

STATE OF DELAWARE THE COURTS OF THE JUSTICES OF THE PEACE B20 NORTH FRENCH STREET, 11TH FLOOR WILMINGTON, DELAWARE 19801

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NORMAN A. BARRON CHIEF MAGISTRATE

POLICY DIRECTIVE 80-030

TO: ALL JUSTICES OF THE PEACE, STATE OF DELAWARE

ALL COURT PERSONNEL COURTS OF THE JUSTICES OF THE PEACE

FROM: NORMAN A. BARROM

CHIEF MAGISTRATE

DATE: DECEMBER 10, 1980

RE: THE CODE OF JUDICIAL CONDUCT AND ITS APPLICABILITY

WITH REGARD TO COURT PERSONNEL

As the Christmas season approaches, I am certain that various entities which have direct and frequent dealings in Justice of the Peace Courts as parties to many actions will want to show their appreciation for the fine job which our Court personnel perform by offering gifts or by inviting Court personnel from particular Courts to various Christmas parties. The management of a large apartment complex which brings numerous Landlord/Tenant cases to a Justice of the Peace Court is but one of many examples of entities referred to above.

Although I can understand their appreciation of the services which Court personnel ably provide, I reluctantly request that any such gift or invitation be declined with the exception that token Christmas gifts such as Christmas cookies or candies offered to to Court support staff may be accepted.

Canon 2B of the Code of Judicial Conduct states, in pertinent part, as follows:

"B. A judge should not allow his family, social, or other relationships to influence his judicial conduct or judgment. He should not lend the prestige of his office to advance the private interests of others; nor should he convey or permit others to convey the impression that they are in a special position to influence him . . . " (Emphasis added.)

Canon 5C (4) (b) and (c) of the Code of Judicial Conduct state, in pertinent part, as follows:

"(4) Neither a judge nor a member of his family . . . should accept a gift, favor, or loan from anyone except as follows: (b) a judge or a member of his family residing in his household may accept ordinary social hospitality; a gift, . . . a favor, or loan from a relative . . .; (c) a judge or a member of his family residing in his household may accept any other gift, favor, or loan only if the donor is not a party or other person whose interests have come or are likely to come before (Emphasis added.)

While the above canons do not specifically apply to Court personnel other than judges, I note that Canon 3B (2) states that, "A judge should require his staff and court officials subject to his direction and control to observe the standards of fidelity and diligence that apply to him." Canon 3 states that "A judge should perform the duties of his office impartially and diligently." (Emphasis added.) Read together, the above standards suggest to me that in order to avoid the impression that certain parties are in a special position to influence a Justice of the Peace Court,

all Court personnel, from Judge to Clerk, should decline, with the exception noted above, any party invitations or gifts extended by past or probable future litigants in cases adjudicated in the Courts of the Justices of the Peace.

NAB:pm

cc: The Honorable Daniel L. Herrmann
John R. Fisher, Esquire
Arthur R. Carello, Court Administrator
Thomas W. Nagle, Administrative Officer I
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