

UNIFIED JUDICIAL SYSTEM

Policy 100

February 20, 2008

NORTH DAKOTA CODE OF CONDUCT FOR JUDICIAL EMPLOYEES

A fair and independent court system is essential to the administration of justice. Proper conduct by a judicial employee inspires public confidence and trust in the court system. A court employee, faithful to that trust, shall observe high standards of conduct so that the integrity and impartiality of the courts may be preserved.

There are certain principles that govern the conduct of all judicial employees. This code of conduct provides uniform standards for the conduct of all judicial employees other than judicial officers who are subject to the code of judicial conduct. It is intended to complement the Code of Judicial Conduct that governs the conduct of judicial officers and should be interpreted in a manner consistent with that code.

The minimum standards contained in this code do not preclude the adoption of more rigorous standards by law, court order, or policy. Violations of this code shall be enforced in the same manner as violations of personnel policies.

- I. A judicial employee shall uphold the integrity and impartiality of the judiciary.
 - A. Impartiality. A judicial employee shall maintain high standards of conduct so the independence of the judiciary is preserved.
 - B. Integrity. A judicial employee shall maintain and observe high standards of integrity, honesty, and truthfulness in the employee's professional dealings.

- II. A judicial employee shall avoid impropriety and the appearance of impropriety in all of the employee's activities.
 - A. Compliance with Law. A judicial employee shall respect and comply with the law and shall act, at all times, in a manner that promotes public confidence in the integrity and impartiality of the judiciary.
 - B. Gifts. A judicial employee shall not accept, solicit, or agree to accept any gift, favor, or anything of value based upon any understanding, either explicit or implicit, that the official actions, decisions, or judgment of an employee would be influenced.

- C. Extra Compensation. A judicial employee shall not request or accept any fee or compensation, beyond that received by the employee in the employee's official capacity, for advice or assistance given in the course of the employee's public employment.
 - D. Abuse of Position. A judicial employee shall not use or attempt to use the employee's position to secure special privileges or exemptions for himself or herself or any other person.
 - E. Use of Public Property. A judicial employee shall not use public funds, property or resources wastefully or for private purpose not allowed by judicial or other administrative authorities.
- III. A judicial employee shall perform duties impartially and diligently.
- A. Professionalism. A judicial employee shall be patient, prompt, and courteous to litigants, jurors, witnesses, lawyers, and others who come in contact with the judicial system.
 - B. Impartiality. A judicial employee shall perform duties impartially, and shall not be influenced by kinship, social or economic status, political interests, public opinion, or fear of criticism or reprisal.
 - C. Prejudice. A judicial employee shall perform duties without bias or prejudice, and shall not manifest, by words or conduct, bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation, or socioeconomic status.
 - D. Information and Records. A judicial employee, when authorized, shall furnish accurate, timely information and shall provide access to public court proceedings and records according to established procedures. A judicial employee shall not disclose any confidential information received in the course of official duties, except as required in the performance of such duties, or use such information for personal gain or advantage.
 - E. Legal Assistance. A judicial employee may assist citizens in identifying available procedural options and in understanding and complying with court procedures. A judicial employee shall not advise a particular course of action.
 - F. Communication with Judicial Officers. Except in the case of normal duties, a judicial employee shall not communicate personal knowledge about the facts of a

pending or impending matter to the judicial officer assigned to the case and shall not make or repeat remarks about a pending or impending matter that might affect the fairness or improperly influence the outcome of the matter.

- G. Duty to Report. A judicial employee shall report to a supervisor, administrator, or judicial officer any violation of the law or this code by another judicial employee. An employee shall not be subject to retaliation for reporting or failing to report violations if such report or failure to report is made in good faith.
- IV. A judicial employee shall conduct personal activities as to minimize conflicts with the employee's employment responsibilities.
- A. General Activities. A judicial employee shall conduct personal activities so as to avoid a negative effect on the court system or the employee's ability to perform duties.
 - B. Financial Activities. Except as provided by law or court rule, a judicial employee shall not engage in any business activity or secondary employment that:
 - (1) Involves an organization or a private employer that regularly conducts business with the court;
 - (2) Is conducted during the employee's normal working hours;
 - (3) Places the employee in a position of conflict with the employee's official role in the judicial department;
 - (4) Requires the employee to appear regularly in judicial or administrative agency proceedings;
 - (5) Identifies the employee with the judiciary or gives an impression the employment or activity is on behalf of the judiciary; or
 - (6) Requires use of court equipment, materials, supplies, telephone services, office space, computer time, or facilities.
 - C. Conflict of Interest. A judicial employee shall manage personal and business matters so as to avoid situations that may lead to conflict, or the appearance of conflict, in the performance of the employee's employment.

- (1) A judicial employee shall inform the appropriate supervisor of any potential conflict of interest involving the employee's duties.
 - (2) A judicial employee shall withdraw from participation in a court proceeding or court business in which the employee has a personal, business, or family interest that may actually or appear to influence the outcome of the court proceeding or business.
- D. Solicitation. Unless authorized, a judicial employee shall not use his or her position or office to solicit funds.

V. Political activity.

- A. An employee may not engage in inappropriate political activity during work hours or use court facilities or property for inappropriate political activity. Inappropriate political activity means:
- (1) Campaigning, arranging for campaign meetings or events, transporting candidates or workers engaged in campaigning, displaying campaign literature, badges, stickers, signs or other items of political advertising on behalf of any party, committee, agency or candidate for political office;
 - (2) Actively soliciting signatures for political candidacy;
 - (3) Actively soliciting or receiving funds for political purposes.
- B. An employee retains the right to vote as the employee chooses and is free to participate in political activity during non-working hours and outside court facilities. An employee who chooses to participate in political activity during non-working hours may not use the employee's position or title within the court system in connection with such political activities and the activity must not be incompatible with the employee's duties.
- C. An employee who runs for elective office shall notify the employee's supervisor or appointing authority upon the filing of nomination papers or election, whichever is earlier. An employee may hold an elected office provided the requirements of that elected office:
- (1) Are fulfilled outside of normal working hours and are not incompatible with the performance of the employee's duties and responsibilities;

- (2) Do not require or induce the employee to disclose confidential information acquired in the course of and by reason of official duties; and
 - (3) Do not create a conflict of interest or any reasonable appearance of such conflict or reflect adversely on the integrity of the court.
- D. No employee shall use official authority or position, directly or indirectly, to influence or attempt to influence any other employee of the judicial system to become a member of any political organization or to take part in any political activity.
- E. An employee may not discriminate in favor of or against any other employee of the judicial system or applicant for employment based on political contributions or other permitted political activities.

Approved by Supreme Court on 02/20/08