

State of Maine Judicial Branch

Code of Conduct

PREAMBLE

Employment in the Maine Judicial Branch requires adherence to the highest standards of ethical conduct. A Judicial Branch employee is expected to act in a manner that promotes public confidence in the integrity and impartiality of the Judicial Branch.

A Judicial Branch employee shall support and protect the independence of the Judicial Branch and shall uphold the Constitution, laws, rules and regulations of the United States and the State of Maine.

This Code of Conduct applies to all employees of the Judicial Branch except as otherwise provided. Justices, Judges and judicial law clerks are not covered by this Code, but are subject to the Code of Judicial Conduct. Contractors, volunteers, and other non-employees are not covered by this Code, but the Judicial Branch may impose these or similar standards by contract or policy.

Supervisors shall require appropriate conduct under this Code by the employees subject to the supervisor's direction and control. An employee who has a question about this Code's applicability or interpretation should consult with the employee's supervisor.

STANDARDS OF PERFORMANCE

A Judicial Branch employee shall be patient, respectful, and courteous to all persons with whom the employee deals in an official capacity. An employee must diligently discharge the responsibilities of the employee's office in a prompt, fair, and professional manner.

A Judicial Branch employee should be faithful to professional standards, maintain competence in the employee's profession and is encouraged to maintain and continue professional growth and development.

PERFORMANCE OF DUTIES

A Judicial Branch employee shall comply with, enforce, and carry out all rules, administrative orders, policies and procedures of the Judicial Branch.

A Judicial Branch employee has a fiduciary obligation to the State, and must, in accordance with the Fiscal Procedures Manual, properly handle, control and account for all funds which are entrusted to him or her.

A Judicial Branch employee may not alter, falsify, destroy, mutilate, backdate, or fail to make required entries on any records. This provision does not prohibit alteration or expungement of records or documents pursuant to a court order or as required in the proper conduct of business.

ABUSE OF POSITION

A Judicial Branch employee may not use, or attempt to use, her or his official position to obtain personal privileges for the employee or others. A Judicial Branch employee shall act so that the employee is not unduly affected and does not appear to be unduly affected by kinship, position, political affiliation or other influence.

DISCRIMINATION

A Judicial Branch employee may not manifest bias or prejudice based on the race, sex, religion, national origin, disability, age, sexual orientation, or socioeconomic status of any party or person.

CONFLICTS OF INTEREST

An actual or potential conflict of interest exists when an employee or an employee's close family member¹ may be directly or indirectly impacted, whether favorably or detrimentally, by a decision made in the office in which the employee works. Employees should consider whether other relationships give rise to an actual or potential conflict of interest.

A Judicial Branch employee has an obligation to diligently identify conflicts of interest, to disclose them to the employee's supervisor, and to avoid or to manage them when they are unavoidable.

A Judicial Branch employee may not be involved in a decision to hire a member of the employee's close family and may not act as the immediate supervisor of any close family member of the employee.

¹ As used in this code, "close family" means spouse, significant other, father, mother, son, daughter, guardian, ward, brother, sister, uncle, aunt, first cousin, nephew, niece, parent-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepsister, stepbrother, half-brother, half-sister, grandparent, or grandchild.

A Judicial Branch employee may not make discretionary decisions regarding court business concerning any party with whom the employee, or the employee's close family member, is negotiating for future employment.

USE OF JUDICIAL BRANCH RESOURCES

A Judicial Branch employee may not utilize Judicial Branch resources for his or her personal activities, or for activities which are not related to the performance of the employee's official duties.

This prohibition does not apply to use of Judicial Branch equipment where incidental use has been approved by a more specific written policy.

GIFTS

A Judicial Branch employee or office may not solicit, dispense or accept any personal gift, favor, gratuity, loan, service or any other item from any person or organization outside of the Judicial Branch. However, if a gift of food or other item of insignificant value is offered on an infrequent special occasion², the supervisor of the employee's office shall determine whether the offeror has, or may appear to others to have, the intent to influence the performance of the employee or the office and, if not, may accept the offer on the office's behalf.

This provision does not prohibit the exchange of gifts with close family members or other persons with whom the employee has a relationship that is independent of the work-related contact. This provision does not prohibit the acceptance of loans, services or other items offered to the employee in the regular course of the offeror's business on the same terms generally available to persons who are not Judicial Branch employees.

Other gifts or services may only be accepted with the prior written approval of the Chief Justice of the Supreme Judicial Court.

DISSEMINATION OF INFORMATION

The Judicial Branch recognizes that much of the information in its possession is sensitive, whether that information pertains to litigants, persons involved with the criminal justice system, judges or employees, and whether or not designated confidential by statute or rule. The persons who are the subjects of that information have a legitimate expectation that the information will not serve as the basis for threats to personal safety, gossip, rumor, or ridicule.

A Judicial Branch employee may not disclose individualized or identifying information to persons within or outside of the Judicial Branch who do not have a

² I.e., Opening of new courthouse facilities, Christmas, etc.

legitimate work-related need for that information or who have not sought public information in conformance with applicable confidentiality policies.

OUTSIDE ACTIVITIES

A Judicial Branch employee may engage in outside employment during non-working hours if the employment does not interfere with job performance and does not conflict or appear to conflict with the interests of the Judicial Branch. An employee may not be employed in court-related matters by an agency within the criminal justice system since such employment contains an inherent conflict with the necessity for neutrality of the Judicial Branch. Whenever it appears that outside employment might constitute a conflict of interest, the employee is expected to consult with the State Court Administrator prior to engaging in such outside employment.³

The provisions of this section also apply to volunteer activities. Whenever it appears that volunteer activities might constitute a conflict of interest, the employee is expected to consult with the State Court Administrator prior to engaging in those activities.

POLITICAL ACTIVITY

Employees of the Judicial Branch shall enjoy the same rights of participation in political activity as are extended by Maine State Statutes, specifically 5 M.R.S.A. § 7056, as of July 1, 1989, with the exception that employees may not participate in any political activity relating to the office of District Attorney, and may not be a candidate for partisan office.⁴ Employees also may not participate in political activity for the office of county sheriff in the county where the employee regularly works and/or where the court to which the employee is regularly assigned has jurisdiction.

Employees who may serve in an office that under normal circumstances presents no conflict of interest but who may be required from time to time to vote or otherwise decide on an issue that may pose a conflict of interest shall be expected to withdraw or disqualify themselves from such vote or decision making process.⁴

INFLUENCING LEGISLATION

Unless authorized by the State Court Administrator, Judicial Branch employees are prohibited from using government time, money or property (as, for example, through sending telegrams or letters) to influence anyone to favor or oppose any legislation.⁴

Employees may, however, use vacation or other personal leave for the purpose of testifying or otherwise participating in legislative processes, providing that such employees clarify that they are not acting as representatives of the Judicial Branch.⁴

³ See also, Collective Bargaining Agreement provisions.

⁴ See also, Collective Bargaining Agreement provisions.

REPORTING OF VIOLATIONS

A Judicial Branch employee possessing knowledge or evidence of work-related conduct by another employee that constitutes a substantial violation of the Maine Revised Statutes, or of work-related conduct that constitutes a substantial violation of a Judicial Branch rule, policy, procedure or this Code should report the information to the employee's supervisor, to the appropriate Regional Court Administrator, or to the State Court Administrator.

VIOLATIONS OF CODE

Violations of this Code of Conduct may lead to disciplinary action.

Final Version 3.5 (7/17/97)
Format Correction (9/4/97)
Word Format (11/13/03)