CODE OF CONDUCT
FOR JUDICIAL BRANCH EMPLOYEES

ACKNOWLEDGEMENT STATEMENT

This is to certify that I have read and agree to abide by the provisions set forth in the **Code of Conduct for Judicial Branch Employees.**

_____
Printed Name

_____
Signature

_____
Court/AOC/Judicial Branch Agency

_____
Date

APPENDIX K

CODE OF CONDUCT
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(Effective February 1, 1998; Revised May 26, 2011; Revised June 1, 2017)

I. INTRODUCTION

Employment in the Delaware Judicial Branch requires adherence to the highest standards of moral and ethical conduct. All Judicial Branch employees are expected to act in a manner that promotes public confidence in the integrity and impartiality of the Judiciary, and to perform their duties in accordance with statutory requirements, Judicial Branch rules, and other applicable policies. The standards contained in this Code do not preclude the adoption of more rigorous standards by statute, rule, directive, order, or policy.

II. COMPLIANCE

A. Applicability

1. The Code of Conduct for Judicial Branch Employees applies to all full-time, part-time, casual, seasonal, and contractual non-judicial personnel, whether paid or unpaid.

2. For purposes of this Code of Conduct, the term "Judicial Branch employees" includes all non-judicial personnel employed in the Supreme Court, including the Arms of the Court; the Court of Chancery; the Superior Court; the Court of Common Pleas; the Family Court; the Justice of the Peace Court; the Administrative Office of the Courts, including the Judicial Information Center and the Office of State Court Collections Enforcement; the Law Libraries; and all Judicial Branch agencies including the Office of the Public Guardian; the Child Placement Review Board; Office of the Child Advocate; Child Death, Near Death, and Stillbirth Commission; and Delaware Nursing Home Residents Quality Assurance Commission. All full-time, part-time, paid and unpaid law clerks and judicial interns and externs are to abide by the Code of Conduct for Law Clerks.

B. Reporting Requirements

Every Judicial Branch employee who has witnessed conduct by any Judicial Branch employee that is in violation of this Code shall report such conduct to the employee's supervisor or appointing authority.

C. Disciplinary Actions

Any violation of this Code by a Judicial Branch employee may be cause for disciplinary action, up to and including dismissal.

D. Definitions

For purposes of this Code, the term "close relatives" is defined as the employee's spouse or domestic partner; parent, stepparent, or child of the employee, spouse or domestic partner; employee's grandparent or grandchild; employee's sibling; spouse of employee's child; or any minor child for whom the employee has assumed and carried out parental responsibilities.

III. ABUSE OF POSITION AND CONFLICT OF INTEREST

A. Personal Privileges

No Judicial Branch employee may use, or attempt to use, the employee's official position to obtain personal privileges for themselves or any other person.

B. Gifts

Judicial Branch employees may not solicit or accept any gift, loan, favor, or other compensation under circumstances from which it could reasonably be inferred that a significant purpose of the donor was to influence the employee in the performance of the employee's official duties. This provision does not prohibit:

1. Acceptance by a Judicial Branch employee of food and refreshments of insignificant value on infrequent occasions.

2. Solicitation or acceptance by a Judicial Branch employee of loans from banks or other financial institutions on customary commercial terms.

3. Acceptance of unsolicited advertising or promotional material such as mugs, pens, pencils, calendars, and other items of insignificant value.

4. Acceptance of benefits as a member of a profession, business, or group when that benefit is extended to all members of the profession, business, or group regardless of employment affiliation.

5. Acceptance of a public award related to public service or of a gift on behalf of the Judicial Branch. The receipt of such a gift shall promptly be reported to the appointing authority.

6. Acceptance of scholarships for work-related seminars and conferences when such scholarships have the approval of the appointing authority.

C. Influence of Family or Other Relationships

1. In the performance of official duties, no Judicial Branch employee may act in a manner that is affected, or reasonably appears to be affected, by family, social, political, or other relationships. This includes, but is not limited to, a prohibition on accessing court records to benefit family, social, political or other relationships.

2. Judicial Branch employees may not participate in decisions regarding conduct of Judicial Branch business with any person with whom the employee, or the

employee's close relatives, is negotiating for future employment or other significant transaction.

3. Judicial Branch employees may not be involved in the decision to hire any close relative of the employee.

4. Judicial Branch employees may not be the immediate supervisor of any close relative of the employee.

D. Outside Employment

1. Except as authorized by the appointing authority, Judicial Branch employees may not request or receive any compensation, gratuity, or services in addition to their regular State salary, for any work performed during their regular workday.

2. Each full-time Judicial Branch employee's position with the Judicial Branch must be the employee's primary employment. Judicial Branch employees may engage in outside employment or volunteer services as long as such employment or services are completed outside of the employee's normal working hours, do not conflict with the performance of the employee's official responsibilities, and do not involve potential conflicts of interest or the appearance of a conflict of interest.

3. Prior to accepting outside employment, Judicial Branch employees will inform the appointing authority of the nature of the outside employment. The appointing authority shall make a determination whether or not the outside employment is likely to interfere with the primary work of the employee or is likely to result in a conflict of interest or to give the appearance of a conflict of interest.

E. Subsequent Employment

A former Judicial Branch employee may not engage in legal proceedings, represent, or assist others in legal proceedings regarding any matter in which the employee had substantial involvement during employment.

F. Use of Public Resources

Judicial Branch employees may use public resources, property, and funds under the employee's control only for the public purpose intended by law and may not use the same for any private purpose.

IV. CONFIDENTIALITY

A. Confidential Information

1. Judicial Branch employees may not disclose to any unauthorized person, for any reason, any confidential information acquired in the course of employment.

2. Confidential information includes, but is not limited to, information that is not a matter of public record.

3. Confidential information that is available to specific individuals because of statutory provisions, Judicial Branch rules, or administrative policies shall be provided only by persons authorized by the Judicial Branch to do so.

B. Ex Parte Communications

Except as authorized pursuant to their work-related duties, Judicial Branch employees may not initiate ex parte communications with litigants, witnesses, or attorneys or repeat ex parte communications to judges, other judicial personnel, jury members, or any other person. Matters that are purely procedural (such as those pertaining to scheduling, and which in no way bear on the merits of the proceedings) may be discussed with judges and other judicial personnel, as necessary, to conduct Judicial Branch-related work.

C. Personal Opinions

Judicial Branch employees may not express to any person personal opinions about a case or issue pending before the Judicial Branch.

D. Judicial Branch Managers' Responsibilities

Because of the sensitive nature of confidential disclosures, Judicial Branch administrators are responsible for the education of Judicial Branch employees on issues related to confidentiality. This responsibility includes, but is not limited to, education on what information is considered confidential, who are considered unauthorized persons, and what information is considered a matter of public record.

V. POLITICAL ACTIVITY

A. Participation in Political Activities

Judicial Branch employees may participate actively in political activities during off-duty hours so long as the employee does not use the employee's position or title within the Judicial Branch in connection with the political activity. Judicial Branch employees may not engage in political activities (partisan or nonpartisan) during scheduled work hours. At no time may a Judicial Branch employee use government vehicles or Judicial Branch property in connection with political activity.

B. Partisan Elective Office

An employee will not hold partisan elective office if the appointing authority has determined such office is likely to interfere with the primary work of the employee or is likely to result in a conflict of interest or to reflect adversely on the Judicial Branch. An employee intending to seek partisan elective office shall advise the appointing authority of the employee's intentions prior to the public declaration of an intention to run for such elective office. The appointing authority, in consultation with the Chief Justice, shall determine whether such partisan elective office is likely to interfere with the primary work of the employee or is likely to result in a conflict of interest or reflect adversely on the Judicial Branch, and if the person seeking such office must resign or take a leave of absence from the Judicial Branch without pay upon the declaration of intention to run for such elective office or upon election.

C. Nonpartisan Office

Judicial Branch employees may be candidates for or hold nonpartisan elective or appointed offices without separating from employment, provided that the employees comply with all other requirements in this Code. Notice of such candidacy should be provided to the appointing authority.

VI. PERFORMANCE OF DUTIES

A. Standard of Performance

Judicial Branch employees shall endeavor at all times to perform their duties in a timely, impartial, diligent, and courteous manner, and shall apply their full time and energy to the business and responsibilities of their office during working hours.

B. Compliance with Administrative Rules and Policies of the Delaware Judiciary

Judicial Branch employees shall comply with all promulgated administrative directives, rules and policies of the Delaware Judiciary.

C. Professional Development

Judicial Branch employees shall seek to maintain and improve their professional development through participation in education programs related to their duties and should maintain or obtain current licenses or certificates required as a condition of employment by law or court rule.

D. Records

1. Judicial Branch employees shall not alter, falsify, destroy, mutilate, backdate, or fail to make required entries on any records. This provision does not prohibit alteration or expungement of records or documents pursuant to a Judicial Branch order or as required and duly authorized in the proper conduct of business.

2. No employee may personally access their own court records or for any purpose that is not directly related to work.

E. Public Service

Judicial Branch employees shall perform their duties as public servants with courtesy and respect for the public.

F. Discrimination

Judicial Branch employees shall not, in the performance of their duties, discriminate on the basis of sex, race, religion, national origin, age, physical or mental disability, sexual orientation, political affiliation or socioeconomic status, or other status protected by law.

G. Judicial Branch Orders

Judicial Branch employees shall enforce and carry out all properly issued rules or orders of the Judicial Branch.

H. Criminal Charges

Any Judicial Branch employee charged with a violation of Title 11; Title 16; or sections 2701, 2756, 4103, 4175, 4177, 4201, or 4202 of Title 21 of the Delaware Code, or of any civil or criminal matter scheduled to be heard in their court of employment; or a comparable provision under other state or federal law shall report the charge within two (2) work days to the appointing authority. The employee shall also report to the appointing authority a conviction for any of the above offenses within two (2) work days of the conviction.

VII. GRIEVANCE AND APPEAL PROCEDURES

Disciplinary actions imposed as a result of violations of this Code may be appealed in accordance with the provisions, including procedures set forth for grievances and/or direct appeals in the Judicial Branch Personnel Rules, in the Merit Rules of the State of Delaware or, where applicable, collective bargaining agreements.