

IN AND FOR THE EIGHTH JUDICIAL CIRCUIT OF FLORIDA  
ADMINISTRATIVE ORDER NO. 10.06

**CODE OF ETHICS FOR COURT STAFF**

**WHEREAS**, the Eighth Judicial Circuit is in need of a uniform Code of Ethics to provide guidelines as directed by the Florida Supreme Court. It is therefore

**ORDERED** that the following Code of Ethics<sup>1</sup> for Court Staff<sup>2</sup> of the Eighth Judicial Circuit shall be observed<sup>3</sup>:

**INTRODUCTION**

The holding of public employment in the court systems is a public trust justified by the confidence that the citizenry reposes in the integrity of officers and employees of the judicial branch. Court staff, faithful to that trust, therefore shall observe high standards of conduct so that the integrity and independence of the courts may be preserved. Court staff shall carry out all duties assigned by law and shall put loyalty to the principles embodied in this Code above loyalty to persons or parties. Court staff shall uphold the Constitution, laws and legal regulations of the United States, the State of Florida and all governments therein, and never be a party to their evasion. Court staff shall abide by the standards set out in this Code.

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<sup>1</sup> Portions of this code were derived from *“Interim Florida Supreme Court Internet Policy, February 10, 1997”*; *“American Judicature Society Model Code of Conduct for Nonjudicial Court Employees,” Judicature Vol. 73, No. 3, October-November, 1989, pp. 138-140*; *Background Information on the Development of the Code of Ethics for the Court Employees of California, (Administrative Office of the Courts, San Francisco, CA, 1994)*.

<sup>2</sup> Court staff is defined as, but not limited to, judicial hearing officers, court administrator employees, independent contractors, judicial clerks, externs, interns, and volunteers.

<sup>3</sup> A code of ethics cannot possibly anticipate every moral dilemma and ethical choice that may arise in the execution of one’s day-to-day professional responsibilities. Personal discretion in the interpretation of this Code of Ethics is both necessary and desirable.

## **SCOPE**

- A) The Code applies to all court staff who directly or indirectly affect the court's operation.
- B) Any questions as to application or violation of this Code should be addressed to an immediate supervisor, personnel director, court administrator or Chief Judge, as deemed appropriate by the court staff.
- C) This Code is not intended for judges or judicial assistants.

### **Section One: Abuse of Position**

- A) No court staff shall use or attempt to use his or her official position to secure privileges or exemptions for the employee or others.
- B) No court staff shall 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 any employee would be influenced thereby. Gifts that do not violate this prohibition against abuse of position are further regulated in section three, subsection B.4.
- C) No court staff shall discriminate by dispensing special favors to anyone, whether or not for remuneration, nor shall any court staff so act that the court staff is unduly affected or appears to be affected by kinship, rank, position or influence of any party or person.
- D) No court staff shall request or accept any fee or compensation, beyond that received by the court staff in his or her official capacity, for advice or assistance given in the course of his or her public employment.
- E) Each court staff shall use the resources, property and funds under the court staff's official control judiciously and solely in accordance with prescribed statutory and regulatory procedures.

F) Each court staff shall immediately report to the court administrator or Chief Judge any attempt to induce him or her to violate any of the standards set out above.

## **Section Two: Confidentiality**

A) Confidential information that is available to specific individuals by reason of statutes, court rule or administrative policy shall be provided only by persons authorized to do so.

B) Court staff are not precluded from responding to inquiries concerning court procedures, but a court staff shall not within the course of their job description give legal advice. Standard court procedures, such as the method for filing an appeal or starting a small claims action, should be summarized in writing and made available to litigants. All media requests for information should be referred to the court staff designated for that purpose.

C) No court staff shall either initiate or repeat ex parte communications from litigants, witnesses or attorneys to judges, jury members or any other person.

D) Former court staff shall not disclose confidential information when disclosure by a current court staff would be a breach of confidentiality.

## **Section Three: Conflict of Interest**

A) Court staff shall avoid conflicts of interest, as defined below, in the performance of professional duties. Even though no misuse of office is involved, such a conflict of interest involving court staff can seriously undermine the community's confidence and trust in the court system. Therefore, court staff are required to exercise diligence in becoming aware of conflicts of interest, disclosing conflicts to the designated authority and ending them when they arise.

1) A conflict of interest exists when the court staff's objective ability or independence of judgment in the performance of his or her job is impaired or may reasonably appear to be impaired or when the court staff, or the court staff's immediate family, as defined below, or business would derive financial gain as a result of the court staff's position within the court system.

2) No conflict of interest exists if any benefit or detriment accrues to the court staff as a member of a profession, business or group to the same extent as any other member of the profession, business or group who does not hold a position within the court system.

3) For the purposes of this Code, “immediate family” shall include the following, whether related by marriage, blood or adoption: spouse; children; brother; sister; parent; grandparent; grandchildren; father-in-law, mother-in-law; sister-in-law, brother-in-law; son-in-law, daughter-in-law; stepfather, stepmother; stepson, stepdaughter; stepbrother, stepsister, half-brother, half-sister.

B) Prohibited Activities:

1) Court staff shall not have an ownership interest in a business which contracts for services, supplies, equipment, leases or realty with the court system, apart from the employment contract relating to the court staff’s position, nor use their court position to secure such a contract for any member of their immediate family.

2) Court staff shall not participate in the resolution of any court case involving a party with whom they or any member of their immediate family is negotiating for future employment.

3) No court staff shall knowingly use their position to influence the court to hire any member of their immediate family.

4) No court staff shall solicit, accept or agree to accept any gifts (other than diminimus), loans, gratuities, discounts, favors, hospitality or services under circumstances from which it could reasonably be inferred that a major purpose of the donor is to influence the court staff in the performance of official duties.

- a) Nothing in this section shall prohibit court staff from accepting a public award presented in recognition of public service.
- b) Nothing in this section shall prohibit court staff from receiving a commercially reasonable loan made as part of the ordinary transaction of the lender's business.
- c) Nothing in this section shall prohibit any person from donating a gift to a group of court staff, *e.g.*, all the employees of an office or unit of the court system, provided that the value and circumstances of the gift are such that it could not be reasonably inferred that the gift would influence the court staff in the performance of their official duties or that such influence was the purpose of the donor, and provided that any court staff accepting such a gift promptly report the gift to the supervisor, who shall be responsible for its proper distribution. Gifts received with the understanding that they will influence court staff official actions, decisions or judgments are prohibited as abuse of office in section one, subsection B.
- d) Nothing in this section shall prohibit any person or group from donating a gift of historical or other significant value that is given for the benefit of the court system, provided that such a gift is received on behalf of the court system by the appropriate designated authority.

5) Court staff shall not do anything directly or indirectly to influence court staff's own legal case before the court, *i.e.* wearing of employee identification when in court.

C) Each full-time court staff's position with the court system must be the court staff's

primary employment. Outside employment is permissible only if it complies with all the following criteria:

- 1) The outside employment is capable of being fulfilled outside of normal working hours and is not incompatible with the performance of the court staff's duties and responsibilities; and
- 2) The outside employment does not require or induce the court staff to disclose confidential information acquired in the course of and by reason of official duties; and
- 3) The outside employment shall not be within the judicial, executive or legislative branch of government without written consent of both employers; and
- 4) Where a conflict of interest exists or may reasonably appear to exist or where the outside employment reflects adversely on the integrity of the court, the court staff shall inform the Chief Judge or court administrator prior to accepting the other employment.

#### **Section Four: Political Activity**

A) Court staff retain the right to vote as they chose and are free to participate actively in political campaigns during non-working hours. Such activities include, but are not limited to, membership and holding office in a political party, campaigning for a candidate in a partisan election by making speeches and making contributions of time or money to individual candidates, political parties or other groups engaged in political activity. Court staff who chose to participate in political activity during off-duty hours shall not use his or her position or title within the court system in connection with such political activities.

B) No court staff shall engage in any political activity during scheduled work hours or when using government vehicles or equipment or on court property. Political activity includes, but is not limited to:

- 1) 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) Using official authority or position, directly or indirectly, to influence or attempt to influence any other court staff in the court system to become a member of any political organization or to take part in any political activity;
- 3) Soliciting signatures for political candidacy;
- 4) Soliciting or receiving funds for political purposes.

C) No court staff shall discriminate in favor of or against any court staff or applicant for employment on account of political contributions or permitted political activities.

#### **Section Five: Performance of Duties**

A) Court staff shall strive at all times to perform official duties properly and with diligence. Court staff shall apply full-time energy to the business and responsibilities of the employee's office during working hours.

B) Court staff shall carry out responsibilities as a servant of the public in a courteous manner.

C) Court staff shall maintain or obtain current licenses or certificates as a condition of employment as required by law or court rule.

D) No court staff shall alter, falsify, destroy, mutilate, backdate or fail to make required entries on any records within the court staff's control. This provision does not prohibit alteration or expungement of records or documents pursuant to a court order.

E) No court staff shall discriminate on the basis of, nor manifest by words or conduct, bias or prejudice based on age, race, religion, national origin, gender, sexual orientation, disability in accordance with the Americans with Disabilities Act (ADA), or political affiliation in the conduct of service to the court.

F) No court staff, while acting in their employment capacity, shall give legal advice or recommend the names of private attorneys.

G) No court staff shall refuse to enforce or otherwise carry out any properly issued rule or order of court, nor shall court staff exceed that authority.

H) Nothing herein shall replace, eliminate, or render inapplicable relevant standards, not in conflict with this Code, which may be imposed upon any court staff by virtue of the court staff's professional duties.

#### **IMPARTIALITY**

All persons coming to the court for assistance are entitled to fair and equitable treatment, regardless of their personal behavior or legal situation. Court staff must remember that they are often dealing with people who may be having one of the worst experiences of their lives. They must offer to angry, confused, uneducated, and sometimes deceitful customers the same level of competent and policy-neutral help that they provide to those who are pleasant and appreciative. While every court staff has the right to freedom of association or political expression, he or she does not have the right to take sides in a legal dispute, interject himself or herself into the legal decision-making processes, second-guess a judge's ruling, or give the appearance of partiality on a political issue that is likely to come before the court. The procedural integrity of the court must be protected at all times.

#### **PERSONAL INTEGRITY**

The fundamental attitudes and work habits of individual court staff are of vital importance. Honesty and truthfulness are paramount. Court staff shall not, for example, knowingly make

omissions on time sheets or personnel records; falsely claim reimbursement for mileage or expenses; “double dip” from professional associations or other resources; misuse the telephone, fax machine, postage machine, or copying machine; or take supplies home for private use. Court staff should also contribute to the integrity of the entire court staff by striving to avoid factionalism and inspire mutual loyalty and trust.

### **APPEARANCE OF IMPROPRIETY**

Court staff are expected to refrain from engaging not only in improper behavior, but also in behavior that others might perceive to be improper. An activity that gives the impression that court staff can be improperly influenced in the performance of their official duties is prohibited. Court staff shall not openly discuss the merits of cases pending before the court; or be overly solicitous to litigants or counsel, which could give the appearance of preferential treatment. To gauge the propriety of an action, consider how it would be reported in tomorrow’s newspaper. Bear in mind that court staff are required to live up to a higher standard of ethical behavior than the general public.

### **PROHIBITION AGAINST GIVING LEGAL ADVICE**

Given the experience and visibility of court staff, it is natural for those who deal with the court, including attorneys and litigants as well as the general public, to ask questions such as: “Should I fight this?” “How do I fight this?” “To whom should I go for legal assistance?” “What does the law say?” Court staff can and should patiently explain how to file forms and pay fines, and should clarify legal language and the court’s policies attendant to procedural due process. They must not, however, cross the line separating court staff from a licensed legal practitioner by giving their opinion on the law or, worse, giving their opinion as the law unless given in the context of their job description. Court staff should cite this tenet when pressed by those seeking gratuitous legal advice.

## **HARASSMENT AND HOSTILE WORK ENVIRONMENT**

Court staff are to refrain from making sexual advances and insinuations that are inappropriate and offensive, or that could be perceived as such. Court staff shall not make comments which create a hostile work environment, *e.g.*, comments concerning sexual activity or offensive or inappropriate comments on one's religion, sex, national origin, age, handicap, sexual orientation or marital status. Harassment may also take nonsexual forms such as verbal, physical, and psychological. A supervisor is obligated to conduct a prompt and thorough investigation of any allegation of harassment. If the investigation reveals that harassment has occurred, corrective action shall be taken immediately. The supervisor shall then conduct further inquiry to ensure that the action was effective and that the harasser has not retaliated against the complainant.

## **TECHNOLOGY**

Information retained in electronic files should be treated like any other official court document. Its confidentiality should be assumed unless otherwise specified. To preserve the integrity of electronic systems, court employees shall correct any errors or omissions, guard against sabotage in any form, and avoid using court equipment for purposes other than court business. Great care should be taken in the transmission of electronic data so that it would not embarrass the court or the sender if read by an unintended recipient. Court staff may not install personal software or equipment without proper approval of the information technology director nor shall they take copyrighted software outside the court for personal use. Questions about the ownership of intellectual property should be directed to the information technology director.

## **INTERNET USE**

The following policy shall be used to govern internet use in the Eighth Judicial Circuit. Any person using State of Florida or County computer equipment to access the internet may do so only for a purpose that is court- or law-related, or if the purpose involves other legitimate matters.

A) "Court-related" means that the purpose furthers legitimate interests of the courts, including the administration of the courts, court security, computer security (including using the

Internet to monitor or investigate the activities of those who have broken or could break the security of court computer systems), assisting the judges or other court staff in their activities both within and without the court, secretarial duties, keeping abreast of trends in the administration of courts, and keeping abreast of trends in the internet and its programming languages or protocols.

B) "Law-related" means that the purpose promotes a better understanding of the law and legal trends. Examples include using the internet for court-related research, and developing skills necessary to use the internet for research whether or not the use immediately benefits the court.

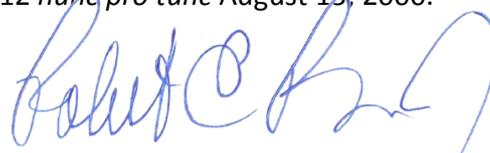
C) "Other legitimate matters" are communications or other activities relevant to an employee's personal life or family that do not detract from the court's dignity or routine functions, and that do not interfere with the timely performance of the court staff's normal work duties.

D) Inappropriate internet use includes accessing offensive or pornographic sites, and non-work related chat rooms.

E) Internet access is not private and may be monitored. Any fee-charging service accessed by an individual user must be paid by the user unless the use is approved in advance by the user's director.

This order renumbers and reformats prior Administrative Order No. 8.460 entitled "Code of Ethics for Court Staff."

**ORDERED ON** this 5<sup>th</sup> day of October 2012 *nunc pro tunc* August 15, 2000.



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Robert E. Roundtree, Jr., Chief Judge