

**STATE OF MARYLAND  
JUDICIARY**

**POLICY ON STANDARDS OF CONDUCT**

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**I. PURPOSE**

To establish standards of conduct to be followed by employees of the Maryland Judiciary in the performance of their duties and in their interactions with other Judiciary personnel and the public.

**II. DEFINITIONS**

**A. Administrative Official**

1. The Clerk of Court for the Court in which the employee works;
2. The Administrative Clerk or Administrative Commissioner of the District Court for the district in which an employee works; or
3. The director of the respective department or office within the Courts of Appeal, the Administrative Office of the Courts, the District Court Headquarters, or the Court-Related Agency in which the employee works.

**B. Employee** – Any person employed by the Judiciary, except Judges and Clerks of Court.

**III. SCOPE**

This policy applies to all employees (regular, contractual and temporary) of the Maryland Judiciary. In addition to this policy, Maryland Rule 16-814 addresses conduct of judicial appointees, such as masters and District Court Commissioners. Maryland Rule 16-813 addresses conduct of judges.

**IV. POLICY STATEMENT**

Every employee of the Judiciary is considered to be an integral part of the administration of justice. All employees are responsible to the public, and not to any favored segment or group. The business and affairs of the Judiciary must be conducted in an impartial and confidential manner. Employees must avoid all

situations where prejudice, bias, or opportunity for personal gain may influence their work performance. They must avoid circumstances suggesting that favoritism or personal gain is a motivating force in the conduct of Judiciary business. Employees must not engage in any activities, transactions, or interactions that are incompatible with the impartial, objective, and effective performance of their duties, or that adversely affect the Judiciary's interests or reputation.

These standards are established in order to maintain the highest degree of public confidence in the Judiciary. In addition to this policy, employees of the Judicial Branch of government, with the exception of Judges and certain judicial officers, are subject to the State Ethics Commission Policy on Standards of Conduct. Employees should become familiar with those standards also.

## **V. STANDARDS OF CONDUCT**

### **A. Contact with the Public**

Employees represent the Judiciary in all their of contacts with the public. The impression they make affects the perception others will have of State service as a whole and the Judiciary in particular. When dealing with the public, an employee is expected to offer courtesy and patience at all times, even when dealing with persons who appear difficult or unreasonable, regardless of the provocation. A high-handed or superior manner, and even lack of consideration shown by using terms the public does not understand, whether intentional or not, discredits both the Judiciary and the employee. Tactlessness, impatience, irritation or an expression of personal opinion may be mistaken by the public for Judiciary policy. It is very important that employees give information clearly, courteously, and concisely. **At no time are employees, while on duty, to indicate to the public either agreement or disagreement with a judicial decision.**

The local ADA Coordinator should be consulted in response to requests for reasonable accommodations. (See the *Policy on the Americans with Disabilities Act.*) The Judiciary Human Resources Department also should be consulted in these matters.

### **B. Contact With Judiciary Employees**

Judiciary employees are expected to treat each other, regardless of position, in the same manner in which they are expected to treat the public. Everyone, whether a member of the public or Judiciary employee,

deserves respectful treatment.

**C. Contact With The Press**

In instances where a member of the press is seeking non-routine information from the Judiciary, the inquiry should be directed to the Court Information Office for guidance.

**D. Substance Abuse**

All employees of the Judiciary are expected to strive to perform their responsibilities to the best of their ability and in keeping with the high standards rightly expected by the public. To this end, the Judiciary is committed to the concept that substance abuse by Judiciary employees is totally inconsistent with the fair and efficient administration of justice, and will not be tolerated. (See the *Administrative Order Adopting a Substance Abuse Policy*, dated August 29, 1989.)

**E. Gifts, Benefits, and Gratuities**

Employees may not, for **personal gain** or that of a friend, relative or acquaintance, seek or accept, directly or indirectly, any favor, service, gift or benefit, including money, gratuity, fee, property, loan, promise or anything else from, or on behalf of, any individual or entity who is doing or seeking to do business with the Judiciary. The acceptance of such gifts or benefits for such purpose is prohibited at all times.

**F. Confidentiality**

Employees may not disclose any confidential information of the Judiciary. Employees should also avoid public or casual discussion of matters before the Judiciary which may cause embarrassment to individuals or reduce public confidence in the impartiality of justice. Specific judicial cases and names of persons before the Judiciary should not be discussed except in the official transaction of Judiciary business. All employees should refer inquiries from the press to the Administrative Official or a specified designee who then will refer the inquiry to the Court Information Office if necessary.

**G. Other Employment**

Employees may engage in any business, occupation or activity that does not interfere or conflict in any way with their official Judiciary duties,

responsibilities, and hours worked. (Please refer to the *Policy on Other Employment*.)

**H. Financial Interests**

No employee shall have a monetary interest in any exchange with, purchase by, or sale of property, goods, or services with the State of Maryland, unless the employee has disclosed the monetary interest in accordance with State Ethics Commission regulations. This also applies where the interest is held by the employee's spouse, child or parent.

Even if no conflict of interest is determined to exist, employees shall receive no favor or special concession or inducement not customarily available and granted by the State in such a transaction.

**I. Functioning in Official Capacity**

Employees are expected to function strictly within the official capacity of their position as a Judiciary employee. They should not make decisions outside of the official capacity of their position, nor should they in any way impede the efficiency of the Judiciary or the State.

**J. Referrals and Legal Advice**

Employees shall not refer a customer to a particular private attorney or to a specific bail bonds person. **Employees are prohibited from providing legal advice to the public unless they are required to do so by their position or they are authorized to do so by their Administrative Official or by policy.**

**K. Solicitation at the Workplace**

The soliciting of alms, money, or contributions, commercial soliciting, the display or distribution of commercial advertising, or collection of private debts, is prohibited in the workplace, **except as permitted below**. Permissible solicitations require the prior approval of the Chief Judge, Court of Appeals.

Permissible solicitations are limited to: solicitation by national or local campaigns for savings bonds, health, welfare, and charity; solicitations by labor organizations for membership or dues as authorized by law; recruitment campaigns for the Armed Forces, National Guard, and other federal or State agencies, as previously approved; operation of vending

facilities and concessions as part of the operation of the property for the benefit of the employees and the public; and personal notices posted by employees.

**L. Political Activity**

Employees are prohibited from engaging in political activities when:

1. The employee is on Judiciary premises
2. The employee is off Judiciary premises if he/she is, at the time, engaged in the performance of his/her official duties;
3. The activity is a violation of law;
4. The employee is wearing a uniform or is in a vehicle that identifies him/her as a Judiciary employee; or
5. The employee is using his or her official work title or status.

**M. Employee Arrests, Court Appearances and Such**

It is important that employees exercise the greatest of care to avoid either a conflict of interest or the appearance of impropriety in any Judiciary matter. For that reason, there is a policy addressing these matters. (See the *Policy on Reporting Employee Court Appearances, Arrests, and Requests for Judicial Relief.*)

**N. Use of Influence of Position**

1. Employees must avoid using or appearing to use the influence of their positions in personal, business, or professional dealings in which they are involved. Employees may not (including, but not limited to), tamper with witnesses or records, withhold evidence, or resort to coercion, bribery, or retaliation. Employees are prohibited from giving special treatment, favors or anything of value to any person, whether or not for compensation, or allowing family, social or other relationships to influence their official conduct, judgment, or job performance.
2. Employees may not perform their official duties in any court case or circumstance before the Judiciary in which they, a relative, friend, or coworker is a party, without first notifying their Administrative Official of the court case and the relationship to the person. (See *Policy on Reporting Employee Court Appearances, Arrests, and*

*Requests for Judicial Relief.)*

3. Employees shall not use information obtained in the course and scope of employment, including reports, records, files or contacts with the public, for any purpose other than official business.
4. An employee should not permit or authorize use of his or her name, photograph, or official title which identifies the employee as a Judiciary employee, or permit or authorize the name or logo of the Maryland Judiciary or any of its departments, units, or property to be used in connection with testimonials, contributions, or advertisements of any commodity or commercial enterprise.

**O. Promptness**

The operation of the Judiciary is dependent upon all employees. It relies on their promptness in reporting for work and in providing their necessary service to the community. The Administrative Official will determine the work schedules for his/her organization that are best suited to serve the needs of the public. Employees are expected to **begin** work at their official starting time and to return to work promptly from lunch and breaks. *Local tardiness and/or attendance policies are applicable.*

**P. Judiciary Equipment**

Judiciary employees are issued the equipment necessary to perform their assigned duties. They are expected to take care of the equipment and to report any equipment malfunctions to their supervisor.

Employees are prohibited from installing or using **unauthorized** electronic equipment while working, including computers and software, printers, beepers, tape recorders, headphones, video cameras, portable phones, and similar types of equipment.

**VI. FITNESS EVALUATION**

When it is suspected that the employee's conduct, behavior, or performance constitutes a hazard to individuals or property or may prevent the employee from performing the essential job functions of the position, the employee may be required to submit to a medical evaluation to determine the employee's fitness for duty. The evaluation may be conducted by the State Medical Director or any other evaluator of the Judiciary's choosing. Such an evaluation will be coordinated with the Judiciary Human Resources Department.

**VII. EMPLOYEE RESPONSIBILITIES**

Employees are expected to abide by the provisions of this policy, and at all times

conduct themselves in a manner that places the Judiciary in a positive light. In addition, employees are expected to abide by any other applicable policy or code of ethics that applies to their position.

Employees must report to the Administrative Official any known or suspected job-related illegal activity committed by an employee during the course of employment. If the individual suspected of job-related illegal activity is the Administrative Official (excluding elected officials), then the employee shall report the suspected activity to the Executive Director of the Judiciary Human Resources Department. The Executive Director or designee will request, if appropriate, that the suspected illegal activity be reviewed by the Internal Audit Department and/or the Executive Director of Legal Affairs. Suspected job-related illegal activity committed by an elected official should be reported to the Office of the Attorney General.

#### **VIII. MANAGEMENT RESPONSIBILITIES AND REPORTING ILLEGAL ACTIVITY**

Supervisors, managers, and Administrative Officials are expected to abide by the provisions of this policy, and to enforce its provisions fairly and with diligence.

Administrative Officials must report to the Executive Director of the Judiciary Human Resources Department or designee any suspected job-related illegal activity committed by an employee. The Executive Director or designee will request, if appropriate, that the suspected illegal activity be reviewed by the Internal Audit Department and/or the Executive Director of Legal Affairs.

If it is determined there is a reasonable basis for suspecting that illegal activity occurred, then the Director of the Internal Audit Department and/or the Executive Director of Legal Affairs shall consult with the Chief Judge of the Court of Appeals, the Chief Judge of the District Court, the State Court Administrator, or the Chief Clerk of the District Court, whomever is appropriate, to determine the appropriate action, which may include reporting the suspected illegal activity to the appropriate law enforcement or investigative authorities. Notification of that decision shall be forwarded to the Judiciary Human Resources Department to determine appropriate disciplinary action, if warranted.

#### **IX. FAILURE TO COMPLY**

Failure by an employee to comply with the provisions of this policy may lead to disciplinary action, up to and including the termination of employment.

#### **X. INTERPRETIVE AUTHORITY**

The Judiciary Human Resources Department, in consultation with other parties as appropriate, is responsible for the interpretation of this policy.