

JUDICIAL EMPLOYEE ETHICS

A. Gifts

1. A parent of a juvenile court probationer is grateful for the work that has been done on behalf of her child. The parent offers the probation officer two tickets to a Salt Lake Stingers baseball game. Can the probation officer accept the tickets?

2. On December 21, an attorney comes to the court office with a stack of gift certificates to McDonalds. Each of the gift certificates is worth \$5.00. The attorney leaves the gift certificates at the office to be distributed to every employee in the office. There are approximate 20 certificates in the stack. Can the court employees accept this gift?

3. A woman appears at the district court seeking a protective order. The woman needs significant assistance in preparing the protective order forms, and therefore a court clerk spends two hours providing assistance. Three days later a bouquet of flowers is delivered to the court clerk. The bouquet of flowers is from the woman who was seeking the protective order and she is expressing her gratefulness for the clerk's assistance. Can the court clerk accept the flowers?

B. Legal Advice

1. Can a court employee respond to the following questions:
 - a. How do I collect my small claims judgment?
 - b. When is my answer due?
 - c. What will happen at my arraignment?
 - d. I need to sue my neighbor for damage that he did to my yard five years ago. Has the statute of limitations passed?
 - e. How do I file for a restraining order?

C. Political Activity

1. A court employee has a "John Kerry 2004" bumper sticker on her car. The court employee parks her car in the court parking lot. The employee's supervisor informs the employee that she cannot park her car in the court employee parking lot because court employees may not engage in public political activity. Is the supervisor correct?

2. A court employee's neighbor is running for Governor. The neighbor asks the employee to put-up a lawn sign for his campaign. Can the employee put a lawn sign in his yard?

3. An employee is invited to attend an anti-war rally at the federal court house. Can the employee attend the rally?

D. Favoritism

1. An attorney comes to the court and states that he desperately needs to have a default judgment entered in a case. The attorney presents all of the documents to the court clerk and asks that the clerk present the documents to the judge for immediate signature. The usual process for default judgments is to put the documents in a box and to process them in the order that they are received. Can the court clerk grant this favor to the attorney?

2. The local sheriff asks court clerks if they would like to participate in law enforcement ride-alongs so that the court employees can gain a better understanding of law enforcement. Can court employees participate in these ride-alongs?

E. Fund-raising

1. A court employee is a member of the Boy Scouts of America. The Boy Scouts of America conducts an annual fund-raising drive. The court employee is asked to spearhead the fund-raising efforts. Can the court employee ethically engage in fund-raising? Can the court employee engage in fund-raising at the courthouse?

2. A juvenile court work-crew needs new equipment. There is no money in the budget for any new expenditures. The work-crew supervisor decides to contact local businesses to see if they will donate equipment to the work-crew. Can the employee do this?

F. Confidentiality and Access to Information

1. A court employee receives a telephone call from a close friend. The friend is dating a woman and the friend wants to know if the woman has ever been involved in any court cases. The friend asks the court employee to search court databases for cases. Should the court employee provide information to the friend?

2. A local newspaper asks the court for a list of DUI cases every week. The newspaper will list the case names in a weekly column as a service to the public. The newspaper wants the public to know which of their neighbors are being arrested for DUI. Should the court respond to the request?

3. A court employee is moving case files into a box for archives. The court employee discovers a case file involving her child's school teacher. The case file indicates that the teacher was convicted of assaulting a teenage boy. The conviction occurred five years ago. The court employee makes a copy of the case file and then shows the case file to the school principal. The court employee asks that her child be moved from the teacher's class. Has the employee acted ethically?

4. A juvenile court probation officer learns that his son's best friend has a lengthy juvenile court record. Can the probation officer tell his son? Can the probation officer, based on this information, forbid his son from associating with the friend?

5. In a small community, a religious leader is accused of sexually abusing several young children. A criminal case is filed against the religious leader in the district court. The names of the victims are not disclosed in the case file. During a neighborhood party, members of the community are discussing the case and speculating on the identity of the victims. The employee is present at the gathering and is concerned about the unfounded speculation. The court employee therefore provides the names of the victims so that other children will not be harmed by the unfounded allegations. Is this ethical?

G. Reporting Unethical/Illegal Conduct

1. During a sentencing proceeding, a judge orders a defendant to perform community service. The judge informs the defendant that he can fulfill community service hours by helping to shingle the roof of the Elk's Club of which the judge is a member. A court employee is concerned about the judge's sentence. Is the court employee required do anything?

2. A court employee observes another employee take a dollar from petty cash to purchase a coke. Is there any obligation in this situation?

3. During a lunch between co-employees, one employee confesses to having recently been arrested for driving under the influence. The employee is encouraged by the other employee to report this to her supervisor. The employee declines, stating that she hopes to resolve the case through a plea in abeyance and therefore there will not be a permanent record of the DUI. Does the non-offending employee have any obligation in this situation?

H. Ex Parte Communications

1. A deadbeat dad has a judgment against him for unpaid child support. The man is in the court clerk's office one day and brags to the court clerk that his ex-wife will never collect the past-due child support because he has hidden all of his assets and he makes certain that his current employer, Acme Corporation, only pays him in cash. The ex-wife is in court the following week and is complaining to the court clerk that she is unable to collect the judgment and asks the court clerk for any ideas on how to collect a judgment. The court clerk explains the processes of garnishment and execution. The court clerk then explains that the woman's ex-husband is currently employed by Acme Corporation and that a writ of garnishment might result in the attachment of some money. Are there any issues with these conversations?

2. A probation officer conducts an interview of a probationer. The probationer, believing the conversation to be confidential, confesses to having shoplifted several CD's during the past week. May the probation officer ethically use this information in subsequent court proceedings?

I. Discrimination

1. A manager is interviewing candidates for a court clerk position. During an interview with a Native-American woman, the manager notices that the woman does not make any eye contact during the interview. The woman has excellent qualifications, but the manager decides to reject her because the manager feels that she will not work well with the public if she is unable to make eye contact. Are there any ethical issues?

2. During a weekly staff meeting, the supervisor asks an employee why he was not at church on Sunday. Is this ethical?

3. For an employee's birthday, the employee's co-workers purchase a birthday card and each employee signs the card. The birthday card consists of a picture of a beautiful woman in a bikini with a statement that it is time for the birthday boy to "let loose" on his birthday. Upon receiving the birthday card, the birthday boy files a claim of sexual harassment. Is there any link between the code of ethics and sexual harassment? Is this sexual harassment?

J. Performance of Duties

1. A court employee is responsible for processing default certificates. The court employee spends a lot of time on the phone resolving personal issues. The default certificates stack up. Are performance issues related to ethics issues?

K. Secondary Employment

1. A court employee receives a job offer to work at a law firm during evenings to assist with the billing of past-due accounts. Can the employee accept the position?

2. A juvenile court probation officer receives an offer from a bail bonding company to write bail bonds. Can the employee accept the offer?

3. A part-time employee in the juvenile court receives an offer to work part-time with the Division of Child and Family Services. The position will be as a receptionist. Can the employee accept the position?

L. Recommendations

1. A court employee's nephew is charged with public intoxication. The nephew contacts the employee to find out the name of a good defense attorney. Can the employee provide the nephew with a name?

2. A juvenile court employee is at a church meeting in which the needs of a younger parishioner are being discussed. The religious leader asks the court employee for the names of good counseling facilities so that the religious leader can refer the parishioner to those facilities. Can the juvenile court employee respond to the request?

3. A court employee's friend applies for a clerical position with the District Attorney's Office. The friend asks the court employee to write a letter of recommendation to the District Attorney's Office. The friend feels that the court employee's recommendation will be very helpful because of the connection between the District Attorney's Office and the court. Can the employee write the letter?

M. Abuse of Position

1. A court employee is sued in small claims court. The court employee contacts the small claims plaintiff to discuss the case. The court employee explains that she works at the court and warns the plaintiff that the small claims judge may be willing to listen more to her side of the story because of her position. The employee therefore suggests that they try to settle the case out of court. Has the employee done anything unethical?

2. A court employee is issued a citation for speeding. The court employee is well-aware of the availability of a plea in abeyance and therefore contacts the prosecutor to work out a plea deal. The prosecutor asks the employee how he is aware of pleas in abeyance, and the employee explains his court position. Has the employee done anything unethical?

3. A court employee's sister is convicted of a crime. The court employee wants to write a letter to the sentencing judge to ask for leniency. Are there any ethical issues?

N. Conflict of Interest

1. During an arraignment calendar, a court employee who was working in the courtroom is surprised to see her brother presented as a defendant in the court. Does the court clerk have any obligations?

2. A court employee's spouse owns a collection agency. Can the spouse's company file cases in the employee's court?

O. Use of State Equipment

1. During her lunch break, a court employee writes short stories on her computer. The short stories are stored on the computer's hard drive. The employee's supervisor discovers the short stories and demands that the employee stop using the computer for personal activity. The employee files a grievance claiming that she has a right to use the computer for those purposes. How should the grievance be resolved?

2. A court employee is planning a trip to see a baseball game in Kansas City. Every morning, the employee goes on the Internet to check the latest airfares. Eventually the court employee makes reservations online. Has the court employee done anything unethical?

3. A court employee is a member of the local Parent Teachers Association. The PTA asks the employee to make copies of a flyer for an upcoming fund-raising activity. Can the employee use the copy machine at work to make copies?

P. Professional Appearance

1. A court employee has his tongue pierced. The employee's supervisor tells the employee that, if he wears the piercing to work, he may be terminated. Can the supervisor do this?

2. A court employee has a tattoo of a butterfly on her shoulder. When the employee's supervisor becomes aware of the tattoo, the supervisor suspends the employee for three days for violating the policy on professional appearance. Can the supervisor suspend the employee?

Q. Government/Civic Boards

1. An employee is asked to sit on the board for the Weber State College of Business. Can the employee serve on the board?

2. An employee is appointed to be the director of the local chapter of Mothers Against Drunk Driving (M.A.D.D.). Can the employee serve?