

# **Model Code of Conduct for Family Court Staff**

## **Preamble**

This code applies to all non-judge court employees, hereinafter called court professionals, who work pursuant to the hiring authority of the Chief District Court Judge in a district designated by the Administrative Office of the Courts as a Family Court District. The term court professional includes full-time, part-time, temporary, contractual or volunteer employees, but does not include child custody and visitation mediators.

Service to the judicial branch is a public trust justified by the confidence that the citizens of North Carolina place in the integrity of court officers and employees of the judicial branch. A court professional shall observe high standards of conduct so that the integrity and independence of the courts may be preserved. 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. Court professionals 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 professional shall uphold the Constitution, laws and legal regulations of the United States, the State of North Carolina and all governments therein. A court professional shall abide by the standards set out in this Code.

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

## **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 competently, diligently, efficiently, equitably, thoroughly, courteously, honestly, truthfully and with transparency. A court professional shall carry out all properly issued court orders and rules, not exceeding his or her authority.

### ***Canon 1.2 - Avoiding Impropriety***

A court professional shall avoid both impropriety and the appearance of impropriety. A court professional shall avoid improper influence from business, family, position, party or person. A court professional shall avoid activities that might 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 who interact with the court with dignity, respect and courtesy.

#### ***Canon 1.5 - Involvement in Actions Before a Court***

A court professional shall notify his or her immediate supervisor 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 his or herself or others. A court professional shall not dispense special favors to anyone, regardless of whether or not the court professional is offered or receives remuneration.

A court professional shall not attempt to take advantage 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 inappropriate ex parte discussions with judges.

#### ***Canon 1.7 - Assisting Litigants***

A court professional shall be responsive to requests for legal information but shall not give legal advice. Legal information is defined as facts about the law, legal process and court procedure. Legal advice includes recommending the course of action a litigant should take to further the litigant's best interest. When determining how to assist a litigant, court professionals shall comply with the North Carolina Supreme Court's Order Adopting Guidelines for Court Staff Providing Legal Information to the Public [Attachment A].

#### ***Canon 1.8 - Ex Parte Communications***

No court professional shall initiate, facilitate or engage in ex parte communications with judges, unless the ex parte communication is authorized by law. Ex parte communication is any communication made to or initiated by a judge regarding a pending or impending case that is written or oral that involves less than all parties in the case. A court professional shall not communicate personal knowledge about a pending case to the judge assigned to the case and shall not make or repeat remarks about a case pending before any North Carolina Court that might affect the fairness or outcome of the proceeding. A court professional shall refrain from communicating information to judges that may jeopardize or compromise judicial neutrality in any way. This includes,

but is not limited to, communications regarding the merits of a case and personal opinion or bias of any individual involved in the case. Oral and written communication between staff and judges shall be limited to issues concerning the consolidation of cases, scheduling of trial and hearing dates, court-ordered services to families, court deadlines and timely filings.

### ***Canon 1.9 – Recommending private attorneys***

A court professional shall not recommend an individual attorney or group of attorneys to a litigant or potential litigant, but a court professional may refer members of the public to bar associations; legal aid organizations; compiled lists of local attorneys who practice in a particular area of law; lists of attorneys who provide unbundled services; and/or pro bono service providers.

## **Canon 2: Performing the Duties of Position Impartially and Diligently**

### ***Canon 2.1 - Independent Judgment***

A court professional shall avoid relationships that might impair the court professional'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 the court professional's ability to perform court duties.

### ***Canon 2.2 - Personal Relationships***

A court professional shall make decisions regarding the recruitment, selection and advancement of other court personnel based on the demonstrated knowledge, skill and ability of the individual along with other bona fide work-related factors. No such decision shall be based on favoritism. A court professional shall avoid appointing, assigning or directly supervising a family member in the course of the court professional's court duties. A court professional shall not attempt to influence the employment or advancement of a family member in the court system, unless the court professional is acting within the scope of appropriate political activity described in Canon 4.2. Where circumstances require the court professional to work directly with a family member, the court professional shall report the circumstance to the appropriate authority who shall regularly assess the situation and take any appropriate remedial action at the earliest time practicable.

### ***Canon 2.3 - Misconduct of Others***

A court professional shall inform his or her immediate supervisor when any court professional, attorney or judge behaves in any manner that is unethical or illegal. This includes, but is not limited to, potential conflicts of interest involving a court professional's duties and attempts to inappropriately influence a court professional in performing his or her job.

### ***Canon 2.4 - Attempts at Influence***

A court professional shall immediately report to his or her immediate supervisor any attempt to compel the court professional to violate these canons.

### ***Canon 2.5 - Properly Maintain Records***

A court professional shall not destroy, alter, falsify, mutilate, backdate or fail to make required entries on any records within the court's control. This provision does not prohibit destruction, alteration or expungement of records or documents pursuant to law, court rule or court order.

### ***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 provide confidential information 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 the personal lives of litigants, the public, applicants and employees; disregard information that is not relevant to the procedural or legal issues before the court; and treat personal or sensitive information relating to litigants and other court personnel with discretion. Personal information relating to litigants, witnesses, attorneys or other court personnel should not be disclosed by a court professional unless required by court procedure or law.

### ***Canon 2.8 - Proper Use of Public Resources***

A court professional shall not use public resources, property and funds wastefully or for any private purpose not authorized by judicial or other administrative authorities.

## **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 employer. A court professional shall avoid outside activities, including business activities, even subsequent employment and business activities after leaving judicial service, that detract from the dignity of the court or from the court professional's own professionalism.

A court professional shall notify his or her immediate supervisor prior to accepting dual or secondary employment or engaging in business outside of the court professional's court duties. A court professional shall not engage in business or secondary employment with an entity that regularly conducts business with the court. However, a court professional may engage in dual or secondary employment as long as it does not conflict with the performance of his or her official court responsibilities or violate this code and is approved by his or her hiring authority.

A court professional shall not request or accept any compensation or fee beyond that received from his or her employer for work done in the course of his or her family court employment.

### ***Canon 3.2 - Compensation and Post-Employment Restrictions***

During or following a court professional's employment with a court, the court professional shall not represent a commercial interest to, or do business with, that same court unless both the employment and the 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 his or herself or on behalf of another, intended to influence an official action of the court.

## **Canon 4: Refraining from Inappropriate Political Activity**

### ***Canon 4.1 – Right to vote***

A court professional has the right to vote and is encouraged to exercise that right as a part of his or her citizenship.

### ***Canon 4.2 - Engaging in Political Activity***

A court professional may engage in political activity as a private citizen outside of the workplace. Political activity includes but is not limited to:

- a) displaying campaign literature, badges, stickers, signs or other form of political advertising on behalf of any party, committee, agency or candidate for political office;
- b) soliciting signatures for a political candidacy; and
- c) soliciting or receiving funds for political purposes.

A court professional shall not participate in political activity during the working hours of the court professional, and the court professional shall not use court resources for political activity at any time. A court professional may participate in political activity during his or her normal working hours if the court professional is on approved leave or vacation. A court professional shall not use his or her position or title, directly or indirectly, to influence or attempt to influence another employee in the court system to become a member of any political organization or take part in any political activity.

### ***Canon 4.3 – Campaigning for office***

A court professional may campaign for public office outside of the workplace as long as court resources and supplies are not used for campaign purposes. Upon being sworn into any public office, a court professional shall resign his or her family court position

unless the public office clearly does not present a conflict of interest, and the duties of the public office do not interfere with the court professional's ability to perform court duties.

## **Canon 5: Confidentiality**

### ***Canon 5.1 – Disclosure of information***

A court professional shall not disclose to any unauthorized person for any purpose any confidential information acquired in the course of employment or knowingly acquired through unauthorized disclosure by another. Confidential information includes information about any pending court matter that is not already 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.

### ***Canon 5.2 – Post employment***

A court professional, after termination of employment, shall not disclose confidential information obtained in the course of court employment.

### ***Canon 5.3 – Media requests***

No personnel rule is intended to restrict the right of an individual employee to comment as a private citizen on a public matter. However, all requests from the media for information relating to Judicial Branch business shall be referred by a court professional to the Family Court Administrator.