

# CODE OF ETHICS FOR CIRCUIT COURT CLERKS

## I. Scope

This Code of Ethics is intended to apply to the elected circuit court clerks and to supplement the ethics laws set forth in the Annotated Code of Maryland, State Government Article, Title 15.

### COMMENT

It is not intended that every transgression of the Code will result in disciplinary action. Whether disciplinary action is appropriate, and the degree of discipline to be imposed, should be determined through a reasonable and reasoned application of the text and should depend on such factors as the seriousness of the transgression, whether there is a pattern of improper activity, and the effect of the improper activity on others or on the clerk's office.

## II. Avoidance of Impropriety and the Appearance of Impropriety

A clerk, both in the performance of official duties and in everyday life, should behave with propriety and should avoid even the appearance of impropriety or conduct that would tend to bring the clerk's office into disrepute. A clerk should respect and comply with the law and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the clerk's office.

## III. Avoidance of Partiality or Appearance of Partiality

A clerk may not recommend to any citizen other than a spouse, child, parent, or sibling of the clerk any particular attorney, law firm, private process server, title company, newspaper for publication of legal notices, official - other than a clerk or deputy clerk - authorized to perform a marriage, or any private individual or entity directly involved with the clerk's office or its official business.

## IV. Diligent Performance of Duties

A clerk shall devote full time and attention to the performance of the official duties and responsibilities of the clerk's office during ordinary business hours in the traditional work week. A clerk's persistent or habitual absences from the clerk's office unrelated to the performance of public duties or reasonable vacation or a cause that would justify an employee's use of sick leave, family and medical leave, military leave, or accident leave, will constitute neglect of duty and a violation of the clerk's oath to diligently and faithfully execute the office of clerk of court. "Public duties" include appearances before civic groups or charitable organizations or school groups and the like for the purpose of promoting the public image and understanding of the clerk's office.

## **V. Political Activity**

A clerk may not solicit campaign or other political contributions directly or indirectly from employees of the clerk's office and may not request or permit an employee of the clerk's office to serve as the clerk's campaign manager or treasurer.

## **VI. Office Equipment and Supplies**

A clerk may not use equipment or supplies of the clerk's office for campaign purposes or for the clerk's private gain or that of another.

## **VII. Review Committee**

A. A Review Committee is established for the purpose of reviewing every written complaint that a clerk has committed an act in violation of this code. The Committee shall consist of three elected circuit court clerks appointed by the Chair of the Conference of Circuit Court Clerks upon the Chair's election. The Committee members shall serve for a term of two years. If a member of the Committee is the subject of a complaint, the Chair of the Conference of Circuit Court Clerks shall appoint a replacement for that member for the purpose of reviewing the complaint.

B. The Committee shall investigate every complaint and shall afford the subject of the complaint an opportunity to submit a written response to the complaint. If, in the opinion of the majority of Committee members, a complaint is without merit or the clerk's conduct that violated this code does not warrant sanctions, the Committee may dismiss the complaint. The Committee shall send written notice of the dismissal to the complainant and the clerk. If, in the opinion of the majority of Committee members, the clerk engaged in conduct that violated this code, the Committee may accompany the dismissal notice sent to the clerk with a separate warning against future misconduct. Unless a complaint is dismissed, the Committee shall refer the complaint to the Compliance Board for disposition.

## **VIII. Compliance Board**

A. A Compliance Board is established for the purpose of reviewing and disposing of every complaint submitted by the Review Committee. The Board shall consist of the Chair of the Conference of Circuit Court Clerks, the State Court Administrator, and the Circuit Administrative Judge of the Circuit in which the subject of the complaint serves.

B. The Board may, and at the request of the clerk who is the subject of the complaint shall, permit oral argument. The Board may dispose of the complaint in one or more of the following ways: (1) dismiss the complaint; (2) issue a reprimand to the clerk; (3) impose a fine on the clerk; or (4) recommend to the State's Attorney or the State Prosecutor that charges be filed for wilful neglect of duty or other misdemeanor in office. The Board shall send written notice of its

decision to the complainant and the clerk. If, in the opinion of the majority of Board members, the clerk engaged in conduct that violated this code but does not warrant sanctions, the Board may accompany the dismissal notice sent to the clerk with a separate warning against future misconduct.

C. Any fine imposed by the Board on a clerk is payable to the State. If the fine is not timely paid by the clerk, it may be deducted from the clerk's salary.

### **VIII. Confidentiality**

Proceedings by the Review Committee and Compliance Board and the records of those proceedings are private and confidential, except that the notice to the complainant of the dismissal of the complaint by the Review Committee or disposition of the complaint by the Compliance Board is not private and confidential.

### III. RULES OF CONDUCT

Every employee of the District Court is considered to be an integral part of the administration of justice. The District Court is not a building, it is the 1200+ employees who work together daily to ensure that each citizen's rights and properties are protected under the law.

All District Court employees are responsible to all the citizens of the State, and not to any favored segment or group. The business and affairs of the Court 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 also avoid circumstances suggesting that favoritism or personal gain is a motivating force in the conduct of court business.

The Rules of Conduct present the minimum standards to be followed by employees of the District Court. These standards are established in order to maintain the highest degree of public confidence in the Court. All employees of the Judiciary are required to adhere to the Ethics Standards published by the Maryland State Ethics Commission in the Ethics Bulletin found in Section II of this handbook.

District Court Commissioners, because they are Judicial Appointees, are also responsible for adhering to the Code of Conduct set out in Rule 1232 of the Maryland Rules, Annotated Code of Maryland. A copy of that Rule can be found in Section II of this handbook.

It is the responsibility of each employee to consult his/her immediate supervisor or administrative supervisor about any concerns or questions regarding conduct.



**A. PUBLIC CONTACT** Employees represent the District Court in all their contacts with the public. The impression they make on others affects the attitude those others will have toward state service as a whole and the District Court in particular. If an employee's duties involve speaking with or meeting the public, the employee is expected to offer courtesy and patience, even when dealing with persons who appear difficult or unreasonable. Tactlessness, impatience, irritation or an expression of personal opinion may be mistaken by the public for policy. 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 District Court and the employee. On the telephone, it is very important for employees to give information clearly, courteously and concisely. The Chief Judge requests that employees identify themselves by either first or last name when answering the telephone. The employees of the District Court are expected to be responsive to citizens with disabilities and to make reasonable accommodations when they are requested. (See Americans With Disabilities Act Policy in Section II of this handbook.)

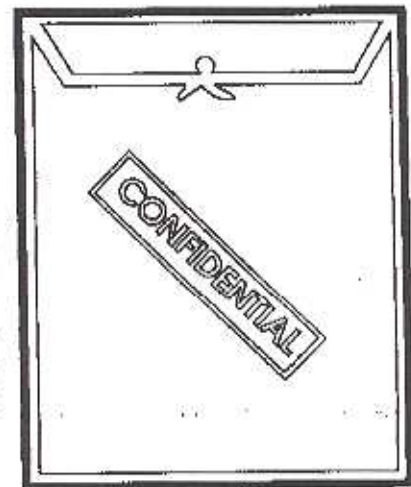
**B. SUBSTANCE ABUSE** Consistent with the Court's mandate, all employees of the judicial system are expected to strive to perform their responsibilities to the best of their ability and in keeping with the high standards rightfully expected by the citizens of this state. To this end, the Judiciary is committed to the concept that substance-abuse by Court employees is totally inconsistent with the fair and efficient administration of justice, and will not be tolerated. The provisions of the District Court's policy on substance-abuse are covered in the Administrative Order on substance-abuse adopted by the Chief Judge of the Court of Appeals of Maryland. This can be found in Section II of this handbook.



**C. GIFTS AND BENEFITS** Employees may not seek or accept, directly or indirectly, any favor, gift or benefit including money, any service, 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 Court. The acceptance of such gifts or benefits is flatly prohibited at any time. Violation of this policy will result in disciplinary action which could include termination of employment. (Commissioners should refer to Rule 1232.)

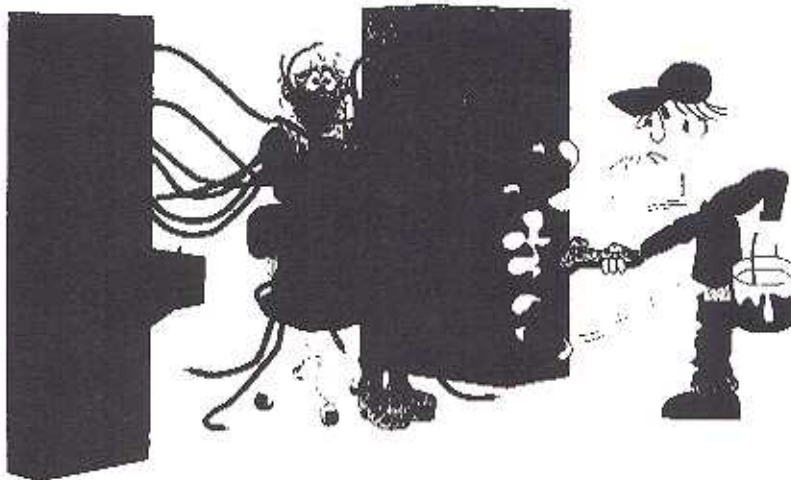


**D. CONFIDENTIALITY** Employees may not disclose any confidential information of the Court. Employees should also avoid public or casual discussion of matters before the Court which may cause embarrassment to individuals or reduce public confidence in the impartiality of the Court. Specific cases and names of persons before the Court should not be discussed except in the official transaction of Court business. All employees should refer inquiries from the press to the administrative judge or a specified designee. The Court's policies on communicating with the press and on confidential information can be found in Section II of this handbook. It is imperative that every employee become familiar with these policies, as any violation of these policies by an employee may lead to disciplinary action, up to and including termination.



## E. OUTSIDE EMPLOYMENT

Employees may engage in any business, occupation or activity that does not interfere or conflict in any way with their official Court duties, responsibilities, and hours of work. Employees may not use state time or property in the pursuit of private business, interest or other occupation. The employee's supervisor must be notified in advance and in writing of all other employment. This information will in turn be forwarded to the appropriate administrative supervisor so that a determination regarding conflict may be made. The form required of employees to report such employment can be found in Section II of this handbook.



Financial disclosure is required of all District Court employees at grade 16 or above for every calendar year in which they work. See Rule 1234 in Section II of this handbook.

**F. REFERRALS** Employees may not refer a citizen to a particular private attorney or to a specific bailbondsmen. Employees are prohibited from giving any citizen legal advice.

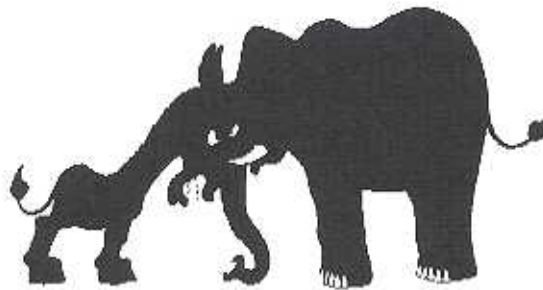
## G. SOLICITATION

1. Employees may not solicit funds for any charitable, religious, political, or service organization without the permission of their immediate supervisors.
2. Employees may not solicit funds from any person having business with the Court, or from a subordinate employee in the Court, for any charitable, religious, political, or service organization, or for personal use.

(Commissioners should refer to Rule 1232.)

### H. POLITICAL ACTIVITY

1. Employees who serve at the pleasure of the Chief Judge and/or Administrative Judge of the District Court are prohibited from engaging in political activity of any kind.



2. Employees in Career Service positions are prohibited from engaging in political activities of any kind while on Court premises, and may not engage in political activities when off Court premises if they are at the time engaged in the performance of their official duties.

(Commissioners should refer to Rule 1232.)

### I. EMPLOYEES GOING TO COURT

It is important that we exercise the greatest of care to avoid either a conflict of interest or the appearance of impropriety in any District Court proceeding. For that reason, there is a policy which addresses what every employee of this Court is required to do if he or she: (1) is arrested for any criminal offense; (2) is arrested for any violation of the motor vehicle laws which carries a possible jail penalty; or (3) is scheduled to appear as a party or as a witness in any District Court case. This policy can be found in Section II of this handbook.

The purpose of this requirement is to enable the administrators of the Court to determine whether the case can be processed in routine fashion or whether some special arrangements must be made to assure that the integrity of the Court cannot be questioned.

Failure to notify your supervisor of an arrest or scheduled court appearance in any court will result in disciplinary action.

All employees are also urged to notify their supervisor if a member of their immediate family is a party or witness in a District Court proceeding, so that a decision can be made as to whether the image of justice would be best served by the assignment of a special judge to try that case.



**J. USE OF INFLUENCE OR POSITION**

The Maryland Constitution authorizes the District Court to exercise considerable power over the property and persons of the citizens of this State. Court employees must therefore avoid using or appearing to use the influence of their positions in personal, business or professional dealings in which they are involved. They 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 or judgement.

Employees may not perform their official duties in any case in which they, a relative, a friend, or a co-worker are involved, without first notifying their supervisor of the relationship.

District Court Commissioners must also take care not to appear to compromise another commissioner or the Court when seeking redress. If they believe they are the victim of a crime the Administrative Commissioner should handle their application.

An employee may be subject to disciplinary action, up to and including termination, if it is determined that the employee used or appeared to use the influence of their position as described in this sub-section.

**K. PROMPTNESS AND DRESS** The operation of the Court 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 Judge and Administrative Supervisor in each district will determine what work schedules are best suited to serve the needs of citizens in that district. Employees are expected to report to work earlier than their official starting time and to return to work promptly from lunch and breaks.

All employees are required to dress in a manner consistent with the customary attire of one who is required to deal with the public in a place of business.

The Dress Policy for all District Court employees can be found in Section II of this handbook.

