

Model Code of Conduct For Municipal Court Employees¹

*All employees in municipal courts hold highly visible positions of public trust. **Municipal courts process thousands of cases daily and are the “frontline” courts where the general public encounters and develops impressions and opinions on justice and the court system.** We must conduct our business in an environment and in a manner that favorably reflects the ideals consistent with the fundamental values of the judicial system. These values include: fairness, accessibility, accountability, effectiveness, responsiveness, and independence. Our actions at all times should uphold and increase the public trust and confidence in the judicial branch, reflect the highest degree of integrity, and demonstrate commitment to each principle embodied in this model code.*

**Canon One
IMPROPRIETY OR THE
APPEARANCE OF
IMPROPRIETY**

I will avoid activities that could cause an adverse reflection on my position or the court.

**Canon Two
ABUSE OF POSITION**

I will not use or attempt to use my position to secure unwarranted privileges for myself or others.

**Canon Three
IMPARTIALITY**

I will provide impartial treatment to all persons interacting with the court.

**Canon Four
PROPER USE OF
PUBLIC RESOURCES**

I will use the resources, property, and funds of the court judiciously and solely in accordance with prescribed procedures.

**Canon Five
DUTY TO DISCLOSE**

I will respectfully disclose information required by the court.

¹ This code was adapted from the Model Code of Conduct for Michigan Trial Court Employees and is adapted with permission. The Michigan Judicial Institute gratefully acknowledges the contributions of the State Court Administrative Office Regional Administrators, the Management Analysts of Trial Court Services, and Court Administrators Donna Beaudet, David Drain, and Michelle Hill who reviewed draft text and provided valuable feedback throughout the revision of this document.

Canon Six
**CONFIDENTIALITY &
DISCRETION**

I will not disclose confidential or discretionary information gained through my court employment to any unauthorized person.

Canon Seven
DISCRIMINATION

I will not discriminate on the basis of race, color, religion, national origin, gender, or other protected group.

Canon Eight
POLITICAL ACTIVITY

I am free to participate in political activities during non-working hours as long as such activity does not use or appear to use my position or court in connection with such activities.

Canon Nine
DUTY TO SERVE

I will carry out my responsibilities to litigants, co-workers, and all others interacting with the court in a timely, diligent, and courteous manner.

Canon Ten
COMPETENCY

I will actively pursue educational opportunities to improve my professional knowledge, skills, and abilities in order to provide quality service to the court and the public.

Guidelines

The following guidelines clarify the aforementioned canons:

Canon One IMPROPRIETY OR THE APPEARANCE OF IMPROPRIETY

Court employees are highly visible and should conduct themselves in a way that instills public trust and confidence. Their actions reflect not only on themselves, but the court as well. Improper behavior or the appearance of improper behavior may compromise the integrity of the court. Activities an employee engages in that are improper or may be perceived as improper include:

- Violating federal, state, or local laws and regulations.
- Entering into a contract directly or indirectly for services, supplies, equipment, or realty with the court system.
- Outside employment, **including work with other public or government agencies**, that may conflict or appear to conflict with the employee's job duties. Seek approval from the appropriate authority before accepting outside employment. NOTE: No form of outside employment shall be performed utilizing the resources of the court and shall not require or induce the employee to disclose information acquired in the course of his or her official duties.

Canon Two ABUSE OF POSITION

The use of the real or apparent power of a position as a court employee to personally benefit the employee or someone else is prohibited. Court employees should never use their position to secure privileges, gifts, special favors, or exemptions. Generally these would be special considerations given by others to the employee specifically because of his or her position as a court employee. The solicitation or acceptance of a gift, favor, or additional compensation can give the impression that something will be done in return for the donor. This contravenes the core ideals of the judiciary.

A court employee shall not attempt to take advantage of his or her access to judges and court files to further any personal interest.

Canon Three
IMPARTIALITY

All persons coming to the court for assistance are entitled to fair and equitable treatment, regardless of their personal behavior or legal situation. Court employees must remember that they are often dealing with people who may be having one of the worst experiences of their lives. They must offer to angry, confused, and sometimes deceitful court users the same level of competent and impartial help that they provide to those who are pleasant and appreciative. While every court employee has the right to freedom of association and political expression, he or she does not have the right to take sides in a legal dispute, interject him or herself into the legal decision-making process, second-guess a judge's ruling, or give the appearance of partiality on any issue that is likely to come before the court. The procedural integrity of the court must be protected at all times.

Further, the official actions of an employee should not be affected or appear to be affected by **affinity**, kinship, rank, position, or influence of **another party or person**. Many times relationships place temptation upon the employee to provide special service or non-service. Differential treatment in any of these situations undermines the integrity of the employee and the judicial system.

Employees need to be able to provide impartial and understandable answers to the public's questions in an efficient manner, without providing legal advice.

Canon Four
PROPER USE OF
PUBLIC RESOURCES

Court employees are stewards of public resources. A court employee shall use the resources, property, and funds judiciously and solely in accordance with prescribed procedure. Pitfalls include temptations such as personal phone calls at the court's expense, personal use of government property (such as office supplies, printers, computers, vehicles, etc.), or the use of court property to assist non-employees as a favor.

Canon Five

DUTY TO DISCLOSE

A court employee should expect coworkers to abide by the canons set out in this code. A court employee shall report violations of this code or attempts to compel one to violate this code.

Court employees must inform the appropriate authority if he or she is arrested in any jurisdiction or involved in any pending legal action at the court of employment. This will allow the court to take the appropriate actions related to the employee's status.

When required by law, rule, or regulation, court employees will dutifully disclose all financial interests and dealings.

Canon Six

**CONFIDENTIALITY &
DISCRETION**

Although most court records are public, some are nonpublic and cannot be released. Court employees need to understand the types of cases, and documents that are considered confidential. Confidential information should never be disclosed to any unauthorized person for any purpose.

Canon Six (con't.)

**CONFIDENTIALITY &
DISCRETION**

Sensitive information acquired by court employees in the course of performing their official duties should never be revealed until it is made a matter of public record. Even when the information becomes public, court employees should exercise a great deal of discretion. **Conversely, if court employees acquire information about a case from sources outside the court, the information should not be shared or used in court proceedings.**

Sometimes breaches of confidentiality do not involve intentional disclosures of official court records. Some are the result of innocent and casual remarks about pending or closed cases, about participants in litigation, or about juries which could give attorneys, litigants, reporters, and the public confidential information. Such remarks can seriously compromise a case or a person's standing in the community. Court staff should discuss cases only for legitimate reasons. Court employees 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. Counter clerks should guard against being overheard when discussing legitimate confidential information.

Canon Seven

DISCRIMINATION

Essential to the administration of justice is allowing equal access and treatment for all. Every day court employees are called upon to assist people, and it is their responsibility to provide customers and coworkers with courteous service, regardless of the individual's race, religion, gender, national origin, political activities, etc. Discrimination can come in varying forms (words and actions), yet court employees should be aware that no form of discrimination is acceptable and when discovered should be exposed and discouraged.

Additionally, the evaluation of prospective employees should be based on their employable qualities such as job skills, knowledge, and attitude. Likewise, the evaluation of existing employees should be based upon criteria such as job skills, knowledge, and attitude in the performance of their duties. Therefore, no employee will discriminate in favor of or against any employee or applicant for employment based on the individual's race, religion, gender, national origin, political activities, etc.

Canon Eight
POLITICAL ACTIVITY

A court employee's ability to participate in the democratic process by working for a political cause, party, or candidate should not be hampered by his or her employment if done outside of working hours. This participation includes, but is not limited to, holding party membership, holding public office², making speeches, and making contributions of time and/or money to candidates, political parties or other groups engaged in political activity. This participation in political activity should not transcend into the workplace by the displaying of political material (i.e., literature, badges, signs or other material advertising a political cause, party or candidate), soliciting signatures for political candidacy, or soliciting or receiving funds for political purposes. In addition no government equipment or resources of any kind are to be used for promoting political activity in the workplace before, during, or after work hours.

Canon Nine
DUTY TO SERVE

For the court to be an effective, independent institution, court employees must reflect a high level of professionalism as they faithfully carry out all assigned duties and enforce the rules/orders provided by the court. **Their appearance, attitude, and demeanor all reflect on the court. In the face of high caseloads and increasing numbers of self-represented litigants, they must provide efficient, courteous, and helpful service without overstepping their authority.**

Court employees must also recognize that colleagues should be given the same level of professional consideration as public clients.

Court employees are not to inappropriately destroy, alter, falsify, mutilate, backdate, or fail to make required entries on any court records.

Canon Ten
COMPETENCY

When working within the court system, laws and rules of operation are continually changing due to legislation, court rules, administrative orders, caselaw, technology, etc. Therefore, court employees are encouraged to take advantage of educational opportunities that will enhance their skills, advance their understanding, and allow for better service.

² Holding public office is acceptable unless a conflict of interest exists with employment at the court, or it is prohibited by law. An example of a conflict includes serving on the county board of commissioners whose oversight of budget and other policy issues impact the court.

Acknowledgement of Receipt of the Model Code of Conduct

I have read and understand the Model Code of Conduct. As a court employee, I also agree that I will support the Constitution of the United States and the Constitution of the State of _____ and that I will faithfully discharge the duties of my office.

Signature

Date

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