



Supreme Court of Pennsylvania

Code of Conduct For Employees of the Unified Judicial System

I. INTRODUCTION

A fair and independent court system is essential to the administration of justice. Proper conduct by employees of the Unified Judicial System of Pennsylvania (UJS) inspires public confidence and trust in the courts, and conveys the values of impartiality and fairness that promote the integrity of the work of the Unified Judicial System.

An employee of the Unified Judicial System shall observe high standards of conduct so that the integrity and independence of the judiciary are preserved and the employee's conduct reflects a commitment to serving the public. The provisions of this Code shall be applied to further these objectives.

Employees of the Unified Judicial System shall observe the following standards of conduct. However, the standards of this Code shall not affect or preclude other more stringent standards required by law, by court order or rule, or other workplace policies.

II. SCOPE

For the purposes of this Code, the term "Employees of the Unified Judicial System" includes 1) all state-level court employees, and 2) all county-level court employees who are under the supervision and authority of the President Judge of a Judicial District of Pennsylvania, unless otherwise indicated by Supreme Court order or rule.

III. CONFIDENTIALITY

- A.** Employees of the Unified Judicial System shall safeguard confidential information acquired in the course of their employment. Employees shall not disclose or use confidential information for any purpose not connected with the performance of their official duties.

For the purpose of this section, "confidential information" is that required to be kept confidential pursuant to federal law, state law, court rule, court order, administrative regulation, policy or directive. Confidential information includes, but is not limited to: data, source code, notes, papers, memoranda, discussions, deliberations, proprietary information and electronic communications, such as e-mail or facsimile.

- B.** The work product of former employees of the Unified Judicial System shall remain confidential. Upon termination from employment, employees may, with the permission of their supervisor, take with them copies of written material in which they participated as a part of a personal file, but shall not release such writings to any other party without the written consent of the court or other court-related entity that the employee served. "Work product" does not include documents that are published or filed of public record.

IV. CONFLICTS OF INTEREST AND RELATED PROHIBITIONS

A. Acceptance of Gifts and/or Use of Position for Personal Gain. Employees of the Unified Judicial System shall not solicit, accept or agree to accept anything of value from any person or entity doing or seeking to do business with, or having an interest in a matter before, the court or court-related entity by which they are employed, subject to the following exceptions:

- i. acceptance of a gift from a family member when the circumstances make it clear that the purpose is personal;

Note: "Family member" is defined as spouse, child, brother, sister, parent, grandparent, grandchild, father-in-law, mother-in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepson, stepdaughter, uncle, aunt, niece, nephew and first cousin.

- ii. acceptance of meals or refreshments of nominal value in the ordinary course of a meeting, conference or other official business;
- iii. acceptance of loans from banks or other financial institutions on similar terms offered to the public for purposes such as a home mortgage;
- iv. acceptance of gifts of nominal value for special occasions such as marriage, illness or retirement;
- v. acceptance of a plaque or other item offered as a token of appreciation for a public appearance;
- vi. acceptance of educational materials directly related to the employee's duties; and
- vii. acceptance of unsolicited advertising or promotional material of nominal value, such as pens, pencils, note pads, calendars and items of apparel with vendor logo.

Note: Employees must exercise diligence in observing high standards of conduct that promote the integrity and impartiality of the Unified Judicial System. If it might reasonably be inferred that the donor's primary purpose in providing the unsolicited advertising or promotional material is to influence an employee in the performance of official duties, acceptance of the unsolicited material should be declined.

Employees shall report any prohibited offer or gift from any person or entity doing or seeking to do business with, or having an interest in a matter before, the court or court-related entity by which they are employed to their designated supervisor.

- B. Acceptance of Additional Compensation.** Employees of the Unified Judicial System are appropriately compensated for the performance of their duties and shall not solicit or accept any additional compensation or anything of value from any other source for performing the duties and responsibilities of their position.

Employees shall not accept honoraria or fees given for speaking in their official capacity, but may be reimbursed for related travel expenses. Employees may accept such fees for speaking engagements for appearances unrelated to their employment and made on their own time.

- C. Special Treatment and/or Special Favors.** Employees of the Unified Judicial System shall not permit family, social, or other relationships to influence their official conduct or judgment, or to create the appearance of influencing their official conduct. Employees shall inform their supervisor of any situation creating undue influence or the appearance of undue influence.

- D. Employment Practices.** Employees of the Unified Judicial System shall make all hiring, employment, and supervisory decisions in compliance with the Unified Judicial System of Pennsylvania Policy on Non-Discrimination and Equal Employment Opportunity, the Rules of Judicial Administration, and all applicable state and federal laws. Employees of the Unified Judicial System shall avoid favoritism, or the appearance of favoritism, when making hiring, employment, and supervisory decisions and shall make such decisions impartially and on the basis of merit.

Note: Reflecting the values of impartiality and fairness that promote the integrity of Pennsylvania's courts, it is the policy of the Unified Judicial System to recruit and employ the most qualified job applicants through an open and competitive hiring process which allows for a full, complete, and unbiased assessment of each applicant's relative knowledge, experience, skills, and abilities.

- E. Misuse of Employment Position, Equipment, or Supplies.** Employees of the Unified Judicial System shall not use the resources, employees, property, facilities, equipment, time, or funds under their control to improperly benefit themselves or any other person.
- F. Personal and Financial Interests.** Employees of the Unified Judicial System shall not participate in any court- or work-related matter wherein they have more than a minimal personal or financial interest.
- G. Duty to Disclose.** If a conflict of interest should arise, the employee shall immediately advise his or her supervisor. If the supervisor determines that a conflict of interest exists, then the employee shall abide by any employment restrictions that are deemed to be necessary.

V. PARTISAN POLITICAL ACTIVITY

Employees of the Unified Judicial System shall comply with the prohibition against political activity as set forth in guidelines issued by the Supreme Court of Pennsylvania in its Order dated November 24, 1998 as follows:

IN THE SUPREME COURT OF PENNSYLVANIA

IN RE: : No. 201 Judicial Administration
 PROHIBITED POLITICAL : Docket No. 1
 ACTIVITY BY COURT- :
 APPOINTED EMPLOYEES :

ORDER

PER CURIAM

AND NOW, this 24th day of November, 1998, the prohibition against political activity by court-appointed employees is hereby reaffirmed, and the attached guidelines, as amended this date, are intended to clarify the policy which was previously approved by this Court. These guidelines, as amended, shall be effective immediately.

Mr. Justice Castille files a dissenting statement which is joined by Mr. Justice Nigro and Madame Justice Newman.

Note:

New material is bolded. Bracketed material is deleted.

GUIDELINES REGARDING POLITICAL
 ACTIVITY BY COURT-APPOINTED EMPLOYEES
AS AMENDED THIS 24th DAY OF NOVEMBER 1998.

1. Definitions.

- (a) The term "partisan political activity" shall include, but is not limited to, running for public office, serving as a party committee-person, working at a polling place on Election Day, performing volunteer work in a political campaign, soliciting contributions for political campaigns, and soliciting contributions for a political action committee or organization, but shall not include involvement in non-partisan or public community organizations or professional groups.
- (b) The term "court-appointed employees" shall include, but is not limited to, all employees appointed to and who are employed in the court system, statewide and at the county level, employees of the Administrative Office of Pennsylvania Courts, Court Administrators and their employees and assistants, court clerks, secretaries, data processors, probation officers, and such other persons serving the judiciary.

2. Prohibition of Partisan Political Activity.

- (a) Court-appointed employees shall not be involved in any form of partisan political activity.
- (b) **This prohibition shall not apply to court-appointed employees who are duly sworn Court-appointed full-time masters and members of Board of Viewers, who are attorneys in good standing admitted to**

the practice of law in this Commonwealth, who may become candidates for higher judicial office. Said employees shall, during such candidacy, be subject to the provisions of the Code of Judicial Conduct and, particularly, Canon 7, which governs judicial campaigns.

3. Termination of Employment.

Except as provided in paragraph 2(b), above, h[H]enceforth, a court-appointed employee engaging in partisan political activity shall cease such partisan political activity at once or shall be terminated from his or her position. In the event an employee chooses to become a candidate for any office, such employee shall be terminated, effective the close of business on the first day of circulating petitions for said office.

4. President Judge.

The President Judge of each appellate court or county court of common pleas shall be responsible for the implementation of these guidelines and shall be subject to the review of the Judicial Inquiry and Review Board¹ for failure to enforce.

DISSENTING STATEMENT

MR. JUSTICE CASTILLE

I respectfully dissent to this amendment to the Guidelines regarding political activity by Court-appointed employees. I believe that allowing court-appointed employees to participate in elective partisan political activity presents, at a minimum, the appearance of impropriety. By not requiring court-appointed employees to resign their respective positions in order to campaign on a partisan basis, this amendment gives rise to the inescapable conclusion that the judicial system itself is involved in partisan electoral politics, thereby raising an appearance of bias. I believe that the better practice is to require the resignation of any court-appointed employee who wishes to seek elective office, as the Guidelines presently require.

Mr. Justice Nigro and Madame Justice Newman join in this dissenting statement.

Note: The guidelines (also found at 204 Pa. Code § 29.471 et seq. and on www.pacourts.us) prohibit various forms of "partisan political activity" by "court appointed employees." Enforcement of the guidelines rests with the president judges of each appellate and common pleas court. Since the promulgation of these guidelines in 1987, the AOPC, upon request and consistent with the Rules of Judicial Administration, has provided non-binding advice regarding the applicability of the guidelines to specific fact situations. The AOPC's goal has been to provide consistency in interpretation. However, only the Pennsylvania Supreme Court can speak authoritatively on the scope of the guidelines.

¹ Now, the Judicial Conduct Board and Court of Judicial Discipline, as established by Article V, Section 18 of the Pennsylvania Constitution.

VI. PERSONAL RELATIONSHIPS AND ACTIVITIES

- A. Employees of the Unified Judicial System may participate in civic and charitable activities that do not detract from the impartiality of the judiciary or interfere with the performance of their official duties or the functioning of the workplace. Employees may serve as officers, directors, trustees, or non-legal advisors of educational, religious, charitable, fraternal, social or civic organizations, and may solicit funds for any such organization, subject to the limitation that the name and prestige of the court shall not be used in the solicitation of funds and funds are not knowingly solicited from parties or attorneys who are likely to come before the court by which they are employed.
- B. Employees of the Unified Judicial System may write, lecture, teach, and speak on legal or non-legal subjects provided that such activities do not detract from the impartiality of the judiciary and/or interfere with the performance of their official duties.
- C. Employees of the Unified Judicial System shall not state personal opinions, except to other UJS employees, regarding any legal or administrative matter that is pending before any UJS court or entity when the personal opinion of the employee may reasonably be construed as representing the official position of the employee or the official position of a UJS court, jurist, entity or another employee.

*Note: Canon 3(A)(6) of the Code of Judicial Conduct provides that “Judges should abstain from public comment about a pending proceeding in any court, and **should require similar abstention on the part of court personnel subject to their direction and control.** This subsection does not prohibit judges from making public statements in the course of their official duties or from explaining for public information the procedures of the court.” (Emphasis added).*

- D. Employees of the Unified Judicial System shall not require, request or accept the offer of any subordinate to perform tasks of a personal nature.
- E. Employees of the Unified Judicial System shall not engage in financial or business dealings or in any other personal activities that may detract from the impartiality of the judiciary, may otherwise interfere with the performance of their official duties, or may exploit the employee’s official position.
- F. Employees of the Unified Judicial System may engage in outside employment or commercial activity that does not interfere or conflict with their official duties. Outside employment or commercial activities must be reported in writing in advance to the employee’s supervisor. Business transactions that are strictly personal, minor or incidental need not be reported.

Before engaging in any outside employment that involves the practice of law, the legal system or the administration of justice, the employee shall first consult with his or her supervisor to determine whether the proposed position is consistent with the standards in this Code.

Note: Pennsylvania Rule of Appellate Procedure 3121 prohibits specified appellate court staff from practicing law in their respective appellate court and requires prior approval for the practice of law. Section 2.B of the Personnel Policies of the Unified Judicial System of Pennsylvania also provides restrictions on the practice of law by state-level staff.

VII. WORKPLACE CONDUCT

- A. Employees of the Unified Judicial System shall conduct themselves in an appropriate and lawful manner at all times and shall adhere to all workplace policies including, but not limited to, the standards of workplace conduct outlined in Section VII.B below.
- B. Employees of the Unified Judicial System:
- i. shall treat all persons respectfully and impartially;
 - ii. shall work diligently at all times;
 - iii. shall comply with all lawful directives unless such compliance would be injurious to the health or safety of themselves or others;
 - iv. shall avoid impropriety and the appearance of impropriety in all activities;
 - v. shall cooperate fully with any internal investigation conducted by their employer;
 - vi. shall not engage in any form of discrimination, harassment, or retaliation against any person as prohibited by law or court policy;
 - vii. shall not engage in any form of violence, threat of violence, or disruptive conduct;
 - viii. shall not make intentionally false or misleading statements when performing their duties;
 - ix. shall not falsify, or improperly alter or destroy work-related documents or records;
 - x. shall not improperly use or destroy court property;
 - xi. shall not be impaired by alcohol, drugs, medications or other intoxicating substances while on duty;
 - xii. shall not give legal advice except as specifically authorized by their employer;
 - xiii. shall refer all requests for information from other government entities, the media, and/or the public to those individuals who have been formally designated to respond to such inquiries; and
 - xiv. shall not illegally possess weapons or controlled substances in the workplace.

VIII. DUTY TO REPORT

- A. Employees of the Unified Judicial System shall report to their immediate supervisor any attempt by anyone to induce them to violate any provision of this Code of Conduct or any policy of the Unified Judicial System.

Note: Pennsylvania's Whistleblower Law (43 P.S. § 1421 et seq.) prohibits, among other things, the discrimination or retaliation against an employee who makes a good faith report of wrongdoing or participates in an investigation, hearing or inquiry held by an appropriate authority.

- B. Employees who are arrested, charged with, or convicted of a crime (other than summary traffic offenses that do not hinder or prevent the performance of their official duties) in any jurisdiction shall report this fact to their immediate supervisor at the earliest reasonable opportunity.

- C. Employees of the Unified Judicial System shall, upon request, be required to complete and file a personal statement of financial disclosure on a form to be provided by the AOPC for this purpose for any period during which they were employed by the Unified Judicial System.

IX. DESIGNATED SANCTIONS

Employees of the Unified Judicial System who fail to properly follow these standards of conduct will be subject to disciplinary action including the termination of their employment. The applicable disciplinary policies for state-level court employees are outlined in the Personnel Policies of the Unified Judicial System. The President Judge of each Judicial District is responsible for designating the applicable disciplinary policies for county-level court employees.

X. IMPLEMENTATION

The Court Administrator of Pennsylvania, acting on behalf of the Supreme Court of Pennsylvania, shall be responsible for the implementation of these guidelines for all state-level court employees.

The President Judge of each judicial district shall be responsible for the implementation of these guidelines for all county-level court employees covered by this Code of Conduct.

State-level court employees having questions regarding this Code of Conduct should contact 1) their employing Justice or Judge, 2) their employing court's Executive Administrator, or 3) the AOPC Human Resources department at 717-231-3309 or Human.Resources@pacourts.us.

County-level court employees having questions regarding this Code of Conduct should contact their President Judge or District Court Administrator.

An electronic version of the Code of Conduct is available on the Unified Judicial System's website at <http://www.pacourts.us/Links/Judiciary>.