

Appendix IV

CODE OF ETHICS FOR COURT CLERKS

CANON 1

A CLERK SHOULD UPHOLD THE INTEGRITY AND INDEPENDENCE OF THE JUDICIARY AND OF THE CLERK'S OFFICE

An independent and honorable judiciary is indispensable to justice in any society. A Clerk should observe, and impart to the court staff, high standards of conduct so that the integrity and independence of the judiciary may be preserved and the Clerk's office may reflect a devotion to serving the public. The provisions of this Code should be construed and applied to further that objective. The standards of this Code shall not affect or preclude other standards which may be promulgated by order of the court.

CANON 2

A CLERK SHOULD AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY IN ALL ACTIVITIES

A. A Clerk should not engage in any activities which would put into question the propriety of conduct in carrying out the duties. A Clerk should not allow family, social, or other relationships to influence official conduct or judgement. The Clerk should not lend the prestige of the Clerk's office to advance the private interests of others; nor should the Clerk convey or others be permitted to convey the impression that they are in a special position to influence the Clerk.

B. Neither a Clerk nor family member residing in the household should accept a gift, bequest, favor or loan from any person whose interests have come or are likely to come before the Clerk, or from any other person under circumstances which might reasonably be regarded as influencing the performance of the duties of the office. The Clerk shall report the value of any gift or bequest, other than from a relative by blood, marriage, or custom, in the same manner compensation is reported under Canon 6C.

C. A Clerk should abstain from public comment about a pending or impending proceeding in court, and should, require similar abstention on the part of court staff.

The Clerk should never disclose to any person any confidential information received in the course of official business, nor should such information be employed for personal gain.

D. A Clerk should avoid favoritism, unfairness, or nepotism in connection with the hiring, discharge, or treatment of subordinate staff.

E. A Clerk should never influence or attempt to influence the assignment of cases, or perform any discretionary or ministerial function of the court in a manner which improperly favors any litigant or attorney, nor imply that a court clerk is in position to do so.

F. A Clerk should not practice law.

CANON 3

A CLERK SHOULD PERFORM THE DUTIES OF THE CLERK'S OFFICE IMPARTIALLY AND DILIGENTLY

The official duties of a Clerk take precedence over all other activities.

The official duties include all duties of the Clerk's office prescribed by law or by order of the Court. In performance of these duties, the following standards apply:

A. A Clerk should respect and comply with the law and should act at all times in a manner that

promotes public confidence on the integrity and impartiality of the judiciary and the Clerk's office.

B. A Clerk should be faithful to the highest standards of the profession and maintain professional competence in it. A Clerk should be patient, dignified, courteous, and fair to all persons dealt with in an official capacity, and should require similar conduct of subordinate staff and others subject to direction and control of the Clerk.

The Clerk should diligently discharge the responsibilities of the office. The Clerk should bear in mind obligations to the general public as well as the legal profession. The Clerk should treat fairly and courteously lay persons who desire to file suits pro se to examine the court's public records.

CANON 4

A CLERK MAY ENGAGE IN ACTIVITIES TO IMPROVE THE LAW, THE LEGAL SYSTEM, AND THE ADMINISTRATION OF JUSTICE

A Clerk, subject to the proper performance of official duties, may engage in the following quasiofficial activities:

A. The Clerk may speak, write, lecture, teach, and participate in other activities concerning court management, the legal system, and the administration of justice.

B. The Clerk may promote the development of professional organizations and foster the interchange of technical information and experience with others in the profession.

The Clerk should be available to the public at large for speaking engagements and public appearances designed to enhance the public's knowledge of the operation of the court system.

CANON 5

A CLERK SHOULD REGULATE ALL EXTRA-OFFICIAL ACTIVITIES TO MINIMIZE THE RISK OF CONFLICT OF INTEREST WITH OFFICIAL DUTIES

A. Avocational Activities. A Clerk may write, lecture, teach, and speak on subjects unrelated to the profession, and may engage in the arts, sports, and other social and recreational activities, if such avocational activities do not detract from the dignity of the office, interfere with the performance of official duties, or adversely reflect on the operation and dignity of the court.

B. Civic and Charitable Activities. A Clerk may participate in civic and charitable activities that do not detract from the dignity of the office or interfere with the performance of official duties. A Clerk may serve as an officer, director, trustee or advisor of a civic or charitable organization and solicit funds for any such organization, subject to the following limitations:

(1) The Clerk should not use or permit the use of the prestige of the Clerk's office in the solicitation of funds.

(2) The Clerk should not solicit subordinate staff to contribute to or participate in any civic or charitable activity, but may call their attention to a general civic or charitable fundraising campaign.

(3) The Clerk should not solicit funds from lawyers or persons likely to come before the Clerk's office or the court served.

C. Financial Activities. Without the express permission of the Court, a Clerk may not carry on financial and business dealing, including service as a fiduciary. Such permission shall not be granted in any case where the activity would tend to reflect adversely or impartiality, interfere with the proper performance of official duties, exploit official position, or be involved in frequent transactions with lawyers or persons likely to come before the Clerk's office or the court served.

CANON 6

A CLERK SHOULD REGULARLY FILE REPORTS OF COMPENSATION RECEIVED FOR QUASI-OFFICIAL AND EXTRA-OFFICIAL ACTIVITIES

A Clerk may receive compensation and reimbursement of expenses for quasi-official and extraofficial activities permitted by this Code, if the source of such payments does not influence or give the appearance of influencing the Clerk in the performance of official duties or otherwise give the appearance of impropriety, subject to the following restrictions:

A. Compensation. Compensation should not exceed a reasonable amount nor should it exceed that normally received by others for the same activity.

B. Expense Reimbursement. Expense reimbursement should be limited to the actual cost of travel, food, and lodging reasonably incurred by a clerk or spouse, where appropriate to the occasion. Any payment in excess of such an amount is compensation.

C. Public Reports. A Clerk should make and file such reports as may be prescribed by Tribal Law or by the Rules of Court.

CANON 7

A CLERK SHOULD REFRAIN FROM PARTISAN POLITICAL ACTIVITY

A. Partisan Political Activity. A Clerk should refrain from partisan political activity:

- (1) should not act as a leader or hold office in a political organization;
- (2) should not make speeches for or publicly endorse a political organization, candidate, or event;
- (3) should not solicit funds for or contribute to a political organization, candidate, or event;
- (4) should not become a candidate for a political office;
- (5) should not otherwise actively engage in partisan political activities.

B. Nonpartisan Political Activity. A Clerk may engage in nonpartisan political activity that does not tend to reflect adversely on the dignity of the Court or the Clerk's office, or interfere with the proper performance of official duties.

COMPLIANCE WITH THE CODE OF CONDUCT FOR CLERKS OF COURT

All clerks of court and deputy clerks should comply with this Code and shall make and file the reports of Canon 6C.

EFFECTIVE DATE OF COMPLIANCE

A person to whom this Code becomes applicable should arrange all personal and official affairs as soon as reasonably possible to comply with it and should do so in any event within the period of one year.