreseeable benefit from, the decision.

Except for a contract relating to a court staff member's duties or services for the court, court staff must not have an ownership interest in a business which contracts for services, supplies, equipment, leases, or property with the court system.

Court staff must not participate in any court case in which the court staff or a family member (1) is a party; (2) has more than a de minimus interest; or (3) is negotiating with a party for future employment.



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Court staff members' activities outside of official duties, to include volunteerism, must not distract from the dignity of the court, interfere with the performance of duties or adversely reflect on the operation and dignity of the court.

**Canon 3 Confidentiality**

Court staff must never disclose to any unauthorized person any confidential information acquired in the course of official duties or knowingly acquired through unauthorized disclosure by another.

Although most court records are public, some are not publicly accessible and can only be released to authorized individuals. Court staff must understand the types of cases and documents that are confidential and ensure that confidential information is never disclosed to any unauthorized person for any purpose.

Court staff must not release to the public any work product that is not a matter of public record without prior authority of the court. Work product includes notes, papers, opinions, orders, drafts, and memoranda by any judge, general magistrate, hearing officer, law clerk, staff attorney or other court staff.

Court staff must not comment publicly on a legal matter before the court unless expressly authorized to do so.

**Canon 4 Outside Employment**

Each full-time court employee's position with the court system must be the employee's primary employment.

Continuance of existing business activity upon employment or onset of outside employment by existing AOC employees is permissible only if it:

- is capable of being fulfilled outside of normal working hours;
- is compatible with the performance of the employee's duties and responsibilities;
- is not for or with an entity which regularly conducts business before the court;
- does not require or induce the court employee to disclose confidential information or other information acquired in the course of official duties that would not be available to members of the public;
- does not conflict with or reasonably appear to conflict with the employee's duties;
- does not reflect adversely on the integrity of the court; and
- does not involve use of court equipment, materials, supplies, telephone services, office space, computer time or facilities.

Subject to these limitations and the notice requirement below, AOC employees and paid interns are presumptively permitted to hold other employment.



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Court employees may teach, lecture or write on any subject, so long as any compensation is commensurate with the prevailing rate. Any presentation or document must clearly state that the court employee is not speaking on behalf of the court system, unless the employee has been expressly authorized to do so.

All AOC employees wishing to hold other employment must submit to their supervisor a completed [Notice of Impending Other Employment](#) at least five days prior to the commencement of outside employment.

**Canon 5      Duty to Disclose**

Court employees, interns and volunteers, must inform their immediate supervisor if they are arrested in any jurisdiction or involved in any pending legal action in this circuit. Court employees, interns and volunteers who are arrested must continually report the status of their criminal case to their immediate supervisor. This disclosure will allow the court to take any appropriate action related to the person's position, including temporary reassignment of duties, imposition of an ethical wall to separate the flow of case information and suspension with or without pay.

**Canon 6      Political Activity**

The ability of court employees, interns and volunteers to participate in the democratic process by working for a political cause, party or candidate will not be hampered by their court position as long as all of the activities are conducted outside of working hours. Any participation in political activity, including judicial campaigns, must not transcend into the workplace by the displaying of political material, soliciting signatures for political candidacies or causes, or soliciting or receiving funds for political purposes. Additionally, no court equipment, supplies, telecommunication devices or other court resources may be used for promoting political activity in the workplace before, during, or after work hours. Court employees, interns and volunteers who choose to participate in political activity during off-duty hours must not use their position or title within the court system in connection with such political activities.

Court employees must not discriminate in favor of or against any other court staff member or applicant for employment because of political contributions or any other permitted political activities.

Court employees who seek to run for any elected state or county office must comply with the Florida State Courts System Personnel Regulations Manual regarding conflicts and resign-to-run requirements.



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**Sanctions**

Court employees who fail to properly follow this Ethics and Code of Conduct may be subject to disciplinary action, including termination of employment.

**Associated Documents**

- [Notice of Impending Other Employment Form](#)